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COUNCIL MINUTES INDEX — JANUARY 4, 2000

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   B. Housing Assistance from RDA Low & Moderate Income Housing Fund - DiDuca Brothers
   C. Downtown Maintenance Program - DCBA
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COUNCIL MEETING

3. NOTICED PUBLIC HEARINGS

3.2. Appeal re Use Permit for Second Dwelling Unit at 1646 Broadway (Vander Heiden)

2. CONSENT AGENDA

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2.7. Resolution No. 86 99-00 re Sewer Assessments in Lieu of Connection Fees (602 Mangrove Avenue)
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3. NOTICED PUBLIC HEARINGS

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4.2. Internal Affairs Committee Report
   A. Traffic Measures on East 1st Avenue Between Esplanade & Mangrove Avenue
   B. Alternate Street Widths & Designs
   C. Amendments to City’s Noise Ordinance
   D. Operative Resolution to Prohibit Glass Containers Downtown During St. Patrick’s Day
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   E. Annexation of Unincorporated Islands

4.3. Biennial Appreciation Dinner for Council, Boards, Commissions & Committees

4.4. Reschedule July 4 Council Meeting

4.5. Items Added After Posting of the Agenda
   Senator Theatre Business Plan

5. BUSINESS FROM THE FLOOR

   Filing of Appeals

6. REPORTS AND COMMUNICATIONS
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2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

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COUNCIL MEETING

2. CONSENT AGENDA

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2.3. Resolution No. 94 99-00 Intention to Modify Eastwood Assessment District
2.4. Resolution No. 95 99-00 Amending the City’s Fee Schedule
2.5. Lindo Channel Encroachments Policies & Procedures
2.6. Minutes
2.7. Withdrawal of Abandonment of Portion of Public Street (East 9th at Lindo) & Cancellation of Hearing
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3. NOTICED PUBLIC HEARINGS

3.1. Appeal of Use Permit to Allow Second Dwelling Unit at 1646 Broadway (Vander Heiden)
3.2. Underground District No. 14
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3.3. General Plan Amendment/Rezone/Prezone No. 99-3
   Resolution No. 97 99-00 General Plan Amendment No. 99-3
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4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
   2.4. Resolution No. 95 99-00 Amending City’s Fee Schedule
   2.5. Lindo Channel Encroachments Policies & Procedures
   2.8. Minute Order No. 4-00 Agreement to Allow Cattle Grazing on Foothill East Preserve Property
4.2. Traffic Controls on Yosemite Drive
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4.4. Future Meetings
   A. First Meeting in July
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   C. CSUC Master Plan

5. BUSINESS FROM THE FLOOR

Property at 812 Nord Avenue

6. REPORTS AND COMMUNICATIONS
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COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

4.1. Finance Committee Report
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B. 1998-99 Fiscal Year Audit Reports
C. HOME Funds Allocation to Tenant Based Rental Assistance Program
D. Chico Senator Theatre Business Plan
E. Appeal Fee Reduction or Waiver
F. 2000-2001 CDBG and HOME Program Citizen Participation Schedule

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance Amending DCBA Franchise
2.2. Resolution No. 98 99-00 Amending Title 15R of CMC re Sewer Discharge Requirements
2.3. Resolution No. 99 99-00 Amending the City’s Fee Schedule
2.4. Resolution No. 100 99-00 Authorizing Destruction of Records in City Clerk’s Office
2.5. Resolution No. 101 99-00 Levy Assessments in Lieu of Sewer Fees - 2925 Godman Avenue
2.6. Resolution No. 102 99-00 Levy Assessments in Lieu of Sewer Fees - 2059 Hooker Oak Avenue
2.7. Resolution No. 103 99-00 Inclusion of Part of City in CSA No. 24 Chico Mud Creek Drainage
2.9. Resolution No. 105 99-00 Intent to Abandon Public Utility Easement - 855 Bruce Road
2.10. Minute Order No. 5-00 Easement for Public Access on Bruce Road near Lakewest Drive
2.11. Minute Order No. 6-00 Assignment of Deferred Compensation Administration Agreement
2.12. AP&P re Environmental Review under CDBG and HOME Programs
2.13. Minutes

COUNCIL MEETING

4. REGULAR AGENDA

4.4. Award of Contract for Cleanup Events in Bidwell Park

3. NOTICED PUBLIC HEARINGS

3.1. Rezone No. 99-9
Ordinance No. 2191 Rezone No. 99-9
3.2. Modifications to Eastwood Assessment District
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3.3. Bryant Avenue Annexation District No. 7
Resolution No. 108 99-00 Bryant Avenue Annexation District No. 7
3.4. Cameo Drive Annexation District No. 2
Resolution No. 109 99-00 Cameo Drive Annexation District No. 2
3.5. East Avenue Annexation District No. 18
Resolution No. 110 99-00 East Avenue Annexation District No. 18
3.6. East 20th Street Annexation District No. 12
Resolution No. 111 99-00 East 20th Street Annexation District No. 12
3.7. Humboldt Avenue Annexation District No. 14
Resolution No. 112 99-00 Humboldt Avenue Annexation District No. 14
3.8. Abandonment of Public Service Easement on Sierra Nevada Court
4. **REGULAR AGENDA**

4.2. Internal Affairs Committee Report
   A. Remove “Couches” from Nuisance Abatement Provisions of CMC
   B. Chico Municipal Center Parking Lot Modifications
      Supplemental Appropriation for Parking Lot Modifications
   C. Sale of Donated Cars by Non-Profit Organizations
   D. Amendments to Noise Ordinance
   E. Bar Triangle Street Traffic Controls
   F. Indemnity Policy for New Development
   G. Remedies for Violations of Subdivision Conditions, Including Mitigation Measures

4.3. Regional Water Quality Control Board re Nitrates

4.4. Award of Contract for Cleanup Events in Bidwell Park

5. **BUSINESS FROM THE FLOOR**
   Taking Agenda Items Out of Order

6. **REPORTS AND COMMUNICATIONS**
1. REGULAR AGENDA

4.1. California State University Master Plan 2000
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COUNCIL MEETING

2. CLOSED SESSION

CITY COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance Defining Nuisance as it Relates to Couches and Dilapidated Furniture
2.2. Resolution No. 114 99-00 Amending Title 2 of CMC re Conveying Access Easements to City Streets
2.3. Resolution No. 115 99-00 Authorizing Destruction of Records in Personnel Office
2.4. Resolution of Intent to Form Maintenance District No. 90 (Amber Grove/Greenfield Subdivision)
2.5. Resolution No. 116 99-00 East 16th Street Annexation District No. 3
2.6. Minutes
2.7. Resignation from Arts Commission (Todd Hall)

3. NOTICED PUBLIC HEARINGS

3.1. Amendment to DCBA Franchise for Use of City Streets, Sidewalks, etc.
   Ordinance No. 2192 Amending DCBA Franchise for Use of City Streets, Sidewalks, etc.

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
   2.4. Resolution of Intent to Form Maintenance District No. 90 (Amber Grove/Greenfield Subdivision)
4.4. Rape Cris Intervention Request to Place Bows on Downtown Trees, Lamp Posts, etc.
4.2. Five-Year Review of the General Plan
4.6. Appointment to Arts Commission (Kathy Barrett)
4.3. Youth Forum and Youth Task Force
4.5. CSUC Scour & Devour Cleanup Day

6. REPORTS AND COMMUNICATIONS
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COUNCIL MEETING

2. CLOSED SESSION

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2193 Amending Title 1 of CMC re Definition of Couches & Dilapidated Furniture
2.2. Ordinance Adding Chapter 9.32 to CMC re Glass-Free Zone
2.3. Resolution No. 117 99-00 Adopting Amendment No. 244 to City’s Fee Schedule
2.4. Resolution No. 118 99-00 Initiating Annexation of Pomona Avenue Annexation District No. 4
2.5. Resolution No. 119 99-00 Initiating Annexation of Ivy Street Annexation District No. 3
2.6. Resolution No. 120 99-00 Initiating Annexation of Ceres Avenue Annexation District No. 3
2.7. Resolution No. 121 99-00 Intent to Abandon Public Street (East Side of Spruce, South of East Sacramento)
2.8. Resolution No. 122 99-00 Intent to Form Maintenance District No. 90 (Amber Grove/Greenfield Subdiv.)
2.9. Minute Order No. 7-00 Amendment to Agreement with Mediation Center of the North Valley
2.10. AP&P No. 10-38 re Award of Badge or Plaque Upon Retirement or Promotion
2.11. Minutes

1. NOTICED PUBLIC HEARINGS

3.1. 2000-2001 Draft Annual Plan for CDBG and HOME Program
3.2. Abandonment of Public Utility Easement (Lot 15, Arroyo Greens Subdivision)
Resolution No. 123 99-00 Abandonment of Public Utility Easement (Lot 15, Arroyo Greens Subdivision)
3.3. Abandonment of Public Utility Easement (855 Bruce Road)
Resolution No. 124 99-00 Abandonment of Public Utility Easement (855 Bruce Road)

4. REGULAR AGENDA

4.2. Internal Affairs Committee Report on 3/14/00 Meeting
   A. Permanent Parking Meter Signs for Weekly Street Closure for Thursday Night Market
   B. Modify Parking Spaces on Humboldt & Install Warning Signs Adjacent to Humboldt Skateboard Park
   C. Modify Metered Parking Space on Flume Between East 2nd & 3rd Streets
   D. Traffic Calming Devices Along East 1st Avenue Between Esplanade & Mangrove
   E. Mitigation Measure Monitoring & Enforcement Policies
   F. Traffic Control Standards/Traffic Calming Measures
4.3. Finance Committee Report on 3/6/00 Meeting
   A. Community Organization Compliance Audits for 1998-99
   B. 2000-01 Annual Plan for CDBG and HOME Program
   C. Supplemental Appropriation for Modifications to Municipal Center Parking Lot
4.4. Chambers Communications Request to Transfer Cable Franchise to AT&T
4.5. Future Meetings
   A. City Clerk Interviews
   B. April Quarterly Budget Meeting

5. BUSINESS FROM THE FLOOR

Recycling Containers for Multi-Family Residential Complexes

6. REPORTS AND COMMUNICATIONS
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COUNCIL MEETING

4. REGULAR AGENDA

4.1. Noise Ordinance
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   April 25 Closed Session
2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

4.1. Finance Committee Report on 4/3/00 meeting
   A. Supplemental Appropriation for Mortgage Subsidy Program
   B. Fee Schedule Amendment re Utility Users Tax
      Resolution No. 126 99-00 Amendment No. 245 to City’s Fee Schedule
   C. Fee Schedule Amendment re Building Division Fees
   D. CDBG and HOME Annual Plan for 2000-01
   E. Funding Source for Loan to CSUC for Soccer Stadium
   F. Development Impact Fees for Parks, Sewer Trunk Lines & Water Pollution Control Plant

4.2. General Budget Review
   A. Chico Merged Redevelopment Project Area Fund
   B. Greater Chico Urban Area Redevelopment Project Area Fund
   C. Low & Moderate Income Housing Fund
   D. Arts Funds

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2194 Adding Chapter 9.32 to CMC re Glass Free Zone
2.2. Ordinance No. 2195 Amending Chapter 9.38 of CMC re Noise
2.3. Ordinance Adding Chapter 12.17 to CMC re Humboldt Neighborhood Park
2.4. Resolution No. 127 99-00 MOU with SEIU Unit A
2.5. Supplemental Appropriation for Annual Street Maintenance Program
2.6. Plan to Implement Lindo Channel Encroachments Policies & Procedures
2.7. TV Production Equipment Lending Program
2.8. Minutes

3. NOTICED PUBLIC HEARINGS

3.1. Amendment to City’s Fee Schedule re Building Division Fees
    Resolution No. 128 99-00 Amendment No. 246 to City’s Fee Schedule

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
   2.6. Plan to Implement Lindo Channel Encroachments Policies & Procedures

4.2. Budget Review
   A. General Budget Review
   B. Downtown Maintenance Program

2. CLOSED SESSION

4. REGULAR AGENDA

4.2. Budget Review (Continued)
   C. Municipal Facilities Maintenance Program
   D. City’s Leaf Pick Up Program
   E. City’s Weed Abatement Program

4.3. Chambers Communications Request to Transfer Cable TV Franchise to AT&T

6. REPORTS AND COMMUNICATIONS

2. CLOSED SESSION
COUNCIL MINUTES INDEX — MAY 2, 2000

COUNCIL MEETING

2. CLOSED SESSION

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2196 Adding Chapter 12.17 to CMC re Humboldt Neighborhood Park
Resolution No. 129 99-00 Repealing Chapter 12R.17 of CMC re Humboldt Neighborhood Park
2.2. Ordinance Amending Chapter 3.80 of CMC re Maintenance Districts Annual Hearing on Assessments
2.3. Resolution No. 130 99-00 Initiating Annexation of Cohasset Road Annexation District No. 24
2.4. Resolution Initiating Annexation of East 8th Street Annexation District No. 17
2.5. Resolution No. 131 99-00 Initiating Annexation of Franklin Street Annexation District No. 2
2.6. Minute Order No. 8-00 Donation of Surplus Computer Equipment to CUSD and Others
2.7. Minute Order No. 9-00 Authorizing Health Insurance Plan Election by Employees

3. NOTICED PUBLIC HEARINGS

3.1. East Avenue Annexation District No. 19
Resolution No. 131 99-00 Ordering Annexation of East Avenue Annexation District No. 19
3.2. Abandonment of East Side of Spruce Avenue, South of East Sacramento Avenue
Resolution No. 132 99-00 Abandonment of East Side of Spruce, South of East Sacramento

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
2.4. Resolution Initiating Annexation of East 8th Street Annexation District No. 17
4.2. Traffic Calming Measures on East 1st Avenue Between the Esplanade & Mangrove Avenue
4.3. Five-Year Review of General Plan
4.4. Economic Development Committee Report on 4/13/00 Meeting
A. Revisions to Program Guidelines for CDBG Revolving Loan Fund
   Minute Order No. 10-00 Amending Agreement with Tri County Economic Development Corp.
B. Priority Projects for 2000-01 Update of Comprehensive Economic Development Strategy
4.5. Internal Affairs Committee Report on 4/11/00 Meeting
A. Prohibited Parking on Humboldt Road, Opposite Hank Marsh Junior High School
B. Speed Zones on Humboldt Road Between Forest Avenue & Bruce Road
   Resolution No. 134 99-00 Adopting Traffic Regulation Amendment No. 673
C. Prohibited Parking & Bike Lane Zones on East Avenue Between Esplanade & SHR 32
D. Implementation of Special Events or Party Permits
E. Prohibited Parking on Mission Ranch Boulevard Adjacent to Ricardo’s Restaurant
F. Annexation of Unincorporated Islands
4.6. Items Added After Posting of the Agenda
May 16 Closed Session

5. BUSINESS FROM THE FLOOR

General Plan Five-Year Review

6. REPORTS AND COMMUNICATIONS
COUNCIL MINUTES INDEX — MAY 16, 2000

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

2. CONSENT AGENDA

2.1. Redevelopment Agency Minute Order No. RDA 2-00 re OPA with Uniprise for Public Improvements

3. NOTICED PUBLIC HEARINGS

3.1. Sale of Agency Owned Property at Airport to Meraz & Associates
   Redevelopment Agency Resolution No. RDA 1-00 re Sale of Property at Airport to Meraz & Associates
3.2. Sale of Agency Owned Property at Airport to Slater Land, Inc.
   Redevelopment Agency Resolution No. RDA 2-00 re Sale of Property at Airport to Slater Land, Inc.

4. REGULAR AGENDA

4.2. Finance Committee Report on 5/1/00 Meeting
   A. CDBG & HOME Five-Year & Annual Plan
   B. Housing Assistance Request from BCHA for Alamont Apartments for Sewer Connection
   C. Development Fees for Parks and Sewers

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2197 Amending CMC Chapter 3.80 re Maintenance Assessment Districts Annual Report
2.2. Ordinance re Rezone No. 00-2
2.3. Resolution No. 135 99-00 Initiating The Esplanade Annexation District No. 26
2.4. Resolution No. 136 99-00 License to Encroach on Public Right of Way on Oleander (Weiss)
2.5. Resolution No. 137 99-00 MOU with IAFF
2.6. Resolution No. 138 99-00 Application to State for Recycling & Litter Reduction Funds
2.7. Minute Order No. 11-00 Approval of BINTF Budget for 2000-01
2.8. Determination re Public Convenience/Necessity, Quackers Lounge, 968 East Avenue
2.9. Minutes 4/13/00

4. REGULAR AGENDA

4.3. Youth Asset Development Framework - Healthy Chico Kids Coalition

3. NOTICED PUBLIC HEARINGS

3.1. Annual Plan/Five-Year Consolidated Plan for CDBG and HOME Programs
3.2. Formation of Maintenance District No. 99 - Marigold Estates, Phase 2
   Resolution No. 139 99-00 Maintenance Assessment District No. 99 - Marigold Estates, Phase 2
3.3. Formation of Maintenance District No. 500 - Foothill Park East
   Resolution No. 140 99-00 Maintenance Assessment District No. 500 - Foothill Park East, Unit 1
3.4. Transfer of Cable TV Franchise from Chambers Communications Corp. to AT&T Corp.
   Resolution No. 141 99-00 Conditional Transfer of Cable TV Franchise from Chamber to AT&T
   Ordinance Amending Ordinance 1696 Granting a Non-Exclusive Cable TV Franchise for 20 Years

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
   2.6. Resolution No. 138 99-00 Recycling & Litter Reduction Funding Application to State
   2.7. Minute Order No. 11-00 BINTF Budget
4.2. Leases Along Lindo Channel (City/Hignell Trust)
   Minute Order No. 12-00 Interdependent Leases Along Lindo Channel (City/Fred & Eileen Hignell Trust)
4.4. University Public Events/Chico Performances 4th of July Celebration Funding Request
4.5. Dan Hays Appeal of Architectural Review Board Decision re Siding of Warehouse Building
4.6. Measures for November 2000 Ballot
4.7. Items Added After Posting of the Agenda
   Timothy Muir Appeal of Planning Director Decision re Volpato Building at 902 Main Street

5. BUSINESS FROM THE FLOOR
   Cable TV Franchise Transfer

6. REPORTS AND COMMUNICATIONS
COUNCIL MINUTES INDEX — MAY 22, 2000

COUNCIL MEETING

4. REGULAR AGENDA

4.1. Appeal of Planning Director Approval of Certificate of Appropriateness re Volpato Building, 902 Main St.
COUNCIL MINUTES INDEX — MAY 23, 2000

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance Amending Chapter 5.12 of CMC re Cable TV Franchise
2.2. Resolution No. 142 99-00 Intention to Abandon Street (Montecito Ave. Between East & Mission Ranch)
2.3. Minute Order No. 13-00 Agreement with Natl. Oceanic & Atmospheric Admin. for Space at Sewer Plant

4. REGULAR AGENDA

4.1. Meeting with Boards & Commissions
   A. Bidwell Park & Playground Commission
      1. Proposition 12
      2. Policy re Nexus Between Bidwell Park Capital Improvements & Development Fees
      3. Short & Long Range Planning
   B. Community Transit Advisory Committee
      1. Transit Center
      2. Transit Vehicle Replacement/Capital Projects
   C. Planning Commission
      1. Otterson Drive Extension
      2. Code Enforcement
   D. Arts Commission
      1. Policy re Commissioner Attendance at Conferences & Training
      2. Policy re Appointment of Persons Other Than Commissioners to Subcommittees
      3. City Sponsorship of Annies Arts Awards Celebration in Fall 2000
   E. Parking Place Commission
      1. Funding for Brochure to Educate/Inform Downtown Customers re Availability of Parking
      2. Funding for Comprehensive Parking Plan

4.2. Items Removed from the Consent Agenda

4.1. Meetings with Boards & Commissions

4.3. Items Added After Posting of the Agenda

June 20 Closed Session
2. CONSENT AGENDA

2.1. Resolution No. RDA 3-00 Granting Funds to Housing Authority for Sewer Service at 811 W. East Avenue

4. REGULAR AGENDA

4.2. Redevelopment Agency Budget Review
   A. General Budget Review
   B. Capital Budget Review

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2198 Amending Chapter 5.12 of CMC re Cable TV Franchises
   Ordinance No. 2199 Amending Ord. 1696 Granting TV Franchise to State TV Cable
2.2. Resolution No. 143 99-00 Initiating Annexation of Centennial Avenue Annex. Dist. No. 1
2.3. Resolution No. 144 99-00 Initiating Annexation of Chico Canyon Road Annex. Dist. No. 3
2.4. Resolution No. 145 99-00 Initiating Annexation of Holly Avenue Annex. Dist. No. 3
2.5. Resolution No. 146 99-00 Initiating Annexation of East 8th Street Annex. Dist. No. 17
2.6. Resolution No. 147 99-00 Initiating Annexation of West 8th Avenue Annex. Dist. No. 7
2.7. Resolution No. 148 99-00 Declaring Nuisance & Setting Hearing on Weed Abatement
2.8. Resolution No. 149 99-00 Intention to Form Maint. Dist. No. 73 (Walnut Park Subdivision)
2.9. Minute Order No. 14-00 Granting Deed for Public Utility Easement to Pacific Bell (Humboldt Road)
2.10. Minute Order No. 15-00 Granting Deed for Public Utility Easement to Pacific Bell (Airpark/Marauder)
2.11. Award of Bids for Official Publications for 2000-01
2.12. Minutes

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda
   2.2. Resolution No. 143 99-00 Initiating Annexation of Centennial Avenue Annex. Dist. No. 1
   2.5. Resolution No. 146 99-00 Initiating Annexation of East 8th Street Annex. Dist. No. 17
   2.9. Minute Order No. 14-00 Deed for Public Utility Easement to Pacific Bell (Humboldt Road)
   2.12. Minutes

4.2. Budget Review
   A. General Budget Review
   B. Department Budget Review

2. CLOSED SESSION
Closed Session Announcement

4.2. Budget Review (Continued)
   C. Budget Policy Discussion
   F. Community Organization Funding
   D. Capital Budget Review
   E. Review of Additive Requests

4.1. Items Removed from the Consent Agenda
   2.5. Resolution No. 146 99-00 Initiating Annexation of East 8th Street Annex. Dist. No. 17

4.2. Budget Review (Continued)
   G. Conclude Budget Review
   Resolution No. 150 99-00 Adopting 2000-01 Tentative City Budget
   Resolution No. RDA 4-00 Adopting 2000-01 Tentative Redevelopment Agency Budget

4.3. Internal Affairs Committee Report on 5/9/00 Meeting
   A. CMC Amendment re Riding Bicycles on Sidewalks Outside Central Business District
Ordinance Amending CMC re Riding Bicycles on Sidewalks Outside Central Business District
B. Streambank Protection Standards for Creeks & Waterways
C. Temporary Elimination of No Parking on Mission Ranch Boulevard Adjacent to Ricardo’s Restaurant
D. Prohibited Parking & Bike Lane Zones on W. East Avenue Between Esplanade & SHR 32
E. Proposed Article 34 Ballot Measure re Housing Units for November Election
F. Annual Leaf Pickup Program
G. Passenger Loading Zone on Humboldt Avenue at Humboldt Neighborhood park

4.4. Report from Finance Committee on 5/23/00 Meeting
   A. Park Fees
   B. Sewer Fees

4.5. Allocation of Funds from Water Pollution Control Plant Violation Fine to Project Near One-Mile Area
4.6. Connection of County Areas to City Sewer Without Annexation re Nitrate Compliance Plan
4.7. Nominating Members to League of California Cities Board of Directors
4.8. Future Meetings
   A. Evaluate Performance of City Manager and City Attorney
   B. Otterson Drive Extension EIR
   C. July 18 and 25 Meetings

6. COMMUNICATIONS
January 4, 2000

REGULAR REDEVELOPMENT AGENCY MEETING — JANUARY 4, 2000  
Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.

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

1.2. Invocation. Father James Barfield, Saints Sergius & Herman Orthodox Church, delivered the invocation.

1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, and Fire Chief Brown.

1.5. Moment of Silence. A moment of silence was observed in memory of Charles Gage, who passed away on 12/22/99. He worked for the City beginning as a Maintenance Carpenter in 1951 and retired from City service as the Building Official in 1968.

2. CONSENT AGENDA.

2.1. REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 1-00 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH TRANSFER FLOW, INC. FOR FINANCIAL ASSISTANCE FOR THEIR PROPOSED EXPANSION AT THE CHICO MUNICIPAL AIRPORT

Transfer Flow Inc. is planning to expand their fuel tank manufacturing business at their current location on Fortress Street, north of Ryan Avenue. To accommodate this expansion, Transfer Flow is leasing approximately 3.09 acres of city-owned property adjacent to their existing property, which will be used for the construction of another warehouse and additional parking. Transfer Flow is leasing the property since it is located west of the FAA deed of release line and cannot be sold. Since the property is owned by the City, Transfer Flow is requesting financial assistance for the extension of water, sewer and storm drain lines from Fortress Street to the newly leased property line. At its 12/09/99 meeting, the Economic Development Committee recommended that the Redevelopment Agency pay up to $50,000 of the costs to install these off-site utility line improvements using competitively bid prevailing wage labor. This Minute Order will authorize the Executive Director to enter into an agreement with Transfer Flow Inc. for Redevelopment Agency payment of up to $50,000 of the cost of off-site utility line improvements on leased property at the Chico Municipal Airport. The Economic Development Committee and the Executive Director recommend approval of the Minute Order.

Councilmember Keene moved approval of the minute order. The motion was seconded and carried with Councilmembers Herbert, Jarvis, Keene, Kirk and Bertagna voting aye, Councilmember Lange abstaining and Councilmember Guzzetti being absent.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA. No items.

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

6. ADJOURNMENT. The meeting was adjourned at 7:40 p.m. to a City Council meeting.
January 4, 2000

Chico Municipal Center, Council Chamber, 421 Main Street

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

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.2. City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford and Fire Chief Brown.

2. CONSENT AGENDA.


By memorandum dated 12/10/99, the Personnel Director reports that this is a “housekeeping” resolution which amends that portion of the City of Chico’s Conflict of Interest Code which lists the required disclosure categories of designated city officials pursuant to the requirements of the Political Reform Act. This year’s revisions add the positions of Principal Planner and Airport Manager. The only other change was the transfer of the Projects Manager position from the Fire Department to the Community Development Department. The Personnel Director recommends adoption of this resolution.

2.2. RESOLUTION NO. 68 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.070, ENTITLED "CITY MANAGER AUTHORIZED TO MAKE LOCAL SAFETY MEMBER DISABILITY DETERMINATIONS.", OF TITLE 2R OF THE CHICO MUNICIPAL CODE

RESOLUTION NO. 69 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.140, ENTITLED "CITY MANAGER AUTHORIZED TO SUBMIT DISABILITY RETIREMENT APPLICATIONS ON BEHALF OF EMPLOYEE", OF TITLE 2R OF THE CHICO MUNICIPAL CODE

By memorandum dated 12/13/99, the City Attorney and Personnel Director recommend adoption of two resolutions which update Government Code references in existing Chico Municipal Code sections related to applications for disability retirement under the Public Employees Retirement System (PERS). This is a “housekeeping” change that adds no additional authority and has no fiscal impact. The City Attorney and Personnel Director recommend adoption of the resolutions.

2.3. RESOLUTION NO. 70 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (LOT 4, THE FAIRWAYS AT CANYON OAKS SUBDIVISION, ASSESSOR'S PARCEL NO. 011-800-004)

By memorandum dated 12/9/99, the Director of Public Works reports that the property owner, Canyon Oaks, LLC, a limited liability company, has petitioned the City to abandon the 3-foot-wide public utility easement on Lot 4 of the Fairways at Canyon Oaks Subdivision, to allow for future development of the property. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing for 2/1/00.

2.4. RESOLUTION NO. 71 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 1120 NORTH CEDAR STREET / A.P. NO. 043-162-025

RESOLUTION NO. 72 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 1515 NORTH CHERRY
RESOLUTION NO. 73 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 1256 VALLOMBROSA AVENUE / A.P. NO. 043-131-014

RESOLUTION NO. 74 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 953 HUMBOLDT AVENUE / A.P. NO. 004-354-001

RESOLUTION NO. 75 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 574 E. 7TH AVENUE / A.P. NO. 003-383-015

By memoranda dated 12/3/99, the Director of Public Works reports that resolutions establishing the levying of assessment installments in lieu of payment of sewer system connection fees for these properties were previously approved by Council. However, due to an administrative error, the first assessments were levied one year late in November 1996 rather than in November 1995. The property owners (Perfecto & Malu Delmendo, Richard & Marie Atmore, Stephen E. Delia, Christian Mitchell, and Lola Wong, respectively), were contacted and given the option of paying the missed assessment in full or extending the schedule of assessment payments to end one year later. Two of the property owners responded and chose to extend the schedule of assessments to end one year later. The property owners who did not respond were notified by letter that the schedule of assessments would be extended to end one year later. Owners of all five of the properties will be notified of the date and time of this Council meeting. Therefore, in order to modify the reimbursement schedules, the former resolutions will be rescinded and replaced by these resolutions. These assessments are in lieu of payment of the sewer system connection fees, which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolutions.

2.5. MINUTE ORDER NO. 1-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT FOR PUBLIC VEHICULAR AND PEDESTRIAN ACCESS ON SKYWAY, ASSESSOR’S PARCEL NO. 002-210-026

Subdivisions typically require relinquishment of abutter’s rights to the City to restrict direct access to major collector or arterial streets. However, once design of a development project is complete and the access needs are identified, the property owner may request access rights from the City. In order to allow vehicular and pedestrian access and circulation for future development of Assessor’s Parcel No. 002-210-026, the owners, Inderjit and Rakesh Joshi, have requested a public access easement across certain portions of the parcel along the Skyway which currently have restrictions. The Assistant Director of Public Works recommends approval of the minute order.

2.6. MINUTE ORDER NO. 2-00 -- APPROVAL OF EMPLOYMENT AGREEMENT AMENDMENT REGARDING SALARY (CITY OF CHICO/DAVID R. FRANK)

Based on the City Council’s evaluation of the City Attorney’s performance, this Minute Order amends the employment agreement with the City Attorney to set the salary for the position of City Attorney at 6.8% above the top of the annual salary range for the Police Chief/Fire Chief.

(On this evening’s addendum, Councilmembers Kirk and Keene indicated that this Minute Order should be amended to increase the City Attorney’s salary by 6.8% (rather than by 6.8% above the top of the salary range for Police/Fire Chief), in accordance with action taken by Council in closed session.)

2.7. MINUTE ORDER NO. 3-00 -- AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN CALIFORNIA EMERGENCY MEDICAL SERVICES, INC., AND ENLOE MEDICAL CENTER
FOR PROVISION OF ADVANCED LIFE SUPPORT (ALS) NON-TRANSPORTING PARAMEDIC SERVICES BY THE FIRE DEPARTMENT

This minute order will authorize the City Manager to enter into an agreement with Northern California Emergency Medical Services, Inc., and Enloe Medical Center which would allow City personnel in the Fire Department who are licensed paramedics to provide limited paramedic support services. The authorization for those paramedic services, which would not conflict with private provider services, would be limited to 1) support of the Rescue, HAZMAT, DART and SAFE teams, and 2) employee training for EMT and Automatic Heart Defibrillator certifications, and would be further contingent on no additional costs being incurred by the City for provision of these services. The Fire Chief recommends approval of the minute order.

2.8. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND SECURITY FIRM SERVICES AT THE CHICO DEPOT (AMTRAK)

Based on a preliminary cost estimate provided by a security firm for locking/unlocking security service at the Chico Depot (Amtrak), $9,000 was included in this year's budget from the Transit Operations Fund (859) for this service. Due to minimum service hours (two hours for each lock or unlock service) required by the security firm, the actual annual cost is estimated to be $22,000, plus contingencies and holiday rates. This Supplemental Appropriation would allocate funds in the amount of $15,000 from the Transit Operations Fund (859). At its meeting of 01/03/00, the Finance Committee will be requested to recommend approval of this supplemental appropriation. In the event the Committee does not recommend approval, this item will be pulled from the consent agenda for discussion. The Council is being provided with a copy of the Transit Operations Fund Summary which reflects the estimated 06/30/00 fund balance. The Community Development Director recommends approval of the supplemental appropriation.

2.9. APPROVAL OF MINUTES - NOVEMBER 30 & DECEMBER 7, 1999

The Council has been provided with copies of minutes for its meetings held on 11/30/99 and 12/7/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, including the correction to item 2.6. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ABANDONMENT AND VACATION OF A PORTION OF A STREET — EAST NINTH AVENUE AT Lindo Avenue

By memorandum dated 12/8/99, the Director of Public Works reported that the owners of 684 East 9th Avenue, Stephen A. White, Marvin E. Turner, Lynne L. Turner, and Virginia B. Barnett Trust, had petitioned the City to abandon a portion of East 9th Avenue at Lindo Avenue for expansion of the adjacent use. There were existing City storm drain facilities and other public utilities within this portion of East 9th Avenue, so a public utility easement would need to be retained over the entirety of the area proposed for abandonment, if the Council approved the request. At the 12/7/99 meeting, the City Council adopted a resolution of intention to abandon this portion of East 9th Avenue and set a public hearing for 1/4/00. Although staff does not support this abandonment due to its proximity to Lindo Channel; nevertheless, staff recommends the Council conduct the public hearing to consider the property owner's request for abandonment.

By letter dated 12/15/99, the petitioner, Stephen A. White, requested that the hearing on this matter be continued to 2/15/00.

No one spoke from the audience, and Councilmember Kirk moved that the hearing be continued to the Council’s 2/15/00 meeting. The motion was seconded and carried with Councilmember Guzzetti being absent.
3.2. **HEARING ON ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENT — 250 COHASSET ROAD**

By memorandum dated 12/8/99, the Director of Public Works reported that the owner of 250 Cohasset Road, H.R. Van Triest, B.V., a Netherlands corporation, had petitioned the City to abandon the 15-foot-wide public utility easement on that property since the easement was no longer necessary for present or prospective public utility purposes. At the 12/7/99 meeting, the City Council adopted a resolution of intention to abandon this easement and set a public hearing for 1/4/00. The Director of Public Works recommended adoption of the resolution.

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

**RESOLUTION NO. 76 99-00 -- RESOLUTION OF THE CITY 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 (250 COHASSET ROAD).** After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3.3. **HEARING ON ABANDONMENT AND VACATION OF SEWER EASEMENT — GREENFIELD SUBDIVISION**

By memorandum dated 11/23/99, the Director of Public Works reported that the owners of the Greenfield Subdivision, Webb Homes and 13 other property owners, had petitioned the City to abandon the sewer easement located in the Greenfield Subdivision, between Sandy Cove Drive and Silver Lake Drive, since the easement had been replaced by an access road along the County SUDAD (Shasta Union Drainage Assessment District) right-of-way that serves the same purpose. At the 12/7/99 meeting, the City Council adopted a resolution of intention to abandon this easement and set a public hearing for 1/4/00. The Director of Public Works recommended adoption of the resolution.

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

**RESOLUTION NO. 77 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (GREENFIELD SUBDIVISION).** After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

4. **REGULAR AGENDA.**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA.** None.

4.2. **CONSIDERATION OF INTERIM URGENCY ORDINANCE ESTABLISHING A MORATORIUM ON WIRELESS COMMUNICATION FACILITIES.**

Mayor Bertagna removed himself from participating in consideration of this item, and Vice Mayor Herbert presided.

By memorandum dated 12/20/99, the Planning Director reported that at Council’s direction, an interim ordinance establishing a temporary moratorium on permits allowing new wireless communications facilities in Chico had been prepared. The ordinance established a temporary moratorium on approval of any wireless communication facilities until permanent regulations for such facilities could be prepared and adopted. The proposed ordinance was an urgency ordinance which would take effect immediately upon its adoption and remain in effect for 45 days from its adoption, unless it was sooner repealed by the Council or the date of its expiration was extended by future action of the Council.

City Attorney Frank reported that the Council could consider adoption of the ordinance pursuant to the City Charter which required that the ordinance be read in its entirety and that it receive four affirmative votes in order...
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to be adopted, or it could consider adoption under State law which required reading of the title and a 4/5 vote of the Council, or 6 affirmative votes, in order to be adopted.

Doug Perske, Silver Oak Drive, Maggie Van Dame, 2695 Silver Oak Drive, and Linnea Hanson, 2837 Mariposa Avenue, all recommended adoption of the ordinance to allow time to adopt permanent regulations. Bob Linscheid, CEPCO, stated the ordinance would discourage businesses from locating in the community, that there was a use permit process currently in place for wireless communication facilities, and it would seem an urgency ordinance should only be considered when there was a threat to the public health or safety. Russell Jones, 1225 Ivy Street, stated he depended on the use of a cellular phone in his business and was not in favor of the ordinance. Jim Goodwin, Chamber of Commerce, recommended that the Council not adopt the ordinance and instead use provisions that were currently in place.

In response to Council questions, the City Manager and Planning Director estimated that it would take approximately 6 months to adopt a permanent ordinance, reviewed the current Code standards for approving use permits, and also read the findings that had to be made for approving use permits.

Councilmember Jarvis moved that the ordinance be continued to the Council’s 2/1/00 meeting. The City Manager noted that the AT&T Wireless use permit hearing was scheduled for that meeting so the Council might want to consider the ordinance at its 1/18/00 meeting. Councilmember Jarvis amended her motion to consider the ordinance at the Council’s 1/18/00 meeting without scheduling a public hearing. Councilmember Kirk reported that she wanted to consider the AT&T Wireless use permit but also wanted to have the interim urgency ordinance in place. Councilmember Keene noted that any use permit applications would come to the Council regardless. The motion made by Councilmember Jarvis was then seconded by Councilmember Kirk and carried with Councilmembers Jarvis, Kirk and Lange voting aye, Councilmembers Herbert and Keene voting no, Councilmember Bertagna abstaining, and Councilmember Guzzetti being absent.

Mayor Bertagna presided over the remainder of the meeting.

4.3. INITIAL CONSIDERATION OF APPEAL BY TIMOTHY VANDERHEIDEN OF THE PLANNING COMMISSION
APPROVAL OF USE PERMIT NO. 99-40 TO ALLOW A SECOND DWELLING UNIT AT 1646 BROADWAY
STREET

The Council was in receipt of a memorandum dated 12/21/99 from Planning Division Staff reporting that at its 12/2/99 meeting, the Planning Commission approved, with conditions, Use Permit No. 99-40 (Matt Maderos) to allow an 843 square foot second dwelling unit on a 6,300 square foot parcel identified as 1646 Broadway Street, Assessor’s Parcel No. 005-197-016, in an R1 Low Density Residential zoning district, designated on the General Plan as Low Density Residential. Planning Division Staff recommended that the City Council take no action, thereby denying the appeal and upholding the Planning Commission’s approval of Use Permit No. 99-40.

Councilmember Kirk moved that the Council schedule this appeal for public hearing at the Council’s 2/1/00 meeting. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE
ON ITS MEETING HELD ON DECEMBER 14, 1999

Councilmember Jarvis reviewed a memorandum dated 12/17/99 from the Internal Affairs Committee that provided a report on its meeting held on 12/14/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Bertagna, Kirk, and Jarvis, Chair.

Consent Agenda

A. (No Council action required)

APPROVAL OF PARKING PROHIBITION AND ESTABLISHMENT OF A BUS ZONE ALONG THE
DIABLO COURT CUL-DE-SAC BULB. The Committee unanimously adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 647, prohibiting parking and establishing a bus zone along the Diablo Court Cul-de-sac bulb.
Regular Agenda

B. (Council action required)
CONSIDERATION OF REPORT ON NEIGHBORHOOD MEETING REGARDING VEHICLE SPEED REDUCTION ON YOSEMITE DRIVE. The Committee unanimously:

(1) recommended that traffic circles be installed at the three, “4-way” intersections of Yosemite Drive with Brookside Drive North, Brookside Drive South and Idyllwild Circle South, with staff to provide further clarification and details for a full Council determination on whether they should be permanent or temporary, as well as more information regarding the nature of the landscaping and maintenance of the traffic circles;

(2) recommended that retrofitted permanent curb return bulbing be installed at the three “T” intersections of Yosemite Drive with Palisades Drive, Idyllwild Circle North and Delaney Terrace;

(3) recommended that striping along both sides of the street to narrow the perception of the road width be established along Yosemite Drive from Highway 32 to the intersection of Brookside Drive South; and

(4) directed the Chief of Police to consider providing increased speed limit enforcement on Yosemite Drive if possible during the hours from 6:30 to 8:00 a.m., and from 4:00 to 6:00 p.m.

Councilmember Jarvis further reported that the Council was provided with a memorandum dated 12/27/99 from the Assistant Director of Public Works providing further information on the above matters as requested by the Committee. Staff recommended installation of temporary traffic circles at an estimated cost of $8,000 each until their effectiveness, operational functionality and neighborhood acceptance could be assessed, before considering permanent traffic circles at an estimated cost of $30,000 each. The installation of width restrictors and the approach islands would require the elimination of some on-street parking spaces. Staff also recommended that landscaping in the center island only be installed if the California Park Homeowners Association would maintain it. In addition, staff recommended that the edge of lane striping be extended through the Brookside North intersection and that a single “yellow skip” centerline stripe be installed from SHR 32 through Brookside North.

This evening the Council received a letter dated 1/3/00 from Eunice & Gene McCutcheon, 6 Palomar Lane, indicating that they did not feel the recommended measures were needed.

Don Chambers, 1246 Yosemite Drive, agreed with recommendations for striping the center and sides of Yosemite, questioned whether traffic circles would slow traffic, and thought speed bumps would be more effective and less costly. John Stall, 1269 Yosemite Drive, thought traffic circles would be acceptable if they could be made aesthetically pleasing, but he recommended that the existing stop sign not be removed. Brian Mt.Joy, 1257 Yosemite Drive, believed that striping and speed undulations would be more effective in slowing traffic. Ross White, 1040 Yosemite Drive, indicated the traffic circles should be tried. Kim Muir, 1443 Broadway Street, observed that traffic circles in Seattle were not that effective in slowing traffic and were unsightly.

Following discussion, Councilmember Jarvis moved approval of installing striping at the edge of Yosemite from SHR 32 to Brookside North and centerline “yellow skip” striping at an estimated cost of $9,000, and permanent curb return bulbing at Palisades, Idyllwild North and Delaney at an estimated cost of $18,000 each. The motion was seconded and carried with Councilmember Guzzetti being absent.

Councilmember Kirk moved approval of installing two temporary traffic circles at Brookside North and Brookside South. Councilmember Keene was concerned with installation and maintenance costs for traffic circles and questioned if speed bumps would be better. The City Manager reported that he would not recommend speed undulations, and recommended that the temporary traffic circles be authorized with staff trying to incorporate as many features as possible that would reduce the cost of permanent traffic circles if they were eventually installed, and that neighborhood meetings be scheduled to consider their design. The Public Works Director reported that not many features of the temporary traffic circles could be incorporated into the permanent traffic circles.

Councilmember Kirk then amended her motion to approve the installation of two permanent traffic circles, including a supplemental appropriation of $30,000 for each circle from TDA funds. The City Manager
stated that Council would be provided with advance photographs so it could ask to have the matter agendized for further consideration if necessary. The Public Works Director added that neighbors could be provided with the same information, that the traffic circles could be delineated on the street for two weeks, and then the Council and neighbors could see the concept and make a decision. Councilmember Jarvis seconded the motion with an amendment to also contact the California Park Homeowners Association about assuming maintenance costs for the traffic circles. Councilmember Kirk agreed with the amendment. The motion was then carried with Councilmembers Herbert, Jarvis, Kirk, Lange and Bertagna voting aye, Councilmember Keene voting no, and Councilmember Guzzetti being absent.

C. (No Council action required)
CONSIDERATION OF REMOVAL OF STOP SIGNS ON EATON ROAD AT LEXINGTON DRIVE. The Committee unanimously agreed to take no action on the request for removal of the stop signs on Eaton Road at its intersection with Lexington Drive.

D. (No Council action required — continued to Committee’s 1/11/00 meeting)
CONSIDERATION OF THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AT EAST FIRST AVENUE AND OLEANDER AVENUE. The Committee unanimously continued this matter to its meeting of 01/11/00 in order to consider the installation of a traffic signal at the intersection of East First and Laburnum Avenues; directed staff to provide additional information regarding traffic calming options for East First Avenue such as traffic circles, speed tables, corner bulbings, and pedestrian refuges; and requested the Police Department to utilize speed trailers with readouts showing vehicle speeds to discourage speeding on East First Avenue in the interim.

E. (Council action required to accept recommendation)
CONSIDERATION OF REQUEST FROM CARL K. COLBIE, D.D.S., FOR ADOPTION OF AN ORDINANCE OPPOSING THE PLACEMENT OF FLUORIDE INTO THE WATER SUPPLY. The Committee recommended (2-0, Jarvis voting no), that the City Council not place an advisory measure regarding fluoridation on the ballot since the issue was premature and funding would not be available for several years, but encouraged a community based ballot measure through use of the initiative process.

F. (No Council action required)
REPORT REGARDING TRAFFIC REGULATION AMENDMENTS ADOPTED BY DIRECTOR OF PUBLIC WORKS. This item was provided for the Committee’s information, and no action was required.

Councilmember Keene moved to accept the report and remaining recommendations of the Committee. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.5 CONSIDERATION OF BUDGET REPORT FROM THE CHICO CREEK NATURE CENTER

Mayor Bertagna requested that this item be scheduled for discussion. The Council was provided with budget information regarding the Chico Creek Nature Center submitted by Judy White, Executive Director. Mayor Bertagna reported that this evening the Council was again being provided with copies of a letter dated 10/26/99 from the Nature Center, requesting a meeting with the Council regarding its first quarter accomplishments and projected funding needs for next fiscal year, and he noted that the budget information in the agenda packets was provided because of this letter.

Judy White reviewed the budget and fund-raising information and provided Council with copies of the Center’s Environmental Education Programs brochure, and copies of the Center’s balance sheet as of 1/3/00. She indicated that the Center intended to request additional funding from the City in February.

4.6 ITEMS ADDDED AFTER POSTING OF THE AGENDA.

Development Impact Fees. Councilmember Kirk requested that the Council schedule the City’s Development Impact Fees for consideration at its 1/18/00 meeting.
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The Council was in receipt of letters dated 1/4/00 from the Chico Chamber of Commerce and the Chico Economic Planning Corporation requesting that the Council consider on its 1/18/00 agenda adoption of the proposed fee increases considered by Council on 12/21/99, with the exception of no increase in current fees for office/medical uses and industrial uses, and the exemption of existing commercial building expansions from the proposed fee increase for commercial uses.

5. BUSINESS FROM THE FLOOR.

Development Impact Fees. Tim Bousquet, P.O. Box 4627, expressed his concern that the Chamber of Commerce meetings that were to be scheduled regarding the fees would not provide the same level of public access as a Council meeting. The City Manager noted that the fees were being rescheduled for consideration at the Council’s 1/18/00 meeting. Further, the Chamber meetings were not replacing the Council meetings, but were being held so the Chamber could make a recommendation to the Council.

West 8th Avenue Improvements. William Greg Burton, 1734 Meadow Road, reported that earlier today he had delivered a letter to the City offices in which he explained a number of his concerns regarding proposed improvements to West 8th Avenue between SHR 32 and the Esplanade, and he asked that he be provided with an opportunity to participate in any City or County staff meetings regarding the project. The City Manager reported that the Director of Public Works would contact Mr. Burton regarding his concerns.

Acquisition of Simmons Ranch Property. Caryn Jones, 5 Deborah Terrace, requested that the Council give some form of recognition to Suzanne Gibbs, Big Chico Creek Watershed Alliance, for her leadership in securing outside funding for 2,724 acres of Big Chico Creek canyon lands upstream from Bidwell Park. Honorable mention should also be provided to the current owners, Dan Drake and Ed and Darwin Simmons for their role. She noted that the area would be managed as a research natural area by California State University, Chico.

Leaf & Yard Waste Pickup Program. Marc Nix, 3377 Nord Avenue, noted that during the leaf pickup season, the amount of leaves and yard waste placed at the curb forced bicyclists to ride out into the street into vehicle traffic, and questioned if there was any way to improve the situation. The City Manager noted that there was nowhere else to place the leaves and a substantial amount of leaves could fall within a short period of time during the autumn leaf pickup program. Councilmember Jarvis asked if staff could provide a report on the leaf pickup program and how it worked out this season, and Councilmember Kirk also asked for information about coordinating street sweeping with the leaf pickup program.

6. REPORTS AND COMMUNICATIONS.

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

6.1. Memorandum dated 12/14/99 from the Finance Director reporting that the list of claims paid during the month of November 1999 is available for review in the offices of the Finance Director, the City Clerk, and the City Council.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/16/99 for Longfellow Mini Mart, 1350 Longfellow Avenue.

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/14/99 for Monstro Pizza, 626-628 W. Sacramento Avenue.

7. ADJOURNMENT

The meeting was adjourned at 9:45 p.m. to Wednesday, 1/5/00 at 2:00 p.m. in Conference Room No. 1 for a closed session meeting.
ADJOURNED REGULAR CITY COUNCIL & REDEVELOPMENT AGENCY MEETING
January 5, 2000, Chico Municipal Center, Conference Room No. 1, 421 Main Street, 2:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 2:00 p.m.

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert (present at 2:05 p.m.), Jarvis, Keene (present at 2:15 p.m.), Kirk and Lange. Absent - Councilmember Guzzetti.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Public Works Director Ross, and Assistant City Attorney Barker.

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

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

2.2. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Significant exposure to litigation: One case. (Gov. Code Sec. 54956.9(b).)

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3. ADJOURNMENT.

The meeting was adjourned at 3:40 p.m. to Tuesday, 1/18/00 at 9:00 a.m. in Conference Room No. 1 for an all-day Council budget meeting.
1. **CALL TO ORDER.** The Mayor called the meeting to order at 9:00 a.m.

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

1.2. **Roll Call.** Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.3. **Introduction of City Staff Members.** City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Budget Officer Pierce, Assistant Public Works Director Martinez, Management Analyst Halldorson, Public Information Technician Wood, Assistant City Attorney Barker and Accountant Vidners.

1.4. **Closed Session Announcement.** The Mayor reported that the closed session had been canceled.

2. **CONSENT AGENDA.**

2.1. (This item was timed for 9:00 a.m.)

**PUBLIC MEETING ON 1999 LOT CLEANING ASSESSMENTS.**

This item may be moved to the Regular Agenda for discussion if any property owners have questions or comments regarding the lot cleaning assessments. By memorandum dated 12/27/99, the Fire Chief reports that the lot cleaning program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to hold a public meeting (1/18/00) and public hearing (2/1/00) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 1999-00 tax roll. Affected property owners were provided with written notice of the public meeting and public hearing, and a list of those property owners whose lot cleaning bills remain unpaid as of 12/27/99, is attached to the Fire Chief’s memorandum. The Fire Chief recommends that the City Council (1) hear any protests or comments at the public meeting today and the public hearing on 2/1/00; (2) approve the waiving or sustaining of abatement costs for various parcels as recommended in his memorandum; (3) make any changes or corrections it deems appropriate in the assessments based on any protests or comments it hears at the public meeting held today, and the public hearing on 2/1/00; and (4) approve the placement of the assessments on the 1999-00 tax roll at the 2/1/00 meeting.

2.2. **RESOLUTION NO. 78 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 3 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT".**

By memorandum dated 01/06/00, the Personnel Director recommends approval of a resolution which adopts an amendment to the Memorandum of Understanding (MOU) between the City and International Association of Fire Fighters. This amendment implements agreed-to increases in the City’s contribution to employee health insurance coverage. The additional cost is approximately $34,320 General Fund for 1999-2000, and has been previously budgeted. The City Manager and Personnel Director recommend approval of this resolution.

2.3. **APPROVAL OF CITY’S STATEMENT OF INVESTMENT POLICY.**

By memorandum dated 01/10/00, the Finance Director submits a copy of the City’s Statement of Investment Policy as required by California Government Code §53646, and as set forth in Administrative Procedure and Policy No. 15-13, a copy of which has been provided to the City Council. The Finance Director recommends that no changes be made to the existing policy.

2.4. **ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS.**

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

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. (This item was timed for 9:00 a.m.)
CONSIDERATION OF FUNDING FOR THE DESIGN OF TRAFFIC CALMING/PEDESTRIAN SAFETY MEASURES ON EAST FIRST AVENUE BETWEEN MANGROVE AVENUE AND THE ESPLANADE

Mayor Bertagna announced that he would remove himself from voting or discussion on this item since his business was located near the intersection of East 1st and Mangrove Avenues. Vice Mayor Herbert presided over this portion of the meeting.

City Manager Lando reported that the City Council was being requested to appropriate funds to design intersection bulbing, and possibly one pedestrian refuge, at each of the intersections on East First Avenue between The Esplanade and Mangrove Avenue. At its meeting of 1/11/00, the Internal Affairs Committee directed staff to conduct a second neighborhood meeting to consider where the bulbing should be installed and whether or not a pedestrian refuge should be constructed at one of the four intersections, after which the Committee would consider and make specific recommendations on these matters at its meeting on 3/7/00. In the interim, the Internal Affairs Committee recommended funding of the design process for these traffic measures, and staff was prepared to discuss cost estimates at this time.

Today the Council was provided with a memorandum dated 1/12/00 from the Director of Public Works recommending that $30,000 be allocated from Transportation Development Act (TDA) funds for the design if the Committee’s recommendation was approved by the Council.

Councilmember Guzzetti was present at 9:15 a.m.

Councilmember Jarvis suggested $35,000 in funding, $5,000 of which could be used for experts or consultants to attend neighborhood or community meetings regarding street design standards. Councilmembers Keene and Kirk indicated their preference for waiting until another meeting of the East 1st Avenue neighborhood was held.

City Manager Lando added that later today the Council would be asked to schedule a meeting with the Planning Commission regarding alternate street design standards. Councilmember Jarvis moved that consideration of this item be continued until after that meeting. The motion was seconded and carried with Mayor Bertagna abstaining.

4.3. (This item was timed for 9:00 a.m.)
CONSIDERATION OF INTERIM URGENCY ORDINANCE ESTABLISHING A MORATORIUM ON WIRELESS COMMUNICATION FACILITIES

Mayor Bertagna removed himself from voting or discussion on this item. Vice Mayor Herbert presided over this portion of the meeting.

City Attorney Frank reported that at its 1/4/00 meeting, the Council continued consideration of this
ordinance to today’s meeting. By memorandum dated 1/12/00 he had submitted a modified ordinance which could be adopted with either of two alternative provisions. The first (Option A: New Facilities) would establish a temporary moratorium on the approval of any wireless communication facilities until permanent regulations could be prepared and adopted. The second (Option B: New Towers) would establish a temporary moratorium only on facilities consisting of telecommunications towers until permanent regulations could be prepared and adopted. The ordinance would be adopted pursuant to the City Charter, rather than State law and, therefore, would need to be read in its entirety and receive at least 4 affirmative votes for adoption.

John Whitehead, 121 West 16th Street, requested that certain types of businesses and uses be exempted from the provisions of the urgency ordinance. Chris Perske, 2732 Silver Oak Drive, recommended adoption of the ordinance. Jim Goodwin, Chamber of Commerce, noted that the ordinance would allow time to develop a permanent ordinance. Arlan Nickel, AT&T Wireless, indicated that his company supported Option B in the ordinance, and he provided copies of his letter dated 1/17/00 that contained supplemental information.

In response to Council questions, the City Manager indicated that Council could adopt a conceptual motion first on either of the options in the ordinance before taking the time to read it in its entirety. Councilmember Kirk moved approval of Option B (new towers), but the motion died for lack of a second. Councilmember Guzzetti then moved approval of Option A (new facilities). The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis, and Lange voting aye, Councilmembers Herbert, Keene and Kirk voting no, and Mayor Bertagna abstaining. Councilmember Kirk remade her motion to approve Option B (new towers). The motion was seconded but failed to carry with Councilmembers Jarvis, Keene, and Kirk voting aye, Councilmembers Guzzetti, Herbert and Lange voting no, and Mayor Bertagna abstaining.

Mayor Bertagna presided over the remainder of the meeting.

4.4. BUDGET REVIEW.

A. General Budget Review.

City Manager Lando provided an overview of the 1999-00 annual budget. The City Council was provided with the following budget documents:

1. General and Park Funds Projected Trends
2. Summary of Estimated Fund Balances for all Funds
3. Capital Project Status Report and Discussion of Priority Street Projects

Budget Officer Pierce provided Council with a revised copy of item #1 at today’s meeting to reflect a $400,000 increase in the transfer from the Gas Tax Fund to the General Fund to maintain the same level of transfer as adopted by the Council in the 1999-00 Budget. In response to Council, the City Manager reported that staff would provide the Council with a report concerning sales tax to Internet sales. Finance Director Martin indicated that she would provide the Council with a memorandum detailing the “Other Revenues” column included on the General and Park Funds Projected Trends.

B. Consideration of Acceptance of Universal Hiring Grant Funds.

City Manager Lando reported that at the June budget session, the City Council indicated it would consider acceptance of a Universal Hiring Grant through the United States Department of Justice to help fund the Police Department’s proposed gang unit at such time as the 1998-99 books had been closed. Following additional discussion at the November budget review meeting, the Council authorized the him to sign the grant agreement with acceptance of the funds subject to further discussion by the Council at today’s meeting. By memorandum dated 12/23/99, the Chief of Police was requesting acceptance of the grant funds and establishment of a gang unit consisting of one sergeant and two police officers. The City Manager was recommending acceptance of the grant funds and establishment of a gang unit consisting of one sergeant and only one police officer.

Council was advised that subsequent to the distribution of the agenda for today’s meeting, a mathematical error was discovered in the memorandum from the Chief of Police, and it was being
Following discussion, Councilmember Jarvis moved approval of the City Manager’s recommendation. The motion was seconded and unanimously carried.

D. Consideration of Finance Committee Recommendation and Approval of Supplemental Appropriation to Provide Funding for a Downtown Maintenance Program as Proposed by the Downtown Chico Business Association.

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

At its meeting of 01/03/00, the Finance Committee unanimously recommended approval of funding assistance from the General Fund (001) for initial start-up costs ($9,580) and first year operational costs (approximately $2,500 per month) to the Downtown Chico Business Association (DCBA) for a downtown maintenance program on a trial basis. The funding would begin following Council approval of the proposal through the end of the 1999-00 fiscal year and be extended through one full fiscal year thereafter. The annual operational costs for the program would be $30,414, as set forth in the revised proposal dated 11/16/99 submitted by the DCBA. The Committee recommended that the program be evaluated prior to allocation of funding beyond the 2000-01 fiscal year. The Committee also recommended that the City retain ownership of the industrial water pressure washer and allocate an additional $2,500 per year for equipment replacement costs.

Today the Council was provided with a letter dated 1/17/00 from Robert Belgeri, Field Representative of the Service Employees International Union, in which he indicated that it was his understanding that this matter would be considered by the Council at its 2/1/00 meeting, that he was unable to attend today’s meeting, and he requested that this item be removed from the agenda so that Union leadership had time to consider its response to the latest proposal for this program.

Councilmember Herbert moved that this item be continued to a subsequent meeting. The motion was seconded and unanimously carried.

Councilmember Jarvis requested that staff provide a report to Council with DCBA’s current fee structure.

The Council recessed for 15 minutes and reconvened at 11:10 a.m. in the Council Chamber.

4.5. (This item was timed for 11:00 a.m. The public hearing on this matter was closed on 12/21/99.)

CONSIDERATION OF THE CITY OF CHICO 1999 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY)

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

City Manager Lando reported that this matter was scheduled for consideration today by the City Council at its meeting held on 01/04/00. A hearing for this item was previously held by Council on 12/21/99, at which time public comments were taken and the hearing was closed. The Council was being provided with copies of the “1999 Update of Development Impact Fees Analysis and Recommendations (Nexus Study),” a resolution amending the City’s fee schedules accordingly, copies of the memoranda dated 12/13/99 from the City Manager and Management Analyst Halldorson, which were previously provided, and a memorandum dated 01/10/00 from Management Analyst Halldorson providing an analysis of the proposed increase in commercial fees. The City Manager recommended approval of the fees as proposed on 12/21/99.

To comply with the Government Code, the Nexus Study updated the required nexus findings for development impact fees that provide funds for streets, bicycle facilities, street maintenance equipment, and administrative, police and fire buildings. A fee schedule resolution had been provided to the City Council in the event it wished to approve the “1999 Update of Development Impact Fees Analysis and Recommendations” and adopt the associated fee increases. Any fees modified by the resolution would
Today the Council was provided with a memorandum dated 1/6/00 from the Bidwell Park & Playground Commission indicating that it supported the need for development impact fees to be set at rates that ensure that new growth and development paid their proportionate share of the cost of providing new and improved facilities, and it would like to see the fees set at or near the levels proposed by City staff. Also received was a letter dated 1/5/00 from Barbara Reed, 1144 Citrus Avenue, indicating that the Council would harm the citizens of Chico and the quality of life by supporting reductions or limits on developer fees, and a letter dated 1/7/00 from Rick Coletti, Land’s End Real Estate, asking that the Council consider the impacts that increased fees would have on the economic community.

Councilmember Keene proposed leaving all fees at current levels, setting aside $300,000 which could amount to $1.5 million annually after 5 years and would be maintained for 15 years thereafter. Mayor Bertagna observed that the efforts of the City, Chamber and CEPCO resulted in commercial development that provided increased sales tax revenue to the City. Councilmember Jarvis suggested any changes in fees should be requested in July prior to the time the Council considered them each year in November. Councilmember Herbert was concerned with the amount of increases each year. Councilmember Guzzetti suggested a rebate of taxes if there was actually a surplus. He also suggested placing a measure on the November ballot regarding the funding of infrastructure required by new development. Councilmember Lange expressed her agreement with the Finance Committee’s recommendations.

RESOLUTION NO. 7999-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE -- AMENDMENT NO. 241 - TRANSPORTATION FACILITY FEES, AND BUILDING AND EQUIPMENT FEES). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Jarvis, Kirk and Lange. NOES: Councilmembers Herbert, Keene and Bertagna. ABSENT: None.

Councilmember Jarvis recommended that the Finance Committee begin considering development impact fees in July in order that it could have a final report to the Council in November, and Councilmember Keene recommended that the Committee also review the assumptions that were used in determining the fees. Mayor Bertagna moved approval of referring the development impact fees to the Finance Committee, that it also consider the assumptions that related to the Merged and Greater Chico Area Redevelopment Project Areas, and that it review the issue of interest added or charged to funds with positive or negative balances. The motion was seconded and unanimously carried. The Council agreed that any issues relating to the fees could be considered by the Committee and that all interested groups, organizations and the public should provide information to the Committee.

Councilmember Jarvis recommended that the assumptions be considered every two years after each new Council was elected. City Manager Lando agreed with the recommendation, noting that it would save substantial staff time and that the assumptions would stay with the same Council for two years.

4.4. BUDGET REVIEW (CONTINUED).

C. Discussion Regarding the Annual Street Maintenance Program Budget.

The City Manager reported that in the past, the City Council had allocated funds for the City’s Annual Street Maintenance Program as part of the annual budget process. The annual overlay and slurry seal program was funded with either Gas Tas (307) or Transportation Efficiency Act for the 21st Century (311) funds, or a combination of both. Because the annual budget was not adopted until the first City Council meeting in July, it often was not possible to take full advantage of the weather related construction season. The Director of Public Works and the City Manager were recommending that the Council consider annually allocating such funds in the budget year preceding the year in which construction would occur. This would allow the City to award construction bids three months earlier and take advantage of the full construction season. If the Council concurred with the recommendation, a supplemental appropriation to fund the 2000-01 Street Maintenance Program would be submitted to the Council at the April budget review meeting. In addition, through adoption of the 2000-01 Annual Budget in July, the Council would be requested to allocate funds for the 2001-02 program and to approve an amendment to the Budget Administration Policies to provide authority to prebudget the program on an annual basis.
Councilmember Keene moved approval of the City Manager’s and Director of Public Works’ recommendation. The motion was seconded and unanimously carried.

The Council recessed from 11:55 a.m. to 1:30 p.m., and then reconvened in Conference Room #1. Councilmember Guzzetti was absent from the meeting at this time.

E. Consideration of Proposed Changes to Benefits Policy for Hourly Exempt Employees

Personnel Director Erlandson reviewed her memorandum dated 01/10/00 in which she recommended changes to the City’s current Budget Administration Policy No. E.1.f. and the Personnel Rules relating to providing limited benefits and special consideration for permanent employment for long-term (2000 hours or more) hourly exempt employees. The City reached agreement with Service Employees International Union in September 1999 in an arbitration related to the City’s use of long-term hourly exempt employees. With the agreed-to changes in employment of the affected job classifications which resulted from the settlement agreement, it became apparent that it was appropriate to redefine the budget administration policies and Personnel Rules relating to these issues for all hourly exempt employees. The Human Resources Commission reviewed these issues at its 01/13/00 meeting and also recommended their approval. There was no additional cost for the proposed changes.

These modifications would eliminate the generic benefit package for long-term (2000 hours or more) hourly exempt employees, and establish the authority to enter into specific employment agreements with such workers which specify the benefits to be provided, if any. These modifications would also eliminate the special treatment for long-term hourly exempt employees in consideration for appointment to permanent positions. The effective date of this amendment was set for 07/01/00 to allow possible transition of any remaining long-term hourly exempt employees into permanent positions, should they be available. There was no fiscal impact from these changes.

If the Council concurred with the recommendations, it could adopt the resolution, and a confirming budget modification would be processed to amend Budget Policy No. E.1.f. and Budget Appendix B-2.

RESOLUTION NO. 80 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 4, ENTITLED “CERTIFYING CANDIDATES FROM EMPLOYMENT LISTS,” OF SECTION D, ENTITLED “METHOD OF FILLING VACANCIES,” OF SECTION 2R.72.130 OF THE CHICO MUNICIPAL CODE, ENTITLED “SELECTION PROCEDURES.” After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

F. Consideration of Funding for a Television Equipment Lending Program to Assist Local Producers in Providing Programs for Cable Channel 11

Administrative Analyst Wood reviewed his memorandum dated 01/10/00 in which he provided background information related to the City’s Television Production Equipment Lending Program, and to which was attached a 12/08/99 letter from the Community Access Users Group (CAUG) requesting that Council consider funding for the program. By separate letter dated 12/29/99, Albert Mitchell was requesting that Council authorize an agreement with him to provide the services noted in the Administrative Analyst’s memorandum for the sum of $20,000 annually.

Councilmember Guzzetti was present at 1:45 p.m.

Albert Mitchell requested that the Council give consideration to his proposal, noting that he had operated the initial program for the City, and thereafter subsequent contractors had not worked out satisfactorily. Donald Wykoff, Rainbow Heritage Project, reported that he had produced programs and had training sessions, however, the City’s editing equipment was not working properly.
Catherine Hamilton reported that she was a grant writer at the University and a member of the Board for Rainbow Heritage, and explained plans for reaching the community about the program. Jack Lemley, a member of the CAUG, responded to Council questions regarding the membership of the CAUG and the use of funds for the lending program and other activities.

Following discussion of various options, Councilmember Jarvis moved approval of allowing Rainbow Heritage to continue administering the program to the end of its contract, that it provide the City with a three-month report, that the editing equipment be replaced, and that within the six-month period before the contract expired staff work with CAUG on the future of the program to change it or keep the status quo. The motion was seconded and unanimously carried. The City Manager reported that staff would provide Council with a report at the April budget meeting.

4.6. APPOINTMENT OF SPECIAL EVENTS COORDINATING COMMITTEE

Councilmember Kirk provided Council with copies of recommendations from the Special Events Steering Committee, made at a meeting held on 1/7/00 and attended by herself, Councilmember Jarvis and Lisa Michels. Included were recommendations relating to the purpose of the committee following appointment of members, having its first meeting in February in preparation for St. Patrick’s Day, appointment of a list of individuals who were returning members, and a list of groups at large which would name their own representatives.

In response to Councilmember Kirk, Councilmember Guzzetti recommended Jack Sterling of Madison Bear Garden as a bar owner representative. Councilmember Jarvis reported that she had contacted and confirmed Lisa Fitzgerald as representative from KPAY and KHSL.

Following discussion, Mayor Bertagna moved approval of the Steering Committee’s recommendations. The motion was seconded and unanimously carried.

4.7. FUTURE MEETINGS

A. Workshop Regarding Alternate Street Widths and Designs - At its 1/11/00 meeting, the Internal Affairs Committee recommended that the Council schedule a 2-1/2 to 3 hour workshop meeting, with the Planning Commission invited to participate, regarding alternate street widths and designs. Following discussion, the Council agreed to meet on 2/8/00 beginning at 7:00 p.m.

B. Interviews for City Clerk Position - If the City Council wished to participate in the interviews for the position of City Clerk, they had been tentatively scheduled for 4/7/00. The Council agreed with the proposed date.

4.8. ITEMS ADDED AFTER POSTING OF THE AGENDA

A. Yosemite Drive Traffic Controls. At the request of Councilmember Kirk, Mayor Bertagna moved to reconsider this matter at the Council’s 2/15/00 meeting. The motion was seconded and unanimously carried. It was agreed that a neighborhood meeting would be scheduled prior to that time, that additional households and the California Park Homeowners Assn. would be notified, and that a notice would be published in the newspaper.

B. City/County Solid Waste Management JPA Committee. City Manager Lando reported that the JPA would be terminated in accordance with a notice received from Butte County. He recommended that the City committee continue (Councilmembers Herbert and Jarvis) and asked if a third member of the Council wanted to serve. The Council agreed that the two Councilmembers could continue as a City committee.

5. BUSINESS FROM THE FLOOR. No items.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.
6.1 Memorandum dated 01/05/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/27/99 for Logans Roadhouse, 1900 East 20th Street.

7. ADJOURNMENT. The Council recessed for 10 minutes, reconvened at 3:00 p.m., and then adjourned to a Redevelopment Agency meeting.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — JANUARY 18, 2000
Chico Municipal Center, Conference Room No. 1, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 3:00 p.m.

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

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

2. CONSENT AGENDA. No items.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. GENERAL BUDGET REVIEW.

City Manager Lando reviewed the financial status of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas and related funds, and Risk Manager Koch reviewed item D. The Chico Redevelopment Agency was provided with the following documents:

A. Chico Merged Redevelopment Project Area Fund Five Year Trends
B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends
C. Low & Moderate Income Housing Fund Summary
D. Arts Funds

4.2. CONSIDERATION OF ARTS COMMISSION RECOMMENDATION FOR APPROVAL OF THE CHICO OPEN BOARD ART PROJECT

Risk Manager Koch reported that this matter was originally considered by the Redevelopment Agency at its 9/7/99 meeting but was continued to the November budget meeting, and subsequently to today's meeting, pending approval of the revisions to the Agency's Five-year Implementation Plans in December.

By memorandum dated 1/10/00, the Risk Manager forwarded a copy of the 1/3/00 revised Chico Open Board Art (COBA) project proposal of artists Geno Lucich and Jefferson Goolsby, under the auspices of Mountain Valley Arts. The revised proposal envisioned a four-month project similar to the previous proposal but with five artists per month, the final selection of four art panels, the creation of an Internet web site, and a fund raising auction for funding a 2001 project, at a cost of approximately $16,000. The proposed funding source would be the Chico Merged Redevelopment Fine Arts Fund (380).

At today's meeting, the Risk Manager provided Council with copies of his memorandum dated 1/14/00 in which he reported that at its 1/12/00 meeting, the Arts Commission recommended that the Agency approve the implementation of the Chico Open Board Art (COBA) project, as set forth in the Mountain Valley Arts (MVA) proposal dated 1/3/00, with the modifications described in his memorandum, with a project budget of $14,987. If this recommendation was approved, he indicated that a supplemental
appropriation in this amount from Fund 380, the Chico Merged Redevelopment Fine Arts Fund, would be prepared after today’s meeting.

Todd Hall and Robin Nichols, members of the Arts Commission, along with artists Geno Lucich and Jeff Goolsby, discussed the project and responded to questions from the Council. Nancy Lindahl, business owner at 204 Main Street, and Douglas Coleman, business owner at 101 Salem Street, spoke in favor of the project.

Following discussion, Councilmember Lange moved approval of the Arts Commission’s recommendation. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmembers Herbert and Keene voting no.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA.

January and April Quarterly Budget Meetings. City Manager Lando reported that Councilmember Kirk had suggested not having the January quarterly budget review meeting after the Martin Luther King, Jr., Monday holiday, and he indicated that staff would make this adjustment on next year’s budget calendar.

The City Manager also reported that the 4/25/00 quarterly budget meeting fell on the fourth Tuesday of the month, thereby leaving the third Tuesday open for an evening meeting, and he questioned if the Council preferred having only one mid-month meeting. The Council indicated its preference for having only one mid-month meeting in April for budget review and not an evening meeting.

6. ADJOURNMENT.

The meeting was adjourned at 3:45 p.m. to Tuesday, 2/1/00 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.
February 1, 2000

ADJOURNED REGULAR COUNCIL MEETING — FEBRUARY 1, 2000
Chico Municipal Center, Conference Room #2, 421 Main Street — 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

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

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Police Chief Efford and Public Works Director Ross.

1.2. IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.4, CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

The Mayor read item 2.4. prior to the Council adjourning to closed session.

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

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following:
State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator for Management Employees was City Manager Lando. The Management Employees were unrepresented. (Gov. Code Sec. 54957.6.)

2.3. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), and International Association of Fire Fighters. (Gov. Code Sec. 54957.6.)

2.4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Government Code Section 54954.8, the following items of business were discussed as conferences with the real property negotiator. The City’s negotiator was City Manager Lando, the parties with whom negotiations were proposed to be conducted were the property owners listed below (or such persons designated as their agents for the purpose of negotiations), and the items under negotiation were the prices for the acquisitions as listed below:

<table>
<thead>
<tr>
<th>Street Address or Assessor’s Parcel No.</th>
<th>Property Owner</th>
<th>Acquisition</th>
</tr>
</thead>
<tbody>
<tr>
<td>002-050-171</td>
<td>Lavina F. Miller</td>
<td>3,659± sq. ft. (right-of-way)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,004± sq. ft. (utility easement)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7,067± sq. ft. (temporary easement)</td>
</tr>
<tr>
<td>040-320-001 &amp; 040-320-002</td>
<td>Russell Schultz</td>
<td>.26± acre (bike path easement)</td>
</tr>
<tr>
<td>040-310-026, 040-310-034, 040-310-036 &amp; 040-310-082</td>
<td>Charles &amp; Elizabeth Moore, Trustees for the Charles and Elizabeth Moore Family and 1982 Revocable Trust</td>
<td>.67± acre (bike path easement)</td>
</tr>
<tr>
<td>040-320-010, 040-320-011 &amp; 040-320-012</td>
<td>North Valley Iron Works, Inc.</td>
<td>.06± acre (bike path easement)</td>
</tr>
</tbody>
</table>
The Council reconvened to open session at 7:30 p.m.

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

REGULAR REDEVELOPMENT AGENCY MEETING — FEBRUARY 1, 2000
Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.

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

1.2. Invocation. In the absence of Pastor Gaylord Enns, Pleasant Valley Assembly of God, the Council observed a moment of silence.

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

1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Airport Manager Grierson and Housing Officer McLaughlin.

1.5. Closed Session Announcement. None.

1.6. Proclamation. The Mayor read a proclamation proclaiming 2/29/00 as “Spay Day USA” and presented it to Tracy Ross of the Butte Humane Society.

2. CONSENT AGENDA.

2.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD JANUARY 3, 2000

By memorandum dated 1/12/00, the Finance Committee provides a report on its meeting held on 1/3/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair.

A. (No Agency action required)
   Consideration of Request to Restructure Mortgage Subsidy Program Loan in Default - Kim Scott, 13 New Dawn Circle. The Committee unanimously denied Ms. Scott’s request for forgiveness of the interest on her MSP loan, authorizing staff to recalculate the interest owed based on the current, lower interest rate, and allow the note to be repaid over a five-year period.

B. (No Agency action required)
   Consideration of Request from DiDuca Brothers Building for Housing Assistance from the Redevelopment Agency Low & Moderate Income Housing Fund. The Committee unanimously recommended that staff be directed to work with the Di Duca Brothers and bring back for further consideration at the Committee’s February meeting, a loan proposal which would provide a 25% equity position for the Agency at the maximum point of risk.

C. (No Council action required -- considered by Council on 1/18/00 and continued to a future meeting)
   Consideration of Request from the Downtown Chico Business Association (DCBA) Regarding a Downtown
Maintenance Program. The Committee unanimously recommended (1) funding assistance in the amount of $39,993 for initial start-up cost and first year operation to the Downtown Chico Business Association (DCBA) for a downtown maintenance program on a trial basis, with funding to begin after Council approval of the proposal, and extending through one full budget year thereafter; (2) that the City retain ownership of the industrial water pressure washer, be allowed to share in its use, and allocate an additional $2500 per year for equipment replacement cost; and (3) that after the first year, the annual operations cost for the program would be $30,414, as set forth in the revised proposal dated 11/16/99 submitted by the DCBA.

(This evening the Council acknowledged receipt of a letter received today from Robert Belgeri, Field Representative for SEIU, submitting comments on the City’s involvement in this program.)

D. (No Council action required -- approved by Council on 1/4/00)
Approval of Supplemental Appropriation to Fund Security Firm Services at the Chico Depot (Amtrak). The Committee unanimously recommended approval of the Supplemental Appropriation allocating the amount of $15,000 from the Transit Operations Fund (859) for locking/unlocking security services at the Chico Depot.

E. (No Agency action required)
Consideration of Mortgage Subsidy Program Loan Request. The Committee unanimously authorized staff to approve the Mortgage Subsidy Program loan, and to handle other loans structured in this manner consistently.

F. (No Agency action required)
Review of Administrative Procedure & Policy for the Acquisition and Disposition of Residential Property Previously Assisted by the City or the Redevelopment Agency. The Committee unanimously recommended (1) use of the proposed Administrative Procedure and Policy (AP&P) regarding acquisition and sale of residential properties as a guideline for the two foreclosure sales that were in progress, with the revisions that purchase offers be acceptable to the City Manager, and that the City Manager be authorized to designate an acceptable real estate agent from the Board of Realtors; and (2) that the revised AP&P be brought back to the Committee for review before final approval was recommended.

With regard to the Mortgage Subsidy Program (MSP), the City Manager indicated to Councilmember Kirk that staff would provide the Council with the recently revised Administrative Procedure & Policy, and the matter could be placed on a future agenda if further discussion was desired.

Councilmember Jarvis moved approval of the Consent Agenda and acceptance of the Finance Committee’s report. The motion was seconded and unanimously carried.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

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

6. ADJOURNMENT. The meeting was adjourned at 7:50 p.m. to a City Council meeting.
3.2. HEARING ON APPEAL RE APPROVAL OF USE PERMIT 99-40 RE SECOND DWELLING UNIT AT 1646 BROADWAY STREET.

(This item was taken out of order as listed on the agenda.)
The Mayor announced that a request had been made to continue the hearing. Councilmember Jarvis moved that this hearing be continued to 2/15/00 at 7:30 p.m. The motion was seconded and unanimously carried. The City Manager reported that staff would provide appropriate notice of the continued hearing.

2. CONSENT AGENDA.


By memorandum dated 1/14/00, Associate Planner Sigona reports that this application consists of General Plan amendments, rezones and prezones for various locations throughout the Chico Urban Area to correct inconsistencies between the existing land use patterns and the existing General Plan designations and zoning. The proposed changes are intended to correct errors that occurred during the General Plan update. The public hearing on this ordinance and the resolution adopting the General Plan Amendments is scheduled for Council’s meeting of 2/15/00. Staff recommends that the ordinance receive introductory reading this evening.

2.2. RESOLUTION NO. 81 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 9TH STREET ANNEXATION DISTRICT NO. 8

By memorandum dated 1/7/00, the Community Development Assistant forwards a report on initiation of the annexation of 31 parcels in the block bounded by Alder Street, Linden Street, East 8th and 9th Streets. The area is fully developed with residential uses. The annexation was initiated by the owner of one property to obtain City services, including sanitary sewer connection, and the other properties were added after notice to the owners to reflect LAFCo policy for uniform boundaries and to eliminate two “islands of unincorporated territory.” The Community Development Assistant recommends adoption of the resolution.

2.3. RESOLUTION NO. 82 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - LASSEN AVENUE ANNEXATION DISTRICT NO. 2

By memorandum dated 1/10/00, the Community Development Assistant forwards a report on initiation of the annexation of 30 parcels generally located along East Lassen Avenue between the freeway and Cohasset Road, including parcels on Posada Way, Morgan Drive, El Paso Way, Godman Avenue and Burnap Avenue. The annexation includes 644 multiple family residential units, two mobile home parks (with approximately 470 mobile homes), 1 single family residence and vacant land, all consistent with the General Plan designation of medium density residential and R-2 prezoning. The annexation also includes the freeway right of way between East Avenue and Eaton Road. This annexation was initiated at the request of the owners of all of the parcels to facilitate sanitary sewer connection. The Community Development Assistant recommends adoption of the resolution.

2.4. RESOLUTION NO. 83 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - MANGROVE AVENUE ANNEXATION DISTRICT NO. 24
February 1, 2000

By memorandum dated 1/6/00, the Community Development Assistant forwards a report on the initiation of annexation proceedings for the Mangrove Avenue Annexation District No. 24. The annexation consists of 12 properties on both sides of Mangrove Avenue between East 1st Avenue and East 3rd Avenue. The properties are developed with a variety of residential, commercial and office uses. The annexation is being initiated at the request of the owner of two parcels at the Mangrove and East 3rd Avenues intersection. The proposed annexation boundary reflects LAFCo policy and will eliminate four “islands” of unincorporated territory. The Community Development Assistant recommends adoption of the resolution.

2.5. RESOLUTION NO. 84 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 36 W. EATON ROAD / A.P. NO. 006-020-166

By memorandum dated 11/5/99, the Director of Public Works reports that in accordance with a petition from the property owners, Norman B. Nielsen, Ann L. Nielsen, Niels C. Nielsen, and Anna B. Nielsen, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 11/5/99 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.6. RESOLUTION NO. 85 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2196 FLORAL AVENUE / A.P. NO. 048-191-032

By memorandum dated 9/30/99, the Director of Public Works reports that in accordance with a petition from the property owners, John A. Cooper & Michelle L. Cooper, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 9/30/99 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.7. RESOLUTION NO. 86 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 602 MADRONE AVENUE / A.P. NO. 045-520-037

By memorandum dated 10/12/99, the Director of Public Works reports that in accordance with a petition from the property owner, Judy Lou (AKA Judy L. Brown), this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/12/99 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.8. RESOLUTION NO. 87 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 708, 708 1/2, 708 3/4 POMONA AVE / A.P. NO. 004-520-008

By memorandum dated 1/18/00, the Director of Public Works reports that in accordance with a petition from the property owners, Michael Lucius Ross & Mary Ann Ross, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 1/18/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.
2.9. (Removed from the Consent Agenda at the request of a member of the audience.)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE
(AMENDMENT NO. 242 - PARK DEPARTMENT AND AIRPORT FEES)

By memorandum dated 1/18/00 Management Analyst Herman submits the following City of Chico Fee Schedule amendment recommendations: (1) That the City’s Airport Fees be amended to eliminate the maximum $7.50 per acre per year and the minimum $100 per year lease fee for the use of City property within the Chico Municipal Airport clear zones. This revision will provide for lease rental fees to be based on the fair market lease value through a competitive bid process as recommended by the Airport Commission at its 11/30/99 meeting. (2) That the City’s Park Department Fees be amended to provide for a park reservation fee for filming activities as recommended by the Bidwell Park and Playground Commission at its 2/26/96 meeting. Staff recently discovered that this fee schedule amendment had inadvertently not been scheduled for City Council approval. The Airport Commission and the Bidwell Park and Playground Commission recommend adoption of the resolution.

2.10. ACCEPTANCE OF RESIGNATION OF RICK TOFANELLI FROM PARKING PLACE COMMISSION

By letter dated 1/12/00, Rick Tofanelli submits his resignation from the Parking Place Commission, effective the date of his letter. This resignation will create a vacancy, the term of which expires 1/1/01, and the Council may consider making an appointment at its 2/15/00 meeting, which will be more than the required 10 days after posting of the notice of vacancy.

2.11. ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 1998-99

By memorandum dated 12/28/99, the Housing Officer previously distributed this Report to Council. Community Redevelopment Law requires that the Chico Redevelopment Agency prepare and submit an annual report to the City Council, acting in its capacity as the Executive Board of the Agency, prior to December 31, and that the Council review and accept the report, or take any action deemed appropriate, at its first meeting occurring at least 21 days following receipt of the report. The Housing Officer recommends acceptance of the report.

2.12. APPROVAL OF MINUTES FOR MEETINGS HELD ON DECEMBER 21, 1999, JANUARY 4, 2000, AND JANUARY 5, 2000

The Council has been provided with copies of minutes for its meetings held on 12/21/99, 1/4/00, and 1/5/00.

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL BY THE CITIZENS FOR COMMUNITY JUSTICE OF THE APPROVAL OF USE PERMIT 99-28 (AT&T WIRELESS SERVICES) TO ALLOW A TELECOMMUNICATIONS FACILITY ON PROPERTY LOCATED AT 215 ORANGE STREET

Mayor Bertagna removed himself from discussion or voting on this item, and Vice Mayor Herbert presided over this portion of the meeting.

At its 12/7/99 meeting, the Council continued this hearing to this evening’s meeting and directed staff to draft an emergency ordinance regulating cellular towers/facilities for consideration at its 1/4/00 meeting, which was subsequently continued to its 1/18/00 meeting, at which time motions to adopt such an ordinance failed.

Planning Director Seidler reported that the Council was again being provided with copies of the memorandum dated 11/12/99 from Planning Division Staff reporting that at its 9/13/99 meeting, the Planning Commission approved a use permit, with conditions, to allow a telecommunications facility on an existing water tower located at 215 Orange Street, Assessor’s Parcel No. 004-038-003, in an ML Light Manufacturing/Industrial zoning district and designated on the General Plan Diagram as Manufacturing and Warehousing. This decision was subsequently appealed by the Citizens for Community Justice. Planning Division staff was recommending
adoption of the resolution, subject to any changes the Council may determine to make following the public hearing.

Reed Wilson, AT&T Wireless, reported that they would be required to file an annual report with the Federal Communications Commission (FCC) regarding emissions and would provide a copy to the City, and would also provide a report at any time there were any changes in emissions. This evening the Council was provided with copies of a letter dated 1/26/00 from AT&T Wireless Services providing additional information supporting approval of the use permit and denial of the appeal.

Marcia Dean, 2725 Mariposa Avenue, recommended that no additional facilities be approved until a revised ordinance was adopted by the Council. Doug Perske, 2732 Silver Oak Drive, agreed and noted that this facility was not consistent with the County’s ordinance in that it was less than the 1,000 feet from any residence. Maggie Van Dame, 2695 Silver Oak Drive, indicated that if Council approved the use permit it should include strict conditions and the monitoring should be done by a third party. Chris Perske, 2732 Silver Oak Drive, pointed out that the Council could impose any conditions on the use permit since the FCC only regulated emissions, was disappointed the emergency ordinance was not adopted, and asked that the Council take no action until a revised ordinance was adopted. Linnea Hanson, 2837 Mariposa Avenue, believed that no cellular facilities should be located in residential areas.

Bob Linscheid, CEPCO, recommended approval of the use permit for the benefit of businesses and imposing any conditions that would protect the health and safety of residents. Robb Cheal, 407 West 9th Street, indicated he was a broadcaster who depended on such facilities and noted that AT&T was attempting to meet the needs of the community. Michael Watson, 2815 Mariposa Avenue, recommended that facilities not be located in residential areas. Harold Carlson, 2837 Mariposa Avenue, asked that the Council wait for adoption of a revised ordinance. Steven Post-Jeys, 1363 East 16th Street, noted that the aesthetics of towers were one issue and the other was consideration of health issues related to emissions.

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

RESOLUTION NO. 88 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING, WITH CONDITIONS, USE PERMIT 99-28 (AT&T WIRELESS SERVICES) TO ALLOW A TELECOMMUNICATIONS FACILITY AT 215 ORANGE STREET. After reading the title, Councilmember Jarvis moved that the resolution be amended to provide that an annual monitoring report be provided to the City by an independent third party approved by the City and paid for by AT&T, that AT&T perform a monitoring analysis by an RF engineer at the site prior to installation of its facilities to get base numbers, that the use will comply with any changes in FCC standards, and that the resolution be adopted as amended. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. NOES: None. ABSTAIN: Councilmember Bertagna. ABSENT: None.

The Council recessed for 10 minutes and reconvened at 8:55 p.m.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.
(This item was taken out of order as listed on the agenda.)

2.9. Resolution Amending Park & Airport Fees. Mayor Bertagna announced that the Airport Manager was recommending that this item be continued in order that he could resolve questions that members of the audience might have relating to the Airport fees. Councilmember Kirk moved that the resolution be continued for two weeks. The motion was seconded and unanimously carried.

This evening the Council was advised that on page 4 of 4 of the Park Fees, item 3.b. Non-Intensive Use
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Areas, the fee for Partial Day (4 hours or less) should be $150 rather than $100, and the fee for Full Day (over 4 hours) should be $300 rather than $200. The correction would be made before returning the resolution to Council for adoption.

3.2. HEARING ON APPEAL BY TIMOTHY VANDERHEIDEN OF THE PLANNING COMMISSION’S APPROVAL OF USE PERMIT NO. 99-40 TO ALLOW A SECOND DWELLING UNIT AT 1646 BROADWAY STREET

(Earlier in this meeting, this hearing was continued to the Council’s 2/15/00 meeting.)
This evening the Council was provided with a letter dated 1/27/00 from Timothy Vander Heiden requesting continuance of this hearing to 2/15/00, and a memorandum dated 1/28/00 from the Planning Director reporting that neither the applicant, Mr. Maderos, nor staff had any objection to the request for a continuance to 2/15/00.

By memorandum dated 1/13/00, Associate Planner Sigona reported that at its 12/2/99 meeting, the Planning Commission approved, with conditions, Use Permit No. 99-40 (Maderos) to allow an 843 square foot second dwelling unit on a 6,300 square foot parcel identified as 1646 Broadway Street, Assessor’s Parcel No. 005-197-016, in an R1 Low Density Residential zoning district, designated on the General Plan as Low Density Residential. The use permit was approved on a vote of 6-0-1. This approval was appealed by a neighbor, Timothy VanderHeiden, who opposed the project, citing its inconsistency with neighborhood design. Planning Division Staff recommended that the City Council deny the appeal, upholding the Planning Commission’s approval of Use Permit No. 99-40.

3.3. HEARING ON PROPOSAL BY DAN HAYS AND GENE DAMSCHEN TO MAKE A GIFT OF LAND TO THE CITY FOR THE EXTENSION OF IVY STREET

Community Development Director Baptiste reviewed his memorandum dated 1/24/00 in which he reported that at the 10/5/99 Council meeting, the Council considered an Internal Affairs Committee recommendation to approve the Dan Hays/Gene Damschen proposal to make a gift of land to the City for the extension of Ivy Street. Neither Mr. Hays nor Mr. Damschen were in attendance at that meeting. Council did not approve the proposal and directed staff to confirm that Mr. Hays and Mr. Damschen still intended to proceed with their gift offer and to schedule a hearing for consideration of this matter at a subsequent Council meeting. After confirming that they wished to proceed with the proposal, a neighborhood meeting was convened on 12/15/99. Approximately 10 citizens attended the meeting and no objections to the proposal were expressed to staff. The attendees were informed that there would be a subsequent Council meeting for consideration of this matter, and neighborhood residents have been notified of this hearing. He added that the property consisted of street facilities that would be constructed to City standards from the existing northerly terminus of Ivy Street, and ending in a cul-de-sac southerly of West 22nd Street. He answered questions from Councilmember Keene about the narrowing of the street on the north end.

Dan Hays, 1041 Cherry Street #2, reported that they had worked with neighbors in keeping them informed and with the City on the standards for the street.

City Manager Lando reported that although the street was proposed as a gift now, the City could impose more conditions when final development plans were approved. In addition, Ivy Street could be extended northerly and need widening if the Diamond Match property was developed in the future. Public Works Director Ross indicated that in that case, the street would need to be widened from 44 to 66 feet.

Gene Damschen, 901 East Lassen Avenue #98, reported that they initially offered to deed the property to the City in the belief that they could get some tax benefits, however, they have subsequently been advised by a tax attorney that they would not receive any benefits. However, they would nevertheless carry through with their offer if the City wanted to accept it.

Steven Post-Jeys, 1363 East 16th Street, recommended that the City wait until development occurred so it would
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not incur costs to maintain the street and later make improvements. Robb Cheal, 407 West 9th Street, believed that the City needed to consider long-range development plans as the population increased rather than proceeding on a piecemeal basis.

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

Councilmember Kirk moved that the City not accept the dedication of the street improvements at this time. The motion was seconded and unanimously carried.

3.4. HEARING ON REZONE NO. 99-6 (WELLS FARGO BANK) - PROPOSED REZONE OF A 0.71 ACRE PAD SITE AT THE NORTHEAST CORNER OF EAST AND MARIPOSA AVENUES FROM PD/CN PLANNED DEVELOPMENT NEIGHBORHOOD COMMERCIAL TO CC COMMUNITY COMMERCIAL

Planning Director Seidler reported that at its 12/7/99 meeting the City Council continued this hearing to this meeting at the request of the applicant. The Council was again being provided with a memorandum dated 10/27/99 from Associate Planner Sigona reporting that this application represented a proposed rezone of a 0.71 acre shopping center pad site, located at the northeast corner of East and Mariposa Avenues, from PD/CN Planned Development Neighborhood Commercial to CC Community Commercial, to provide for greater marketing flexibility and to facilitate development of the site with a fast food use with a drive-through service lane. The Planning Commission recommended City Council denial of the rezone. The application was being forwarded to Council without environmental review under a California Environmental Quality Act (CEQA) provision that the Act does not require environmental review for projects which are recommended for disapproval.

This evening the Council was provided with a letter dated 1/21/00 from Jeffrey Rader, Vice President of Wells Fargo Bank, supporting the rezoning, and a memorandum dated 1/28/00 from the Planning Director showing where there were differences in the PD/CN and CC Districts.

Jeff Rader, Wells Fargo Bank, provided Council with a drawing of a proposed drive-through restaurant facility which he thought would meet the needs of the neighborhood, should not create an increase in traffic, and would make the property more marketable.

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

Councilmember Guzzetti noted that the General Plan’s intent was to not increase traffic on East Avenue, and with a drive-through facility traffic would likely increase and cause air pollution from idling vehicles. Councilmember Kirk observed that a restaurant without a drive-through facility would require more parking. Councilmember Keene thought the facility would benefit users of Wildwood Park. Mayor Bertagna believed that a drive-through facility would benefit the area and residents would not have to travel as far to reach one. Councilmember Jarvis was opposed to a drive-through facility because of its related air pollution from vehicles.

Following discussion, Councilmember Herbert moved to deny Rezone No. 99-6 and to ask the Planning Commission to consider a Code amendment to allow drive-through facilities in NC districts with a use permit. The motion was seconded but failed to carry with Councilmembers Herbert, Keene and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis, Kirk and Lange voting no.

Councilmember Jarvis then moved to deny Rezone No. 99-6. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmembers Herbert and Keene voting no.

The Council recessed for 5 minutes and reconvened at 10:25 p.m. Councilmember Guzzetti was absent from the meeting at this time.
3.5. HEARING ON ANNEXATION -- DAYTON ROAD ANNEXATION DISTRICT NO. 3

Community Development Assistant Sellers reviewed his memorandum dated 1/6/00 in which he reported on the annexation of 5 parcels and a total of 2.615 acres, located at 1017 Pomona Avenue; 1208, 1210, 1212 and 1222 Dayton Road; and 1014 Archer Avenue. The area was designated as low density residential in the General Plan and prezoned R-1 Single Family Residential. Four of the parcels were developed or developing with 5 single family residences. The Pomona Avenue parcel was improved with a restaurant. The annexation also included the remainder of the Dayton Road right of way between Pomona Avenue and Orange Street. This annexation was initiated at the request of the owner of two of the parcels to facilitate sanitary sewer connection for new single family residences. As this uninhabited (fewer than 12 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed. (2) Approve the annexation if the protest represented less than 50% of the assessed value of land in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

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

RESOLUTION NO. 89 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-13 - CITY OF CHICO - DAYTON ROAD ANNEXATION DISTRICT NO. 3. After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3.6. PUBLIC HEARING ON 1999 LOT CLEANING ASSESSMENTS

Fire Chief Brown reviewed his memorandum dated 12/27/99 in which he reported that the lot cleaning program was conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City was required to hold a public meeting, which was held by the Council on 1/18/00, and a public hearing, which was scheduled for this evening, before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 1999-00 tax roll. Affected property owners were provided with written notice of the public meeting and public hearing, and a list of those property owners whose lot cleaning bills remain unpaid as of 12/27/99, was attached to the Fire Chief’s memorandum. He recommended that the City Council (1) hear any protests or comments at this public hearing; (2) approve the waiving or sustaining of abatement costs for various parcels as recommended in his memorandum; (3) make any changes or corrections it deemed appropriate in the assessments based on any protests or comments received this evening; and (4) approve the placement of the assessments on the 1999-00 tax roll.

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

Councilmember Keene moved approval of the waiving or sustaining of abatement costs for the various parcels as recommended in the Fire Chief’s memorandum, and approval of placing of the assessments on the 1999-00 tax roll. The motion was seconded and carried with Councilmember Guzzetti being absent.

3.7. INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 90 -- (AMBER GROVE/GREENFIELD/PETERSON SUBDIVISIONS)

Public Works Director Ross reviewed his memorandum dated 1/13/00 in which he forwarded the Engineer’s Report for Maintenance District No. 90 (Amber Grove, Greenfield/Peterson Subdivisions), generally located west...
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of the Esplanade just south of the Esplanade/Eaton Road intersection. The purpose of forming the proposed maintenance district was to levy annual assessments against the parcels within the District to fund the operation and maintenance of public improvements that were of special benefit to the subdivisions. The Engineer’s Report described the boundaries of the proposed district, the public improvements to be funded, how the amount of the annual assessment was calculated and how it was apportioned among the parcels. Proposition 218 required a vote of the property owners to establish the assessment. Ballots, copies of the Engineer’s Report, and a notice of the two hearings were mailed to all affected property owners.

The purpose of this initial hearing was for the Council to receive and consider the Engineer’s Report as well as all comments on the report or any other matter relevant to the establishment of the proposed district. The final protest hearing on the district had been scheduled for 2/15/00, at the conclusion of which the ballots received either supporting or opposing formation of the district would be tabulated. If the majority of votes received were in favor of the proposed Maintenance District, the Council could order its formation, and if the majority of votes received were opposed, District formation proceedings would be abandoned. At the conclusion of this evening’s hearing the Council could adopt a motion to either approve the Engineer’s Report as presented, modify the Report and approve it as modified, or abandon proceedings on the proposed district.

The Mayor recommended that advance neighborhood meetings be held for these types of districts where the area is already developed.

Mike Nicholas, 3202 Caspar Court (Greenfield), noted that the areas to be irrigated were small and were next to fences, and he suggested they instead be filled with gravel to reduce costs since they only benefitted adjacent property owners. John Robinson, 3298 Mt. Whitney Court (Almond Grove) recommended waiting until the Peterson Subdivision was developed. In response to Everett Kitto, 307 Sandy Cove Drive (Ambergrove), the Public Works Director noted that assessments on properties in the subdivisions may have been higher before they were annexed to the City. Mr. Kitto was in favor of a neighborhood meeting and also waiting for development of the Peterson Subdivision. Ken Gilliland, 301 Sandy Cove (Ambergrove) thought the total costs were high for what was being maintained.

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

Councilmember Keene moved to modify the Engineer’s Report to separate out the Peterson Subdivision, to approve the Report as modified, and to hold the final protest hearing on 2/15/00 or continue it at that time to a subsequent meeting if a neighborhood meeting could not be scheduled before then. The motion was seconded and carried with Councilmember Guzzetti being absent.

3.8. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 80, HOME DEPOT SHOPPING CENTER

Community Development Director Baptiste reviewed his memorandum dated 1/12/00 in which he reported that this resolution would order the formation of Chico Maintenance Assessment District No. 80. As a condition of development of this property, generally located east of SHR 99 and south of the Skyway, the developers had consented to the formation of this district for the operation and maintenance of landscaping and irrigation along the SHR 99 right of way and the City of Chico right of way. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by the property owners. The maintenance of the public improvements along SHR 99 would be assumed by the state after a twenty-year period. Future annual assessments would be paid at the time property taxes were collected. He recommended adoption of the Resolution.

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

RESOLUTION NO. 9099-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT
ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 80 - HOME DEPOT SHOPPING CENTER)

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

Councilmember Herbert moved that the Council continue this evening’s meeting past 11:00 p.m. The motion was seconded and carried with Councilmember Guzzetti being absent.

3.9. HEARING ON ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT (LOT 4, THE FAIRWAYS AT CANYON OAKS SUBDIVISION)

Public Works Director Ross reviewed his memorandum dated 1/18/00 in which he reported that the property owner, Canyon Oaks, LLC, a limited liability company, had petitioned the City to abandon the 3-foot-wide public utility easement on Lot 4 of the Fairways at Canyon Oaks Subdivision, to allow for future development of the property. At its 1/14/00 meeting, the City Council adopted a resolution of intention to abandon this easement and set a public hearing for 2/1/00. The Director of Public Works recommended adoption of the resolution.

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

RESOLUTION NO. 91 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENT VACATION LAW (LOT 4, THE FAIRWAYS AT CANYON OAKS SUBDIVISION, ASSESSOR’S PARCEL NO. 011-800-004). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA
(This item was considered earlier in this meeting.)

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 1/11/00

Councilmember Jarvis reviewed a memorandum dated 1/14/00 from the Internal Affairs Committee which provided a report on its meeting held on 1/11/00, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair.

A. (No Council action required)
   Consideration of a Traffic Signal and Traffic Calming Measures Along East First Avenue Between Esplanade and Mangrove Avenue. The Committee unanimously recommended (1) that staff be directed to conduct another neighborhood meeting for consideration of installation of a pedestrian refuge at the intersection of either Oleander or Laburnum and East First Avenue, with intersection bulbing to be installed at the other intersections between Mangrove and the Esplanade, and that notice of this meeting include information regarding loss of parking; (2) that the matter be brought back for further consideration by the Internal Affairs Committee at its meeting of 3/7/00 and forwarded to Council for its meeting of 3/21/00; and (3) that funding for the design of these traffic measures be approved and forwarded to Council for consideration at its meeting of 1/18/00.

B. (No Council action required)
   Consideration of Alternate Street Widths and Designs. The Committee unanimously recommended that the
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City Council schedule a workshop with the Planning Commission regarding alternate street widths and designs.

C. (No Council action required)
Consideration of Amendments to the City’s Noise Ordinance. Due to time constraints, the Committee continued consideration of amendments to the noise ordinance to its next meeting (2/8/00).

D. (Council action required to adopt resolution and provide direction regarding permanent ordinance)
Consideration of (1) Adoption of an Operative Resolution to Prohibit Glass Containers Downtown During St. Patrick’s Day, and (2) Permanent Adoption of Ordinance Prohibiting Possession of Glass Containers in Portions of the City During Unsponsored Special Events. The Committee unanimously recommended adoption of a resolution making the glass container prohibition in the downtown area operative during the 3/17/00 St. Patrick’s Day event, to be scheduled for the City Council’s 2/1/00 meeting, along with consideration of whether the glass prohibition ordinance should be made permanent.

The Council was provided with copies of a memorandum dated 1/19/00 from the City Attorney: (1) transmitting the Resolution which would make Ordinance No. 2188, prohibiting possession of glass containers in the downtown area, operative during the St. Patrick’s Day event from 4:00 a.m. on Friday, 3/17/00 until 4:00 a.m. on Saturday, 3/18/00; and (2) discussing options for Council consideration if it wished to make Ordinance No. 2188 permanent. The Council agreed that the ordinance should be made permanent.

RESOLUTION NO. 9299-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING ORDINANCE NO. 2188, RELATING TO THE ESTABLISHMENT OF A GLASS-FREE ZONE ON CITY-OWNED PROPERTY IN THE DOWNTOWN AREA, TO BE OPERATIVE FROM 4:00 A.M. ON MARCH 17, 2000 TO 4:00 A.M. ON MARCH 18, 2000. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

E. (No Council action required)
CONSIDERATION OF ANNEXATION OF UNINCORPORATED ISLANDS. Due to time constraints, this matter was continued to the Committee’s next meeting (2/8/00).

Councilmember Keene then moved acceptance of the Committee’s report and remaining recommendations. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.3. CONSIDERATION OF PLANNING THE BIENNIAL APPRECIATION DINNER FOR COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES

City Clerk Evans inquired whether any Councilmembers would be interested in working with her office on planning the details for this event, such as date, place, menu, program, etc. Councilmembers Bertagna, Kirk and Lange volunteered to serve as an ad hoc committee.

4.4. RESCHEDULING OF JULY 4, 2000 CITY COUNCIL MEETING

Since the Council’s regular meeting date in July fell on a holiday, it was requested to reschedule its first meeting of July. The Council tentatively agreed to meet on 7/5/00 at 4:00 p.m. to adopt the 2000-01 final budget, but asked that this matter be placed on the 2/15/00 agenda for confirmation since some Councilmembers were uncertain if they could attend.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA

Acknowledge Receipt of Senator Theatre Business Plan. Council was advised that Louise Philippi had delivered
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the Chico Senator Theatre Business Plan prepared by Venue Tech Management Group, and binders containing
the plan were placed in Council mailboxes. This matter had been placed on the Finance Committee’s agenda for
consideration at its 2/7/00 meeting.

5. BUSINESS FROM THE FLOOR.

Filing of Appeals. John Gillander commented on the City’s form for filing appeals.

6. REPORTS AND COMMUNICATIONS.

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

6.1. The “1998-99 City of Chico Development Impact Fee Report” for the period ending 6/30/99, as required by
California Government Code §66006(b). This statute requires that for each development impact fee account
established, the City must make available certain information within 180 days after the last day of each fiscal year.
This report was made available on 12/27/99. The Council is required to review the report, but no findings or
actions are required.

7. ADJOURNMENT.

The meeting was adjourned at 11:15 p.m. to Tuesday, 2/8/00 at 7:00 p.m., in either Conference Room No.1 or the
Chamber for a workshop with the Planning Commission regarding alternate street widths and designs.
ADJOURNED REGULAR CITY COUNCIL MEETING - FEBRUARY 8, 2000
Chico Municipal Center, Council Chamber, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:05 p.m.

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

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.


1.3. Introduction of City staff members. City Manager Lando, City Attorney Frank, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Police Chief Efford, Fire Chief Brown, Assistant Public Works Director Hislop, and Public Information Technician Wood.

2. CONSENT AGENDA. No. items.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. REVIEW & CONSIDERATION OF VARIOUS TRAFFIC CONTROL STANDARDS & MEASURES.

City Manager Lando reported that the Council’s Internal Affairs Committee recommended this meeting of the City Council and Planning Commission due to the number of requests it has received and considered for alternate street standards or designs, traffic control measures or traffic calming measures. Members of the Council and Commission were previously provided with binders assembled by the Department of Public Works containing traffic measures used in a variety of communities to make traffic and neighborhoods compatible. Provided with this agenda was a memorandum dated 1/31/00 from the Director of Public Works regarding the existing street standards for both public and private streets.

The City Manager introduced Tom DiGiovanni of Heritage Partners and John Anderson of Anderson Lamb & Associates, who would be making presentations this evening.

Assistant Public Works Director Hislop reviewed various street classifications as defined in the General Plan, including freeways, expressways, major and minor arterials, local streets and rural streets, and noted an example of each and its location on a display map.

John Anderson reviewed various traffic calming measures that could be installed on streets, how such measures modified the design of a street to slow traffic, some of the already existing design features or public improvements (e.g. drainage) that needed to be considered before they were installed, access for emergency vehicles, whether installing such measures could move traffic to adjacent streets of cause spikes in traffic speed after a vehicle passed the traffic calming device, cost/budget considerations by the public agency, and keeping neighbors informed whenever traffic calming measures were being proposed.

The City Manager stated that he would provide the Council with the location of the traffic circle in the City of Davis.

Tom DiGiovanni explained the need to design residential streets during the planning phase of any development in order to avoid future traffic problems and mentioned a number of resources that were available for designing streets.

The Council recessed for 10 minutes and reconvened at 8:05 p.m.
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Gary Incaudo encouraged the Council to consider measures that would keep traffic moving at a safe speed rather than causing vehicles to stop/start or slow down/speed up several times, thus increasing air pollution and causing related respiratory diseases. Other members of the audience observed that vehicles sometimes sped up to go over speed bumps, that entire neighborhoods should be considered when installing traffic calming devices, that the City and County should plan their transit system in a way that would reduce the number of vehicles using local streets, that installing traffic calming measures to meet the demands of new growth would be costly and perhaps they could be installed on an incremental basis, that the public needed more education regarding safe vehicle speeds, and that air pollution from vehicles might actually be decreasing based on information from the Butte County Air Pollution Control District.

Planning Commissioner Monfort believed that the City needed to consider more of the traffic calming measures mentioned this evening, and Commissioner Dietle asked about cameras that took photos of traffic violators.

In response to questions, Mr. Anderson noted that one city formed a maintenance district to finance traffic measures, and Mr. DiGiovanni added that residents can be supportive if they are aware in advance how traffic calming devices can benefit their neighborhood.

The City Manager reported that residents could be provided with radar guns at their request to clock speeders and were then mailed a letter from the Police Department. The Chief of Police explained that concentrated enforcement in particular neighborhoods usually resulted in residents of that neighborhood being cited for violations. He also noted that cameras installed at intersections that took photos of traffic violators were quite costly.

Mr. Anderson observed that drivers received cues regarding speed from the design of a street and not always from traffic signs. He also suggested that when traffic calming devices were installed the City should determine if other street improvements should be done at the same time, rather than proceeding in a piecemeal fashion.

Councilmember Jarvis suggested the City consider a program similar to one in Seattle that involved neighborhoods and then used a ranking system to prioritize projects. The Council agreed with her suggestion that the Internal Affairs Committee place this item on its pending list.

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA.

Future Meeting. City Manager Lando reported that representatives at California State University, Chico, had offered to have their master plan consultant make a presentation to the Council regarding the CSUC Master Plan on either February 17 or 18. The Council asked staff to place the matter on the 2/15/00 agenda for further consideration.

5. BUSINESS FROM THE FLOOR. No items.

6. REPORTS AND COMMUNICATIONS. No Items.

7. ADJOURNMENT.

The meeting was adjourned at 9:05 p.m. to Tuesday, 2/15/00, at 7:00 p.m. in Conference Room #2 if a closed session was scheduled, followed by an adjourned regular meeting at 7:30 p.m. in the Council Chamber.
ADJOURNED REGULAR COUNCIL MEETING — FEBRUARY 15, 2000
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

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

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

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

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), and International Association of Fire Fighters. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

2.3. (Added by Posted Addendum.)

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

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

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

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — FEBRUARY 15, 2000
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.

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

1.2. Invocation. Pastor Ron Pate, Neighborhood Church, delivered the invocation.

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

1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Senior Planner Hayes, and Assistant Public Works Director Hislop.

1.5. Closed Session Announcement. None.
2. CONSENT AGENDA. No items.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. PRESENTATION REGARDING THE CHICO SENATOR THEATRE BUSINESS PLAN.

Binders containing copies of the Chico Senator Theatre Business Plan prepared by Venue Tech Management Group were previously provided to all members of the City Council. Council was informed that Louise Philippi and John Lind, President of Venue Tech, the company which prepared the plan, gave a presentation providing an overview of the business plan to the Finance Committee at its meeting of 2/7/00, and requested that the plan be considered by the Agency at tonight’s meeting. The overview of the business plan was being presented this evening for information only, and no action was being requested.

Randy Shell reported that he was a member of the task force that studied the feasibility of acquiring the Senator Theatre and converting it into a performing arts center, that the City provided funding for the Business Plan, that the community rather than the City would be asked for financial support, and that a non-profit corporation had already been formed to work on implementation of the plan. Jim Hennis, another member of the task force, introduced Judy King of Venue Tech Management Group. Judy King of Venue Tech provided an overview of the plan, experiences in other cities with similar projects, and answered questions from the Council.

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

6. ADJOURNMENT. The meeting was adjourned at 7:50 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING — FEBRUARY 15, 2000
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 7:50 p.m.

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

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Senior Planner Hayes and Assistant Public Works Director Hislop.

2. CONSENT AGENDA.

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED THE INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA.
By memorandum dated 01/26/00, Associate Planner Sigona reports that the Planning Commission voted 7-0 at its meeting of 01/20/00 to recommend City Council adoption of a proposed Negative Declaration and approval of Rezone No. 99-9 which would rezone 1.19 acres at the northwest corner of La Rocco Drive and Flying “V” Street from OC Office Commercial to OR Office Residential. Planning staff recommends that the City Council adopt the Negative Declaration and approve Rezone No. 99-9 at the public hearing on 3/7/00.

2.2. RESOLUTION NO. 9399-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC SERVICE EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA COURT, ASSESSOR’S PARCEL NO. 005-550-028)

By memorandum dated 2/2/00, the Director of Public Works reports that the property owner, Grossman Family Trust, has petitioned the City to abandon the 3-foot-wide public service easement on Sierra Nevada Court, Assessor's Parcel No. 005-550-028, in conjunction with a boundary line modification, to allow for expansion of the Sierra Nevada Brewery. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing for 3/7/00.

2.3. RESOLUTION NO. 9499-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO MAKE CHANGES AND MODIFICATIONS TO EASTWOOD ASSESSMENT DISTRICT.

By memorandum dated 2/7/00, the Director of Public Works, Assistant City Manager, and Finance Director provide background on a proposal to modify the description of work for the Eastwood Assessment District to allow the use of the remaining construction funds for the installation of utilities generally in the area of Jan Court, Raley Boulevard, Bruce Road and Forest Avenue. Adoption of the resolution will schedule a public hearing on the matter for 3/7/00 at 7:30 p.m. The Director of Public Works recommends adoption of the resolution.

2.4. (Removed from the Consent Agenda at the request of Caryn Jones.) RESOLUTION NO. 9599-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 242 - PARK DEPARTMENT FEES).

By memorandum dated 2/3/00 Management Analyst Herman submits the recommendation from the Bidwell Park and Playground Commission to amend the City’s Park Department Fees to provide for a park reservation fee for filming activities in the City parks. The Commission approved this amendment at its 2/26/96 meeting and staff recently discovered that this fee schedule amendment had inadvertently not been scheduled for City Council approval. The Bidwell Park and Playground Commission recommends adoption of the resolution.

Amendments to Airport Fees were included in this resolution when it was removed from the 2/1/00 Consent Agenda. The Airport Fees will be considered separately at a future meeting.
2.5. (Removed from the Consent Agenda at the request of several Councilmembers.)

APPROVAL OF LINDO CHANNEL ENCROACHMENTS — POLICIES AND PROCEDURES

At its meeting of 11/23/99, the City Council considered a draft policy for encroachments in Lindo Channel as recommended by the Bidwell Park and Playground Commission. The City Council approved the policy with modifications and requested that staff make revisions and schedule for final City Council action. Staff revised the policy which was reviewed by the Bidwell Park and Playground Commission on 1/31/00 and approved with some additional language clarifications. By memorandum dated 2/2/00, the Park Director presents the revised policy recommendation for City Council consideration. The Bidwell Park and Playground Commission and Park Director recommend Council approval.

2.6. APPROVAL OF MINUTES FOR MEETING HELD ON JANUARY 18, 2000

The Council has been provided with copies of minutes for its meeting held on 1/18/00.

2.7. ACCEPTANCE OF WITHDRAWAL OF REQUEST FOR ABANDONMENT AND VACATION OF PORTION OF EAST NINTH AVENUE AT LINDO AVENUE AND CANCELLATION OF HEARING

By letter dated 2/2/00, Stephen A. White has withdrawn his request to abandon/vacate a portion of the East Ninth Avenue and Lindo Avenue right-of-way. (This matter was originally scheduled for public hearing on 1/4/00, at which time the hearing was continued to this evening at Mr. White’s request.) All interested parties will be notified by copy of this agenda that the request has been withdrawn and the hearing canceled. Staff recommends acceptance of the withdrawal of the request for abandonment and cancellation of the hearing.

2.8. (Added by Posted Addendum.)

(REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF COUNCILMEMBER KIRK.)

MINUTE ORDER NO. 4-00 — AUTHORIZING FOR CITY MANAGER TO ENTER INTO A MONTH-TO-MONTH AGREEMENT TO ALLOW CATTLE GRAZING ON THE FOOTHILL EAST PRESERVE PROPERTY.

The City has received proposals from several parties expressing interest in leasing the Foothill East Preserve Property for cattle grazing. The grazing use has been reviewed, and it has been determined that it is consistent with the Foothill East Preserve Management Plan and would not adversely affect the resources located on the property. This Minute Order would authorize the City Manager to enter into a lease agreement with Jerry Bradley for the current grazing season and provide authority to the City Manager to enter into future lease agreement for cattle grazing consistent with the Preserve Management Plan on the Foothill East Preserve. The Community Development Director recommends approval of the Minute Order.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.4, 2.5 and 2.8. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSTAIN: Councilmember Guzetti (item 2.2). ABSENT: None.
OF USE PERMIT NO. 99-40 TO ALLOW A SECOND DWELLING UNIT AT 1646 BROADWAY STREET

This hearing was continued from the 2/1/00 meeting. By memorandum dated 1/13/00 Associate Planner Sigona reported that at its 12/2/99 meeting, the Planning Commission approved, with conditions, Use Permit No. 99-40 (Maderos) to allow an 843 square foot second dwelling unit on a 6,300 square foot parcel identified as 1646 Broadway Street, Assessor’s Parcel No. 005-197-016, in an R1 Low Density Residential zoning district, designated on the General Plan as Low Density Residential. The use permit was approved on a vote of 6-0-1. This approval had been appealed by a neighbor, Timothy Vander Heiden, who opposed the project, citing its inconsistency with neighborhood design. Planning Division Staff recommended that the City Council deny the appeal, upholding the Planning Commission’s approval of Use Permit No. 99-40.

This evening the Council received a memorandum dated 2/10/00 from Associate Planner Sigona forwarding a letter from the applicant, Matt Maderos, withdrawing his use permit application. Therefore, the appeal was moot and this hearing was canceled.

3.2. HEARING ON FORMATION OF UNDERGROUND DISTRICT NO. 14

Assistant Director of Public Works Hislop reviewed his memorandum dated 1/31/00 which provided a report on this proposal to form Underground District No. 14 on East Avenue and adjacent properties between Cohasset Road and Manzanita Avenue, and also to order the undergrounding of existing overhead utility facilities within Area A of the district between Ceanothus Avenue and Manzanita Avenue. The undergrounding project would be financed with the City’s allocation of Utility Company Rule 20A funds, and a portion of the County of Butte’s allocation of Utility Company Rule 20A funds. A request had been forwarded to Butte County to form a companion underground district covering those properties within the district boundary that were under County jurisdiction. A neighborhood meeting to receive input from affected property owners was held on 1/18/00. All notices of this hearing were published and sent in conformance with Chapter 14.44 of the Chico Municipal Code. He recommended adoption of the resolution.

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

RESOLUTION NO. 96 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO (1) DECLARING AND DETERMINING A CERTAIN AREA WITHIN THE CITY AS AN UNDERGROUND DISTRICT (UNDERGROUND DISTRICT NO. 14), AND (2) FINDING AND DETERMINING THAT THE PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME (UNDERGROUNDDISTRICTNO.14, AREA A). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.3. HEARING ON GENERAL PLAN AMENDMENT/REZONE/PREZONE NO. 99-3 (CITY OF CHICO)

Senior Planner Hayes reviewed a memorandum dated 1/14/00 from Associate Planner Sigona which reported that this application consisted of General Plan amendments, rezones and prezones for various locations throughout the Chico Urban Area to correct inconsistencies between the existing land use patterns and the existing General Plan designations and zoning. The proposed changes were intended to correct errors that occurred during the General Plan update. The Planning Commission recommended City Council approval of General Plan Amendment/Rezone/Prezone Nos. 99-3 A, C, E, F, G, H and I, including adoption of the proposed Negative Declaration of Environmental Impact.

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

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

ORDINANCE NO. 2190 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING AND PREZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO AND UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA - REZONE/PREZONE NO.99-3 (CITY OF CHICO) — FINAL READING AND ADOPTION. After reading the title, Councilmember Jarvis moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA.

4.1 ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. Resolution No. 95 99-00 Amending the City’s Fee Schedule re Park Department Fees. The Park Director responded to questions from Caryn Jones and from members of the Council regarding reservation fees for exclusive use of park areas for filming and other purposes.

Following discussion, and after reading the title, Councilmember Keene moved adoption of Resolution No. 95 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

2.5. Lindo Channel Encroachments -- Policies & Procedures. City Manager Lando removed himself from participating in any discussion of this item.

Mayor Bertagna suggested a five-year timeline for the policies and an annual report from the Park Director on what accomplishments were made and what problems were left. Councilmember Keene thought Category III (permanent structures) would be handled on a case-by-case basis, each having its own plan for removal. Councilmember Jarvis indicated to Councilmember Keene that the policies provided for an appeal process for extenuating circumstances. Councilmember Lange suggested a timeline for identification of encroachments be established with an annual report to Council. Councilmember Keene stated his concern with placing an undue burden on a landowner to secure a survey or other information to support extenuating circumstances in order to make his/her case, that he’d prefer that the City take on the burden of verification, and that he’d recommend adding “possible” extenuating circumstances.

In response to the Mayor, Park Director Beardsley reported that Council previously expressed concerns regarding rip-rap and sheds, so the Park Commission moved them from Category IV (non-permanent structures) to Category III (permanent structures), thereby giving owners more time to remove them. He also indicated that he believed that the paragraph on “Identification” clearly outlined the responsibility of the Park Department, thereby diminishing any undue burden on a property owner.

Caryn Jones, 5 Deborah Terrace, recommended that it not be left up to the public only to make complaints about encroachments, that she had provided staff with documents and maps indicating the location of many encroachments, and that a fixed period of time should be established for dealing with all encroachments. Helen Ost, 1255 East Lindo Avenue, suggested that the City make sure that no new encroachments occurred after the policies were adopted. Park Commissioner Russell Mills believed that property owners were not likely to dispute an identified encroachment, but rather why their encroachment should be considered a hardship case, and he recommended that the Park Commission be allowed to decide how to implement the policies and set timelines.

Councilmember Jarvis recommended that the Park Commission be requested to develop a policy on the prevention of encroachments, and that once an encroachment was identified timelines should be developed from the time a complaint was received by the Park Department, the time for its investigation, and the time for notifying the property owner. Further, the “Objective” paragraph of the policies should have a five-year or other time-certain limit, but new encroachments needed to be taken into consideration.
Councilmember Kirk agreed with the concept but questioned the practicality of fixed timelines if the Park Director received a large number of complaints at one time. Councilmember Jarvis noted that each encroachment category needed a certain amount of time and the Park Director could submit his recommendations thereon to the Council. Mayor Bertagna thought this might not be realistic. Councilmember Keene stated this was the reason for recommending five years, and extenuating circumstances would not be considered for any new encroachments. In the paragraph relating to “extenuating circumstances” he recommended adding the word “compelling” and then deleting the words “Upon receipt of additional information” the Park Director shall verify the accuracy of the dispute, etc. Mayor Bertagna asked if the paragraph on “Exception for Category Va” relating to gardens, should be changed to have the Park Director rather than the Park Commission issue the permit. Councilmember Guzzetti confirmed that he had suggested five years when the policies were last considered by the Council, however, the Park Commission did a good job on the policies and the Commission and Director should be trusted to make sound decisions.

Following discussion, Councilmember Jarvis moved approval of the policies and procedures with the following changes: (1) add the words “compelling or” in front of “extenuating circumstances” at the bottom of page 3, and (2) delete the words “upon receipt of additional information” in the first paragraph on page 4, and request the Park Commission to provide the Council with time frames for identified encroachments, ongoing encroachments, and prevention of new encroachments. The motion was seconded and carried with Councilmember Keene voting no.

The Council recessed for 10 minutes and reconvened at 9:30 p.m.

2.8. Minute Order No. 4-00 — Cattle Grazing Lease on Foothill East Preserve Property. In response to Councilmember Kirk, Community Development Director Baptiste reported that the lease period would be between November 15 and May 15, that the preserve plan called for grazing because it was beneficial, that several inquiries about grazing were received by the City because last year’s fires eliminated many grazing areas, that other uses were allowed and could be considered by the Council, and that the grazing lease allowed for a certain amount of food to be brought onto the property to feed the cattle. The City Manager added that in the future the grazing period could end on April 1 if Council was concerned about cattle mixing with members of the public who might enter the property.

Following discussion, Councilmember Kirk moved approval of Minute Order No. 4-00 only for this grazing season, with City staff to provide the Council with more information in November regarding future leases. The motion was seconded and unanimously carried.

4.2. RECONSIDERATION OF ACTIONS TAKEN BY THE CITY COUNCIL ON 1/4/00 REGARDING TRAFFIC CONTROLS ON YOSEMITE DRIVE

At its meeting of 1/4/00, the City Council approved installation of: (1) striping at the edge of Yosemite from SHR 32 to Brookside North, and centerline “yellow skip” striping; (2) permanent curb return bulbing at Palisades, Idyllwild North and Delaney; and (3) two permanent traffic circles at Brookside North and Brookside South. At its meeting of 1/18/00, the Council agreed to reconsider these actions on 2/15/00 pursuant to Councilmember Kirk’s request, and directed staff to conduct another neighborhood meeting in the interim. A neighborhood meeting was held on 2/7/00, and staff was to provide a verbal report at this evening’s meeting. By memorandum dated 2/4/00, the City Clerk provided a summary of the Council’s 1/4/00 actions and excerpts from the minutes of that meeting. The Council was also provided with copies of the memorandum dated 12/27/99 from the Assistant Director of Public Works regarding vehicle speed reduction measures on Yosemite Drive.

Councilmember Kirk announced that during the 2/7/00 neighborhood meeting, additional traffic-calming suggestions were presented. Assistant Director of Public Works Hislop reported that bulbing, striping and traffic circles were suggested for Yosemite Drive between SHR 32 and California Park Drive, with the outcome being a general consensus to close the street and install undulations. Councilmember Kirk added that the street closure might be located at the ponds, some residents were still interested in traffic circles, and it was difficult to consider
traffic calming measures for the entire street due to different traffic problems and street/intersection configurations along various segments.

This evening the Council received a letter dated 2/8/00 from Eunice & Eugene McCutcheon, 6 Palomar Lane, indicating that they had observed no traffic problems on Yosemite and that the traffic measures approved by Council on 1/4/00 were unnecessary. Don Chambers, 1246 Yosemite Drive, pointed out that coming from SHR 32, going north on Bruce Road and then California Park Drive to reach the golf course, was shorter than traveling on Yosemite Drive, and he recommended closing Yosemite in one direction and adding speed bumps. Mayor Bertagna suggested a traffic count on Yosemite between SHR 32 and Idyllwild. Phil Larios, 363 Brookside Drive, was in favor of any measures to reduce speed such as undulations or white stripes on the sides of Yosemite, but did not recommend closure without further notice to residents. Russell Mills recommended consideration of traffic circles and bulbing, but first considering the needs of bicyclists and pedestrians. Chris Rigopulos, 1020 Yosemite Drive, thought it would be worth trying traffic circles or speed undulations. Ross White, 1040 Yosemite Drive, supported traffic circles but thought traffic islands or bulbing would reduce traffic speed.

Mayor Bertagna questioned if cones or other temporary measures could be placed on the street to determine the effectiveness of any traffic calming measures before they were permanently installed. Councilmember Herbert moved to rescind the Council’s prior action for traffic controls on Yosemite Drive, and approval of painting striping on both sides of the street for its entire distance. Councilmember Keene seconded the motion with an amendment for staff to come back with cost estimates for other traffic calming measures along with an analysis of their impact on the neighborhood. The motion was seconded and carried with Councilmembers Herbert, Keene, Kirk, Lange and Bertagna voting aye, and Councilmembers Guzzetti and Jarvis voting no.

Some members of the Council also recommended scheduling a Saturday neighborhood meeting and to chalk and cone on the street various traffic calming measures that had been discussed.

4.3. APPOINTMENT TO FILL VACANCY ON PARKING PLACE COMMISSION.

At its 2/1/00 meeting, the Council declared a vacancy on the Parking Place Commission due to the resignation of Rick Tofanelli. By memorandum dated 1/27/00, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment. The term of this vacancy expired on 1/1/01.

Councilmember Kirk nominated William Dudman, and Councilmember Jarvis nominated Mark Sweany. Out of the nominations, the City Clerk first drew the name of William Dudman, and he was appointed to the Parking Place Commission with Councilmembers Herbert, Keene, Kirk, Lange and Bertagna voting aye, and Councilmembers Guzzetti and Jarvis voting no.

4.4. FUTURE MEETINGS.

A. First Meeting in July. The City Manager reported that at its 2/1/00 meeting, because the Council could not meet on the 7/4/00 holiday, the Council tentatively agreed to schedule its first meeting in July on 7/5/00 at 4:00 p.m., with the only agenda item to be final adoption of the 2000-01 budget (the Charter requires final adoption of the budget at the Council’s first regular meeting in July). Since some Councilmembers were uncertain if they could attend on that date/time, they asked for further consideration at this evening’s meeting. Following discussion, the Council agreed to meet on 7/5/00 at 4:00 p.m.

B. City Noise Ordinance. Councilmember Jarvis reported that at its 2/8/00 meeting, the Internal Affairs Committee considered this matter and agreed to forward it to the full Council for consideration. She asked the Council to determine whether it wished to schedule a separate meeting to consider amendments to the noise ordinance, or whether it should be included on Council’s regular agenda on 3/7/00, at which time the Internal Affairs Committee report would be considered. Following discussion, the Council agreed to meet
on 4/13/00 from 7:00 to 9:00 p.m.

C. **CSUC Master Plan.** The City Manager reported that Greg Francis, CSUC Facilities Planning, had inquired as to whether the Council would be interested in scheduling a meeting to hear a presentation by their consultant, A.C. Martin, who prepared the Campus Master Plan (approximately 1 ½ hours). Following discussion, the Council agreed to meet on 3/17/00 from 11:00 a.m. to approximately 1:00 p.m., including lunch.

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

5. **BUSINESS FROM THE FLOOR.**

Property at 812 Nord Avenue. Jeff Fisher, 730 Nord Avenue #103, reported that the property at 812 Nord Avenue was located in the County, was used by homeless transients, and was covered with trash and abandoned vehicles and buildings. He had contacted the County, and it was partially cleaned, but still remained an eyesore. He provided photos of the area. The City Manager reported that the Community Development Director would provide this information and the photos to Supervisor Jane Dolan.

6. **REPORTS AND COMMUNICATIONS.**

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

6.1. Memorandum dated 1/31/00 from Management Analyst Halldorson providing report on action taken at the Bicycle Advisory Committee meeting held 1/25/00.

6.2. Memorandum dated 2/2/00 from the Director of Public Works providing a report on the Parking Place Committee meeting held on 1/19/00.

6.3. Memorandum dated 1/4/00 from the Chief of Police providing the Citizens’ Option for Public Safety grant Summary Report for the period of 9/1/99 - 12/31/99.

6.4. Memorandum dated 1/27/00 from the City Clerk providing a report on the attendance of Board and Commission members for calendar year 1999.

6.5. Memorandum dated 1/21/00 from the Risk Manager providing a report regarding tort claims against the City which were denied during the quarter ended 12/31/99.

6.6. Memorandum dated 2/2/00, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.7. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 1/24/00 for 7-11 Store, 101 Main Street.

7. **ADJOURNMENT.**

The meeting was adjourned at 10:40 p.m. to Tuesday, 3/7/00 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — MARCH 7, 2000
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

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

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap and City Clerk Evans.

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

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

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a)).

The meeting was reconvened to open session at 7:20 p.m.

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3. ADJOURNMENT. The meeting was adjourned at 7:20 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — MARCH 7, 2000
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.

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

1.2. Invocation. Police Chaplain Peter Hansen delivered the invocation.

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

1.4. Proclamations. The Mayor read a proclamation proclaiming March 12-18, 2000 as Girl Scout Week and presented it to members of Troop 94. He also read a proclamation proclaiming April 10-16, 2000 as Students in Free Enterprise Week and presented it to representatives of SIFE.

1.5. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Airport Manager Bob Grierson, Housing Officer McLaughlin and Community Development Assistant Sellers.

1.6. Closed Session Announcement. None.

2. CONSENT AGENDA. No Items

3. NOTICED PUBLIC HEARINGS. No Items

4. REGULAR AGENDA.
4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD ON 2/7/00

Councilmember Keene reviewed a memorandum dated 2/11/00 reporting on the Finance Committee meeting held on 2/7/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair.

Consent Agenda

A. (Agency action required) Approval of Request from DiDuca Bros., Inc. for a Loan from the Low and Moderate Income Housing Fund (LMIHF) to Develop an Affordable Single Family Subdivision. The Committee recommended (3-0) approval of the request from DiDuca Bros., Inc. for a $282,000 loan from the Agency’s Low and Moderate Income Housing Fund, subject to the conditions recommended by the Housing Officer in his memorandum of 1/27/00.

This evening the Council received a letter dated 3/7/00 from Joe DiDuca withdrawing his request for Agency funding assistance for this low/moderate income housing project on Floral Avenue, indicating that the project was no longer economically feasible due to excessive costs for utility improvements.

Regular Agenda

B. (Council action required) Review of 1998-99 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency. The Committee recommended (3-0) that the Council accept the 1998-99 Fiscal Year Audit Reports for the City of Chico, the Chico Redevelopment Agency, the Chico Public Financing Authority, the Single Audit Reports, and the Transportation Development Act Funds Financial Report.

Councilmember Herbert moved acceptance of the audit reports. The motion was seconded and unanimously carried.

C. (Council action required) Consideration of Additional Allocation of HOME Investment Partnership Program (HOME) Funds to the Tenant Based Rental Assistance Program. The Committee (3-0) recommended approval of an additional allocation of $50,000 from the HOME fund to the Tenant based Rental Assistance Program in order to allow it to operate through 6/30/00.

APPROVAL OF BUDGET MODIFICATION ALLOCATING $50,000 FROM FEDERAL HOME UNALLOCATED FUNDS TO THE TENANT BASED RENTAL ASSISTANCE PROGRAM. Councilmember Herbert moved approval of the Budget Modification. The motion was seconded and unanimously carried.

D. (No action required — this was presented to the Agency on 2/15/00) Presentation Regarding Chico Senator Theatre Business Plan. Since no action was being requested on the part of the City at this time, the Committee (3-0) directed staff to include this matter on the City Council’s Redevelopment Agency agenda of 2/15/00 for a presentation only.

E. (Council action required) Consideration of Appeal Fee Reduction or Waiver. The Committee (3-0) recommended against implementation of an appeal fee waiver process.

Councilmember Jarvis stated that she was still interested in implementing some process to assist anyone who was unable to pay the filing fee. Council and staff discussed the ability of members of the Council to call up the record on an appeal or considering a request for a fee waiver, a means of notifying prospective appellants of the procedures, and modifying the appeal form.

Following discussion, Councilmember Keene moved approval of implementing a fee waiver process, revising the appeals form so appellants could indicate if paying the fee would be a financial hardship, and allowing staff to make the determination regarding the financial hardship. Councilmember Kirk seconded the motion with an amendment to apply the low income guidelines used for the Utility Users Tax as set forth in the Municipal Code. The motion and...
amendment were then unanimously carried.

F.  (No Council action required)
Review of 2000-2001 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Citizen Participation Schedule. The Committee took no action since this item was presented for information only at this time.

Councilmember Jarvis then moved to accept the report and remaining recommendations of the Finance Committee. The motion was seconded and unanimously carried.

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

6.  ADJOURNMENT.  The meeting was adjourned at 7:55 p.m. to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — MARCH 7, 2000
Chico Municipal Center, Council Chamber, 421 Main Street

1.  CALL TO ORDER.  The Mayor called the meeting to order at 7:55 p.m.

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

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Airport Manager Bob Grierson, Housing Officer McLaughlin and Community Development Assistant Sellers.

2.  CONSENT AGENDA

2.1.  ORDINANCE OF CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) -- AMENDMENT NO. 8 -- INTRODUCTORY READING

By memorandum dated 2/7/00, the Director of Public Works reports on a request from the Downtown Chico Business Association to amend its original franchise agreement adopted 4/5/94. This ordinance will amend Section D, entitled “Days and Times,” of the franchise by eliminating the “Spring Fling” event, by changing the name of the “Fall Harvest Faire” to the “Harvest Sidewalk Sale” and adding Friday to that event, and by eliminating the word “Farmers” from the Thursday Night Markets. All other provisions of the franchise remain unchanged. A public hearing has been scheduled for 3/21/00, a notice of which will be published and mailed to all franchisees and permittees who are authorized by the City to sell food and beverages from City streets and sidewalks. The Director of Public Works recommends adoption of the ordinance.


By memorandum dated 2/4/00, the Director of Public Works reports on a request from the Downtown Chico Business Association to amend its original franchise agreement adopted 4/5/94. This ordinance will amend Section D, entitled “Days and Times,” of the franchise by eliminating the “Spring Fling” event, by changing the name of the “Fall Harvest Faire” to the “Harvest Sidewalk Sale” and adding Friday to that event, and by eliminating the word “Farmers” from the Thursday Night Markets. All other provisions of the franchise remain unchanged. A public hearing has been scheduled for 3/21/00, a notice of which will be published and mailed to all franchisees and permittees who are authorized by the City to sell food and beverages from City streets and sidewalks. The Director of Public Works recommends adoption of the ordinance.

2.3.  RESOLUTION NO. 99 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 243 - AIRPORT FEES)
By memorandum dated 2/18/00, Management Analyst Herman submits the Airport Commission’s recommendation that the City of Chico Fee Schedule-Airport Fees be amended to eliminate the maximum $7.50 per acre per year and the minimum $100 per year lease fee for the use of City property within the Chico Municipal Airport clear zones. This revision will provide for lease rental fees to be based on the fair market lease value through a competitive bid process as recommended by the Airport Commission at its 11/30/99 meeting. The Airport Commission recommends adoption of the resolution.

2.4. RESOLUTION NO. 100 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

This resolution will authorize the destruction of certain City records in the City Clerk’s Office that are over two years old and are listed on Exhibit A attached thereto. The City Attorney has consented to the destruction of the records. The City Clerk recommends adoption of the resolution.

2.5. RESOLUTION NO. 101 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2925 Godman Ave. / A.P. NO. 007-220-013

By memorandum dated 2/1/00, the Director of Public Works reports that in accordance with a petition from the property owner, Eric R. & Liane H. Christensen, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 2/1/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. This property is the last of a group of properties tributary to the proposed Lassen Avenue sewer trunk line for which petitions were accepted in 1998 for payment of Water Pollution Control Plant (WPCP) Capacity Fees via Assessment In Lieu. The Director of Public Works recommends adoption of the resolution.

2.6. RESOLUTION NO. 102 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2059 Hooker Oak Avenue / A.P. NO. 045-412-009

By memorandum dated 1/11/00, the Director of Public Works reports that in accordance with a petition from the property owner, Carol Myers, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 1/11/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.7. RESOLUTION NO. 103 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 24 CHICO MUD CREEK DRAINAGE

By memorandum dated 2/17/00, the Community Development Assistant reports that the City approval of the Sunwood Estates Subdivision required the annexation of this project to County Service Area No. 24 (Chico Mud Creek Drainage) for the maintenance of storm drainage facilities. This 40-lot single-family residential subdivision is located on the east side of Ceanothus Avenue, 1,980 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, the City Council must consent to such annexation. The Community Development Assistant recommends adoption of the resolution.

2.8. RESOLUTION NO. 104 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (LOT 15, ARROYO GREENS SUBDIVISION, ASSESSOR’S PARCEL NO. 011-560-025)

By memorandum dated 2/7/00, the Director of Public Works reports that the property owner, Arroyo Greens Development Corporation, has petitioned the City of Chico to abandon the public utility easement on Lot 15 of the Arroyo Greens Subdivision (located on Via Casita Place off of Canyon Oaks Terrace, adjacent to the Canyon Oaks Golf Course) in conjunction with a boundary line modification between Lots 14 and 15. A new public utility easement will be dedicated to the City to replace the abandoned easement. The abandonment of the public utility easement will be recorded after the
new easement is dedicated to the City. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing for 4/4/00.

2.9. RESOLUTION NO. 105 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (855 BRUCE ROAD, ASSESSOR’S PARCEL NO. 011-160-014)

By memorandum dated 2/4/00, the Director of Public Works reports that Windchime of Chico, on behalf of the property owner, Enloe Medical Center, has petitioned the City to abandon a portion of the 20-foot-wide public utility easement at 855 Bruce Road, for realignment of the existing sanitary sewer line to allow for future development of the property. The abandonment of the public utility easement will be recorded after the realigned easement is dedicated to the City. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing for 4/4/00.

2.10. MINUTE ORDER NO. 5-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT FOR PUBLIC VEHICULAR AND PEDESTRIAN ACCESS ON BRUCE ROAD, NEAR LAKEWEST DRIVE, ASSESSOR’S PARCEL NO. 011-480-001

Subdivisions typically require relinquishment of abutter’s rights to the City to restrict direct access to major collector or arterial streets. However, once design of a development project is complete and the access needs are identified, the property owner may request access rights from the City. In order to allow vehicular and pedestrian access and circulation for future development of Assessor’s Parcel No. 011-480-001, the owners, Guillon, Inc. and Doug and Debbie Guillon, have requested a public access easement across a portion of the parcel at the northeast corner of Bruce Road and Lakewest Drive which currently has restrictions. The Community Development Director recommends approval of the minute order.

2.11. MINUTE ORDER NO. 6-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE ASSIGNMENT OF DEFERRED COMPENSATION ADMINISTRATION AGREEMENT

By Minute Order 2-95, the City Council authorized the City Manager to execute agreements with Great Western Bank for investment and administrative services for the City’s deferred compensation program. Subsequent to that agreement, Washington Mutual, successor in interest to Great Western, requested that the City execute an assignment which would assign the general administrative duties and responsibilities to National Deferred Compensation. National Deferred has been in existence since 1973 and has been working with the City’s plan in various degrees since 1995. This minute order would formalize the assignment of the Deferred Compensation Administration Agreement and authorize the City Manager to execute any future amendments or documents required in connection with the deferred compensation administration agreement with plan providers. The Assistant City Manager recommends approval of the minute order.

2.12. APPROVAL OF ADMINISTRATIVE PROCEDURE AND POLICY FOR ENVIRONMENTAL REVIEW UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAMS

By memorandum dated 2/22/00, the Housing Officer submits Administrative Procedure and Policy (AP&P) 27-14 for Council consideration. The purpose of the AP&P is to designate the City Manager as the City’s certifying officer for environmental review under the CDBG and HOME programs. The Housing Officer recommends approval of AP&P 27-14.

2.13. APPROVAL OF MINUTES FOR MEETINGS HELD ON FEBRUARY 1, AND 8, 2000

The Council has been provided with copies of minutes for its meetings held on 2/1/00 and 2/8/00.

2.14. (Added by Posted Addendum.) RESOLUTION NO. 106 99-00 -- RESOLUTION AUTHORIZING GRANT OF LICENSE TO GUILLON BUSINESS PARK PROPERTIES (ENCROACHMENT ON PUBLIC RIGHT OF WAY FOR CONDUIT UNDER OTTERSON DRIVE)

Alternative Materials Technology, Inc. has requested a grant of license to install a 2-inch-diameter conduit under Otterson Drive to house communication cables connecting the two office units at 311 and 312 Otterson Drive that it leases from the property owners, Guillon Business Park Properties and Guillon, Inc. The Director of Public Works recommends adoption
of the resolution.

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

4. **REGULAR AGENDA.**

4.4. **CONSIDERATION OF AWARD OF CONTRACT FOR TWO CLEAN-UP EVENTS IN BIDWELL PARK**

Councilmember **Keene Jarvis** moved that the Council take this item out of order as listed on the agenda and that it adopt a motion to review the action taken by the Bidwell Park & Playground Commission relating to the park clean-up events as described in the Park Director’s memorandum. The motion was seconded and unanimously carried.

Park Director Beardsley reviewed his memorandum dated 2/29/00 in which he reported that the Bidwell Park and Playground Commission recommended an award of contract for two public awareness and Bidwell Park clean-up events in 2000 to the Butte Environmental Council. The Park Director had recommended an award to California State University, Chico, College of Business, Students in Free Enterprise (SIFE) as being the lowest responsible bidder. Because of the time required to solicit volunteers, staff had requested that the matter be considered at this meeting.

Kelly Meagher, Honeyrun Road, Helen Ost, 1255 East Lindo Avenue, Karen Laslo, 468 East Sacramento Avenue, Lin Jensen, 468 East Sacramento Avenue, Nora Burnham, 3385 Clark Road, Butte Valley, Kimberly King, Park Commission member, Tom Barrett, Park Commission member, and Barbara Kopicki, Park Commission member, recommended awarding the contract to BEC. Reuben Williams, 708 ½ Pomona Avenue, John Gillander, Caryn Jones, 5 Deborah Terrace, Walter Cook, 42 Northwood Commons, Richard Elsom, CSUC Associated Students President, Robert Best, 624 Nord Avenue #35, Curt DeBerg, CSUC Faculty Advisor, and Larry Wahl, 312 Mansion Avenue, recommended awarding the contract to SIFE. Received this evening was a letter dated 3/4/00 from Mike & Dana Smith requesting that the contract be awarded to BEC.

Following Council discussion, Councilmember Jarvis moved that the contract be awarded to SIFE, that the next Request for Proposals list specific locations and a request for an estimate of the quantity of debris bidders expected to be picked up, and that this year’s event remain on the 4/22/00 bid date. Councilmember Kirk seconded the motion with an amendment because the RFP specified that dates and locations could be changed by the Park Director. Councilmember Jarvis concurred, and added to her motion that following a review by the Park Director he submit a written memorandum to the Council. The motion and amendment were unanimously carried.

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The Council recessed for 10 minutes and reconvened at 9:35 p.m.

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3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON REZONE NO. 99-9 (CITY OF CHICO)**

Planning Director Seidler reviewed a memorandum dated 01/26/00 from Associate Planner Sigona which reported that the Planning Commission voted 7-0 at its meeting of 01/20/00 to recommend City Council adoption of a proposed Negative Declaration and approval of Rezone No. 99-9 which would rezone 1.19 acres at the northwest corner of La Rocco Drive and Flying “V” Street from OC Office Commercial to OR Office Residential. Planning staff recommended that the City Council adopt the Negative Declaration and approve Rezone No. 99-9.

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

**ORDINANCE NO. 2191 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY**
3.2. **HEARING ON CHANGES AND MODIFICATIONS TO EASTWOOD ASSESSMENT DISTRICT**

Assistant City Manager Dunlap reported that at its 2/15/00 meeting, the City Council adopted a Resolution of Intention scheduling a public hearing at tonight’s meeting to consider modifications and changes to the Eastwood Assessment District. By memorandum dated 2/28/00, she provided background on the proposal to modify the description of work for the Eastwood Assessment District and reported on the 2/9/00 meeting with City staff and the property owners in the affected area. The proposed modifications would allow the use of the remaining construction funds for the installation of utilities generally in the area of Jan Court, Raley Boulevard, Bruce Road and Forest Avenue. She recommended adoption of the resolution and approval of the supplemental appropriation listed below.

Assistant City Manager Dunlap further reported that Mr. & Mrs. Rakesh Joshi intended to develop property at the corner of Bruce Road & the Skyway and had asked the City to use the remaining construction funds for the utilities. Mr. & Mrs. William Holdener, representing Eastwood Properties, which owned 10 parcels within the district, had indicated an interest in having the remaining bond funds from the district distributed to the property owners.

The City Manager, Assistant City Manager and Director of Public Works answered questions from the Council relating to the formation of the Eastwood Assessment District, the refunding of the district, and the Eastwood Subdivision. The City Manager recommended Council approval of the resolution and supplemental appropriation subject to his approving a contribution agreement and the City facilitating a split of the two larger parcels owned by Eastwood Properties on the Skyway.

David Oster of Jones Hall, bond counsel, explained the law and the process under which the assessment district was formed, and the process for utilizing the remaining funds for the public utilities.

Jeanine Holdener, 975 Hillview Drive, Dixon, representing Eastwood Properties, reviewed a letter that she handed to the Council this evening. It was her understanding that utilities were not installed initially because the ultimate development of the property was not known at the time, that Mr. Joshi purchased the property at a reduced rate because of the absence of utilities, that Eastwood Properties should receive some compensation for paying into the district, and that she currently had another parcel in escrow that this situation would affect.

Councilmember Guzzetti questioned if the City might reimburse all the current owners and allow them to resolve the situation, rather than benefitting only certain properties. The City Manager indicated that he didn’t believe the City had a responsibility, but without a resolution of the matter he would expect that a legal action would be filed.

Rakesh Joshi, 9640 Staci Drive, Live Oak, stated that he was not aware of the situation relating to utilities when he acquired the property, that he was willing to pay his fair share if they were installed, and that other property owners in the district were in agreement with having the utilities installed with the exception of Eastwood Properties. Mrs. Holdener noted that the prospective owner of the property in escrow was willing to pay the cost of installing his own utilities.

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

**RESOLUTION NO. 107 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING CHANGES AND MODIFICATIONS AND AUTHORIZING EXECUTION OF RELATED AGREEMENTS - EASTWOOD ASSESSMENT DISTRICT.** After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

**SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS IN THE AMOUNT OF $315,063 TO FUND INSTALLATION**
OF UTILITIES WITHIN THE EASTWOOD ASSESSMENT DISTRICT. Councilmember Jarvis moved approval of the supplemental appropriation, subject to the City Manager negotiating a contribution agreement among the property owners within the Eastwood Assessment District. The motion was seconded and unanimously carried.

3.3. HEARING ON ANNEXATION OF BRYANT AVENUE ANNEXATION DISTRICT NO. 7

Community Development Assistant Sellers reviewed his memorandum dated 2/14/00 regarding the annexation of 29 parcels, totaling 25.208 acres, located on Bryant Avenue, Filbert Avenue and Vallombrosa Avenue. The area was designated as low density residential in the General Plan and prezoned R-1 Single Family Residential. Twenty-seven of the parcels were developed with existing single family residences, one with a Cal Water well and one with a church parking area. It was proposed to further subdivide two of the parcels to create additional lots for single family residences. This annexation was initiated at the request of the owner of one of the parcels to facilitate sanitary sewer connection for an existing single family residence, and adjacent property owners had requested that their properties be included in the annexation.

He further reported that since this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election if the protest represented more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represented less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, he recommended adoption of the resolution.

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

RESOLUTION NO. 10899-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-16. CITY OF CHICO - BRYANT AVENUE ANNEXATION DISTRICT NO. 7. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.4. HEARING ON ANNEXATION OF CAMEO DRIVE ANNEXATION DISTRICT NO. 2

Community Development Assistant Sellers reviewed his memorandum dated 2/14/00 regarding the annexation of 57 parcels, totaling 31.246 acres, located on Burnap Avenue, Cohasset Road, Cameo Drive and Coral Circle. The area was designated as low density residential, medium density residential, high density residential, community commercial and public in the General Plan. The area had been prezoned consistent with the General Plan designations. Fifteen of the parcels were developed with single family residences, four contained churches and related facilities, one was developed with a mini-storage complex, 33 contained a total of 142 multiple family residential units, two contained small office complexes, one was used as a county fire station and one was vacant. This annexation was initiated at the request of the owners of several of the parcels to facilitate sanitary sewer connection.

He further reported that since this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election if the protest represented more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represented less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, he recommended adoption of the resolution.

The Community Development Assistant noted that letters dated 3/3/00 were received from Olga Sanchez, 3007 Cohasset Road, and Antonio and Sharon Sanchez, 2981 Cohasset Road, indicating that they wanted their property to stay “zoned in the County”, and that they would be unable to attend tonight’s meeting. He indicated that the Sanchezes appeared to be objecting to annexation, but, as worded in their letters, they were “against the rezoning”. This evening the Council received a letter from Ynez & Amelia Castillo, 2625 Burnap Avenue, and Robert Eberhardt, 2621 Burnap Avenue, protesting...
the annexation of their properties to the City. The Community Development Assistant reported that the protests did not constitute a majority protest.

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

RESOLUTION NO. 10999-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-01 - CITY OF CHICO - CAMEO DRIVE ANNEXATION DISTRICT NO. 2. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.5. HEARING ON ANNEXATION OF EAST AVENUE ANNEXATION DISTRICT NO. 18

Community Development Assistant Sellers reviewed his memorandum dated 2/15/00 regarding the annexation of 5 parcels, totaling 5.262 acres, located at 2460 Ceres Avenue; and 1095, 1096, 1157 and 1165 East Avenue. The area was designated as office in the General Plan and prezoned O-R Office Residential. One parcel contained a convenience market, three were developed with offices and one was improved with a single family residence. This annexation was initiated at the request of the owner of one of the parcels to facilitate sanitary sewer connection for a new office complex. As this uninhabited (fewer than 12 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed. (2) Approve the annexation if the protest represented less than 50% of the assessed value of land in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

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

RESOLUTION NO. 11099-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-03 - CITY OF CHICO - EAST AVENUE ANNEXATION DISTRICT NO. 18. After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.6. HEARING ON ANNEXATION OF EAST 20TH STREET ANNEXATION DISTRICT NO. 12

The Community Development Assistant reviewed his memorandum dated 2/15/00 regarding the annexation of 5 parcels, totaling .509 acre, located at 458, 464, 470 and 480 East 20th Street. The area was designated as low density residential in the General Plan and prezoned R-1 Low Density Residential. One parcel was vacant and four were developed with single family residences. This annexation was initiated at the request of the owner of one of the parcels to facilitate sanitary sewer connection and supported by two other owners.

As this uninhabited (fewer than 12 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed. (2) Approve the annexation if the protest represented less than 50% of the assessed value of land in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

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

RESOLUTION NO. 11199-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-20 - CITY OF CHICO - EAST 20TH STREET ANNEXATION DISTRICT NO. 12. After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.
3.7. HEARING ON ANNEXATION OF HUMBOLDT AVENUE ANNEXATION DISTRICT NO. 14

Community Development Assistant Sellers reviewed his memorandum dated 2/14/00 regarding the annexation of 15 parcels, totaling 2.934 acres, located on Humboldt Avenue, between Aspen Street and Alder Street. The area was designated as low density residential in the General Plan and prezoned R-1 Single Family Residential. Eleven of the parcels were developed with existing single family residences, one with a triplex, one with a commercial building and the last was a vacant City owned parcel acquired for creekside greenway. This annexation was initiated at the request of the owner of one of the parcels to facilitate sanitary sewer connection for an existing single family residence, and the owners of four adjacent parcels requested that their properties be included in the annexation.

As this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election if the protest represented more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represented less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

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

RESOLUTION NO. 11299-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO 00-12 - CITY OF CHICO - HUMBOLDT AVENUE ANNEXATION DISTRICT NO. 14. After reading the title, Councilmember Lange moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.8. HEARING ON ABANDONMENT AND VACATION OF A PUBLIC SERVICE EASEMENT ON SIERRA NEVADA COURT

Councilmember Guzzetti reported that he would abstain from voting or discussion on this item since he had prior business dealings with the property owner.

Public Works Director Ross reviewed his memorandum dated 2/2/00 in which he reported that the property owner, Grossman Family Trust, had petitioned the City to abandon the 3-foot-wide public service easement on Sierra Nevada Court, in conjunction with a boundary line modification, to allow for expansion of the Sierra Nevada Brewery. At its 2/15/00 meeting, the City Council adopted a resolution of intention to abandon this easement and set a public hearing for 3/7/00. The Director of Public Works recommended adoption of the resolution.

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

RESOLUTION NO. 11399-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC SERVICE EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA COURT, ASSESSOR'S PARCEL NO. 005-550-028). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 2/8/00

Councilmember Jarvis reviewed a memorandum dated 2/14/00 from the Internal Affairs Committee that provided a report on its meeting held on 2/8/00, at which time the matters listed below were considered. Committee members present were
Consent Agenda
(Mayor Bertagna was absent during approval of the Committee’s Consent Agenda)

A. (Council action required)

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

B. (Council action required)
Approval of Modifications to Chico Municipal Center Parking Lot to Improve Traffic Circulation. The Committee recommended (2-0, Bertagna absent) that $25,000 be allocated to modify the circulation pattern of the Chico Municipal Center Parking Lot by constructing a new access point on Flume Street and modifying the existing East 4th Street access to eliminate entrance capability and allow for exit only.

Councilmember Keene reported that the Finance Committee considered the supplemental appropriation at its 3/6/00 meeting, and recommended two speed undulations at a cost of approximately $6,000 rather than spending $25,000 to modify the circulation pattern.

APPROVAL OF SUPPLEMENTAL APPROPRIATION ALLOCATING $25,000 FOR MODIFICATION OF THE CHICO MUNICIPAL CENTER PARKING LOT. Councilmember Keene moved approval of an amended supplemental appropriation in the amount of $6,000 to install two six-foot speed undulations. The motion was seconded and unanimously carried.

C. (Council action required)
Approval of Recommendation for Amendment to Land Use Regulations to Allow for Sale of Donated Cars by Non-Profit Organizations. The Committee recommended (2-0, Bertagna absent) that the zoning ordinance be amended to allow for sale of donated cars by non-profit organizations on private property for no more than 6 months during any 12 month period.

This evening the Council received a letter dated 2/28/00 from Captain Ray Yant of the Salvation Army requesting that the organization be exempted (from the provision in the proposed Code amendment which would limit sale of cars by non-profits on private property to six months out of the year), and that it be allowed to sell its vehicles Monday through Friday from 8:00 a.m. to 4:00 p.m. during regular business hours throughout the year.

Mayor Bertagna announced that he had a potential conflict of interest because the property on which his business was located on Mangrove Avenue was shared by a non-profit organization, and he would therefore abstain from voting or discussion on this item. Vice Mayor Herbert then presided over this portion of the meeting.

Larry Wahl, Salvation Army Advisory Board, reported that they only needed permission to sell from their West 8th & Salem Streets lot. Captain Ray Yant of the Salvation Army added that sale hours would only be Monday through Friday during regular business hours.

In response to Council questions, the City Attorney recommended that he and the Planning Director review appropriate zones for the sale of donated cars by non-profit organizations, and report back to the Council. Councilmember Keene moved approval of the City Attorney’s recommendation, with a report to be provided to the Council at its first meeting in April. The motion was seconded and carried with Mayor Bertagna abstaining.

Mayor Bertagna presided over the remainder of the meeting. Councilmember Keene moved that the Council continue this evening’s meeting past 11:00 p.m. The motion was seconded and unanimously carried.
Regular Agenda
(Mayor Bertagna arrived at the beginning of the Committee’s Regular Agenda)

D. (No Council action required at this time — a meeting has been scheduled for 4/13/00 for Council consideration of this matter)
Consideration of Amendments to the City’s Noise Ordinance. The Committee recommended (2-1, Bertagna voting no): (1) that the warning period before a noise violation citation was issued be 12 hours; and (2) that the remainder of the issues concerning amendments to the noise ordinance, including the subjective test (Section 9.38.052) vs. the objective test (noise meters) for corroboration of a complaint, and determination of noise level standards, be forwarded to the full Council for consideration. The City Attorney indicated he would revise the proposed draft ordinance to require a warning before issuance of a complaint in all instances.

E. (No Council action required)
Consideration of Traffic Concerns on Bar Triangle Street. The Committee recommended (3-0) that no changes be made to Bar Triangle Street, as recommended by staff.

F. (Council action required)
Consideration of Indemnity Policy for New Development. The Committee recommended (3-0) that the City Attorney be directed to draft implementing language for indemnification agreements with developers as part of the process of updating Titles 18 and 19 of the Chico Municipal Code.

John Gillander didn’t believe that an ordinance was necessary and that existing State law provisions were sufficient to protect the City.

Following discussion, Councilmember Jarvis moved approval of the Committee’s recommendation. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmembers Herbert and Keene voting no.

G. (Council action required)
Consideration of Remedies for Violations of Subdivision Conditions, Including Mitigation Measures. The Committee recommended (3-0) that the City Attorney be directed to implement the seven remedies for subdivision violations as set forth in his 2/1/00 memorandum, as well as the “Notice of Land Use Approval” mentioned today, in connection with the update of Title 18 of the Chico Municipal Code.

Councilmember Jarvis reported that the seven proposed modifications to the current development process included (1) addition of owner’s statement, (2) coordination of annexation process with subdivision process, (3) signed acceptance of subdivision conditions, (4) use of performance bonds to secure conditions, (5) recordation of improvement agreements, (6) violations of conditions as violations of Chico Municipal Code, and (7) use of civil remedies.

Following discussion, Councilmember Kirk moved approval of the Committee’s recommendation, including the Notice of Land Use Approval that could be included in the title report on the land. The motion was seconded and unanimously carried.

Councilmember Keene moved to accept the report and remaining recommendations of the Committee. The motion was seconded and unanimously carried.

4.3. PRESENTATION BY REGIONAL WATER QUALITY CONTROL BOARD REGARDING NITRATES
The Regional Water Quality Control Board (RWQCB) made a request to discuss the status of nitrates in the urban area with the City Council. By letter dated 2/28/00, the RWQCB staff outlined the issues to be addressed.

Ronald Dykstra, staff engineer with the Central Valley Region of the California Regional Water Quality Control Board (RWQCB), Redding, provided historical background information on the Prohibition Order issued in 1990 for properties in the Chico Urban Area to discontinue use of septic tanks with some exceptions for lower-density parcels. He added that while the majority of parcels affected at the time the Order was issued were located in the unincorporated area, at this time the majority were now located in the City due to annexation.
Jim Pedri, Assistant Executive Officer, Shasta Cascade Watershed, reported that the Legislature and Governor were looking for some action on the part of the RWQCB to enforce the Order, that they were attempting to reach some agreement with the County on a monitoring program that would allow some parcels to remain on septic tanks but have them subject to an ongoing groundwater monitoring program, that the RWQCB would be meeting in Chico in June and would hope to have at least a Memorandum of Understanding or some commitment soon, and that the City’s role was important because it had the Water Pollution Control Plant.

4.4. CONSIDERATION OF AWARD OF CONTRACT FOR TWO CLEAN-UP EVENTS IN BIDWELL PARK

(This item was considered earlier in this meeting.)

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

5. BUSINESS FROM THE FLOOR.

Taking Agenda Items Out of Order. Tim Bousquet noted that he missed the discussion on item 4.4 because it was considered earlier in this evening’s meeting, and he recommended that the Council follow the order of items as listed on the agenda so that interested members of the audience could time their attendance accordingly.

6. REPORTS AND COMMUNICATIONS

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

6.1. Memorandum dated 2/10/00 from the Finance Director reporting that the list of claims paid during the month of January 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.2. Memorandum dated February 22, 2000, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. ADJOURNMENT

The meeting was adjourned at 11:35 p.m. to Friday, 3/17/00 at 11:00 a.m. in Conference Room No. 1 for a presentation regarding the California State University, Chico Master Plan.
ADJOURNED REGULAR CITY COUNCIL MEETING - MARCH 17, 2000
Chico Municipal Center, Conference Room No. 1, 421 Main Street, 11:00 a.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 11:00 a.m.

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

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Kirk and Lange. Absent - Councilmember Keene.


City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Fire Division Chief Scholar, Senior Planner Hayes and Public Information Technician Wood.

2. CONSENT AGENDA. No items.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.


City Manager Lando reported that representatives from the University would give a presentation on the new Master Plan process and issues to the City Council. Planning Commission members had also been invited to attend. In attendance to represent the University were Richard Thompson of A.C. Martin Partners, Consultant, along with Greg Francis, Facilities Planning, and Dennis Graham, Vice President for Business & Finance.

Mr. Thompson reviewed the process for developing a new Master Plan, the existing layout of buildings and open space, the layout of campuses in other communities, the progression of buildings and facilities placed on the campus over the years, the history of the University and the City that would be considered in the new plan, the edges that would define the boundaries of the campus, using Big Chico Creek as a spine for the campus, the varied architectural styles and landscaping now existing on the campus, and planning for the academic, physical education and housing needs of students. He then reviewed the 1990 Master Plan and those portions of it that had or had not been accomplished up to this time. He also explained what facilities were eligible for State funding and those that were not. They were preparing a list of needs and issues that would be discussed with the campus and community in the coming months.

Mr. Thompson and Mr. Graham answered questions from the Council, Planning Commission, City staff and members of the audience regarding the Master Plan.

Scott Chalmers, a member of the President’s Advisory Board, reported on meetings of the group regarding the Master Plan, and Mr. Graham reported on a Chamber of Commerce Eggs & Issues program regarding the Master Plan. Various Councilmembers asked that the Council be kept advised of these and any other upcoming meetings relating to the Master Plan.

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

5. BUSINESS FROM THE FLOOR. None.

6. REPORTS AND COMMUNICATIONS. No items.
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7. **ADJOURNMENT.** The meeting was adjourned at 12:25 p.m. for lunch in Conference Room No. 2, and then to Tuesday, 3/21/00 at 7:00 p.m. in Conference Room No. 2 for a closed session, followed by an adjourned regular meeting at 7:30 p.m. in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — MARCH 21, 2000
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

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

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

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

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

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

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

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

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — MARCH 21, 2000
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.

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

1.2. Invocation. Pastor Curtis Barbarick, Church of Christ, delivered the invocation.

1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Senior Planners Hayes and Jolliffe, and Management Analysts Halldorson and Herman.

1.5. Closed Session Announcement. None.

2. CONSENT AGENDA.

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO MAKE A TECHNICAL CORRECTION TO THE DEFINITION OF “NUISANCE” — INTRODUCTORY READING
By memorandum dated 3/3/00, the City Attorney reports that this ordinance will amend the Municipal Code by deleting a reference to couches from the definition of “nuisance” as recommended by the Internal Affairs Committee. It adds a modified definition of “nuisance” as “Dilapidated furniture in yards or on unenclosed porches”. The City Attorney recommends adoption of the ordinance.

2.2. RESOLUTION NO. 114 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2R.04, ENTITLED "ADMINISTRATION," OF THE CHICO MUNICIPAL CODE BY ADDING THERETO A NEW SECTION 2R.04.035, ENTITLED "CITY MANAGER AUTHORIZED TO EXECUTE DEEDS CONVEYING ACCESS EASEMENTS TO CITY STREETS TO REPLACE DEDICATED ABUTTER'S RIGHTS"

By memorandum dated 3/7/00, the Community Development Director reports that subdivisions typically require relinquishment of abutter’s rights to the City to restrict direct access to major collector or arterial streets. However, once the design of a development project is complete and the specific access needs are identified, the property owner may request access rights from the City. In the past this has been handled through an abandonment of the abutter’s rights, but it has subsequently been determined that deeding access rights to the property owner is the appropriate process. Through this mechanism, the City grants an easement across that portion of the property which previously had access restrictions. The proposed resolution would give the City Manager authority to sign deeds granting access easements to City streets to replace dedicated abutters' rights so that such matters can be handled administratively, without necessitating Council approval each time an access easement is requested. The Community Development Director recommends adoption of the resolution.

2.3. RESOLUTION NO. 115 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

By memorandum dated 2/1/00, the Personnel Director requests authorization to destroy obsolete recruitment, chronological and purchasing files. Such routine records destruction is allowed pursuant to Government Code Section 34090. The records identified for destruction are two or more years old. The City Attorney has consented to destruction of the records specified in this resolution. Records to be destroyed will be shredded and recycled. The Personnel Director recommends adoption of the resolution.

2.4. (Removed from the Consent Agenda at the request of Councilmembers Keene and Kirk.)

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 90 (AMBER GROVE/GREENFIELD SUBDIVISION)

By memorandum dated 3/2/00, the Director of Public Works reports that a resolution of intention to form this district was previously adopted by Council at its meeting of 9/21/99. Subsequently, ballots were mailed and public hearings were scheduled. At the first public hearing, Council requested that staff conduct a neighborhood meeting to address the concerns of some of the residents, and the process to form the district was abandoned. A neighborhood meeting was held on 2/23/00, and approximately twelve residents attended. As a result of that meeting, modifications were made which resulted in a reduction of the annual assessment from $9.82 per year to $3.43 per year per residential parcel. Since these subdivisions were built in the County, and the County Service Area (CSA #150) was dissolved upon annexation to the City in 1996, no funding mechanism currently exists for the future replacement and annual maintenance and operation of the storm drainage facilities for these subdivisions. In accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council is being asked to adopt the above resolution which will direct the City Clerk to schedule two public hearings on the proposed district. Prior to the hearings, a revised ballot will be mailed to all property owners to allow them to vote on whether they wish to be assessed for the ongoing maintenance and operation of the district and the establishment of a reserve fund for replacement of the storm drainage facilities. The Director of Public Works recommends adoption of the resolution and that the City Clerk schedule the public hearings.

By letter dated 3/9/00, Greg Webb of Webb Homes indicates his disagreement with what is currently being proposed, and requests that the Council accept the original plan for maintaining the ponds.

2.5. RESOLUTION NO. 116 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 16TH STREET
ANNEXATION DISTRICT NO. 3

By memorandum dated 3/7/00, the Community Development Assistant forwards a report on initiation of the annexation of 873 East 16th Street. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with a single family residence. The Community Development Assistant recommends adoption of the resolution.

2.6. APPROVAL OF MINUTES FOR MEETING HELD ON FEBRUARY 15, 2000

The Council has been provided with copies of minutes for its meeting held on 2/15/00.

2.7. ACCEPTANCE OF RESIGNATION OF TODD HALL FROM ARTS COMMISSION

By letter dated 2/29/00, Todd Hall submits his resignation from the Arts Commission, effective on the date of his letter. This resignation will create a vacancy, the term of which expires 1/01/01, and the Council may consider making an appointment during the Regular Agenda.

Councilmember Jarvis moved adoption of each resolution and approval of all other items on the Consent Agenda, except item 2.4. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ORDINANCE AMENDING THE DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) FRANCHISE FOR EXCLUSIVE USE OF CITY STREETS, SIDEWALKS, ETC. TO REVISE EVENTS, AND/OR EVENT NAMES/DATES

The Director of Public Works reviewed his memorandum dated 2/7/00 in which he reported on a request from the Downtown Chico Business Association to amend its original franchise agreement adopted 4/5/94. This ordinance would amend Section D, entitled “Days and Times,” of the franchise by eliminating the “Spring Fling” event, by changing the name of the “Fall Harvest Faire” to the “Harvest Sidewalk Sale” and adding Friday to that event, and by eliminating the word “Farmers” from the Thursday Night Markets. All other provisions of the franchise would remain unchanged. Notice of this hearing was published and mailed to all franchisees and permittees who were authorized by the City to sell food and beverages from City streets and sidewalks. The Director of Public Works recommended adoption of the ordinance.

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

ORDINANCE NO. 2192 --ORDINANCE OF CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) -- AMENDMENT NO. 8 -- FINAL READING AND ADOPTION. After reading the title, Councilmember Keene moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. Resolution of Intent to Form Maintenance Dist. No. 90 (Amber Grove/Greenfield Subdivision). The Council discussed options on the amount of the assessments based on the plan developed in the County and the plan that resulted from the neighborhood meeting.

Greg Webb urged the Council to adopt the original assessment based on the plan developed in the County, noting that he had to consider future homeowners that would be residing in the subdivision.
Following discussion, Councilmember Keene moved that the Council approve the original assessment of $9.82 for submittal to a vote and explain to property owners in greater detail what it covered. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.4. CONSIDERATION OF REQUEST BY RAPE CRISIS INTERVENTION TO PLACE BOWS ON DOWNTOWN TREES, LAMP POSTS, ETC.

(This item was taken out of the order in which it was listed on the agenda.)

By letter dated 3/7/00, Alys Peck of Rape Crisis Intervention requested permission to place bows around trees, lamp posts, etc., along Main and/or Broadway (and/or the park in between these roads) in downtown Chico for the month of April, in observance of Sexual Assault Awareness Month and Child Abuse Prevention Month. (Several brochures were enclosed with the letter and were on file in the City Clerk’s Office.) It was noted that Ms. Peck was advised by City Staff that she should contact the Downtown Chico Business Association to inform them of this request to determine if they have any recommendations regarding it.

Hope Aguirre of Rape Crisis was present to respond to any Council questions.

Councilmember Jarvis moved approval of the request. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.2. CONSIDERATION OF FIVE-YEAR REVIEW OF THE GENERAL PLAN

By memorandum dated 3/9/00, Senior Planner Hayes forwarded the Five-Year Review of the General Plan, and Planning Commission recommendations regarding staff and public comments received to date. The Five-Year Review report was provided to the Council under separate cover. Any proposed amendments made by Council at today’s meeting would be submitted for appropriate environmental review and further consideration by the Planning Commission.

The Council was provided with a booklet submitted by Caryn Jones entitled, “The Chico General Plan 5-Year Review, The NON-staff Summary of public comments.” This evening the Council received a letter dated 3/16/00 from Barbara Vlamis, Butte Environmental Council, submitting comments and questions regarding the General Plan; letter received 3/16/00 from John Gillander, Chico Committee for Environmental & Economic Balance, commenting on the General Plan; letter dated 3/15/00 from Barbara Shockley regarding transportation needs in Butte County; and electronic message dated 3/20/00 from Julie Nasr providing comments on conflicts in the General Plan in relation to the Humboldt Road Burn Dump.

Senior Planner Hayes reviewed his 3/15/00 memorandum which was divided into the following categories: A - Land Use, Growth, Housing (items 1 thru 9)  
B - Transportation (items 10 thru 17)  
C - Resource Management Areas/Viewsheds (items 18 thru 22)  
D - Creekside Greenways/ Trails (items 23 thru 27)  
E - Downtown/ Transit Corridor (items 28 thru 30)  
F - Neighborhood Planning (item 31)  
G - Parks & Schools (items 32 thru 34)  
H - Noise (items 35 and 36)

A.1. Urban Boundary. Amend Urban Development Boundary to incorporate former Alkop Farms property north of Eaton Road and west of the Esplanade in the vicinity of Shasta Elementary School.

A.2. Clustering. Amend Implementing Policy LU-I-68 that requires clustering at higher elevations and define “clustering”.

A.3. Low & Moderate Income Housing. Consider deleting Implementing Policy H-I-11 regarding a study to increase from 20% to 30% the Low & Moderate Income Housing Fund set-aside of the RDA tax increment. Councilmember Jarvis was interested in increasing the set-aside, Councilmember Kirk suggested leaving the policy in case it was needed, and Councilmember Keene thought each case could be considered on an individual
A.4. **Floor Area Ratio.** Eliminate reference to “floor area ratio” in Land Use Element and substitute with lot coverage percentages used in Title 19 (Land Use Regulations).

A.5. **Industrial Areas.** Delete Implementing Policy LU-I-44 that requires master plans and infrastructure financing programs for newly developing industrial areas, since subdivision procedures cover installation and/or bonding of improvements.

A.6. **Emergency Shelters.** Delete Implementing Policies H-I-19 and 20 that require establishment of an overlay zone for emergency shelters, since Title 19 allows them in several zones with a use permit.

A.7. **Chapman-Mulberry Plan.** Initiate proceedings to adopt the Chapman-Mulberry Neighborhood Plan recently adopted by the County.

A.8. **Low Density Residential.** Consider designating available Very Low Density Residential land to Low Density Residential use. The Planning Commission did not recommend.

A.9. **Greenline.** Prioritize full implementation of LU-I-2 and 5 by initiating a joint effort with the County to evaluate the Greenline and establish a Greenbelt around the remainder of the Urban Area. The Planning Commission did not recommend.

Julie Nasr, 88 Lazy S Lane, recommended deleting the residential designation from the Humboldt Road Burn Dump site since testing and remediation of contaminated land would not make it financially feasible for such development. Kevin Quinn, 1978 Estates Way, requested a public meeting on the cleanup process and what alternatives were being considered.

The Council recessed for 10 minutes and reconvened at 8:55 p.m.

Helen Ost, 1255 East Lindo Avenue, urged that a decision be made regarding land use at the Burn Dump. John Gillander, Committee for Environmental & Economic Balance, indicated his concern that regulations relating to viewsheds, resource overlays, clustering and open space diminished the amount of land available for potential housing. Jim Mann, 70 Declaration Drive #101, representing Ildo Rosellini and Tom Fogarty, who owned property at the Burn Dump, reported that the residential designation should remain on the property or the density transferred elsewhere, that clustering was feasible on some of the property, and a meeting was needed with the landowners and the community regarding remediation costs. Barbara Shockley, Sierra Sunrise Village Lodge #120, recommended creation of an elected Transportation Board in Butte County to plan for future transportation needs.

Councilmember Keene moved approval of item #1. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Jarvis moved to retain Implementing Policies H-I-11, H-I-19 and H-I-20 set forth in items #3 and #6. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Keene moved approval of item #4. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Kirk moved approval of item #5. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Keene moved approval of item #7 for the portions relating to public improvements, and addressing land use upon annexation. The motion was seconded and carried with Councilmember Guzzetti being absent. The City Manager indicated that he would secure copies of the Chapman-Mulberry Plan for Councilmembers. Councilmember Keene moved that item #8 come back for further consideration after a staff analysis was provided to the Council. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Keene moved that item #9 be left in place and that the current policy be affirmed. The motion was seconded and carried with Councilmember Kirk voting no and Councilmember Guzzetti being absent. Councilmember Keene moved that item #2 be continued to a future meeting, including discussion on “clusterizing” and “encourage”. The motion was seconded and carried with Councilmember Guzzetti being absent.
B.10. **Circulation Map - Potter Road.** Amend map to realign future Potter Road on Oak Valley property between Humboldt and SHR 32 east of Bruce Road to avoid Johnson property. After discussing a four-way intersection at SHR 32 as recommended by staff and an offset intersection being recommended by Caltrans, the Council directed staff to interpret future road alignments for Potter Road as conceptual only with final alignment at the time of development, and that staff should discuss further with Caltrans the idea of the offset intersections of Potter and Yosemite. The Council favored a four-way intersection.

B.11. **State Highway Improvements.** Secure mechanisms for funding State highway facilities that serve the City.

B.12. **Circulation Map - Oversights.** Update to correct previous oversights.

B.13. **Bicycle Section.** Update to reflect the 1998 Bicycle Master Plan.

B.14. **Traffic Signalization.** Clarify Policies T-B-11 and T-I-28 and 30 to state that these policies would not apply to local streets that intersect collector or arterial streets unless they met traffic signal warrants.

B.15. **Congestion Management Plan.** Delete since these plans were no longer required by the State.

B.16. **Traffic Standard Levels.** Change current Level of Service D to Level of Service E. Planning Commission did not recommend.

B.17. **Alternative Street Standards.** Consider an implementing policy establishing alternative street standards, including traffic calming design for new streets. Internal Affairs Committee is considering this item.

Julie Nasr, 88 Lazy S Lane (#10), recommended that all agencies needed to approve the proposed land uses on the Humboldt Dump site and the parcels needed to be cleaned before Potter Road was realigned. Jean Miller, 435 Redwood (#12 thru #17), noted that the environmental review process had started for widening Manzanita Avenue and Bruce Road which she hoped would address the impact of the project on the surrounding area. Helen Ost, 155 East Lindo Avenue (#11 and #16), recommended acting on item #11 and changing the standard in item #16 or decide that the standard will not be met. Sharon Chamber, 600 Flume Street #216, asked if people purchasing property in the future would know that the Humboldt Dump was a toxic site.

Councilmember Jarvis moved approval of the Planning Commission’s recommendations relating to items #11 through #17, using the most current Bicycle Master Plan in item #13, using the term “strive” for Level of Service D in item #16 per current policy, and conceptually approve item #10 until staff could have further discussions with Caltrans. The motion was seconded and carried with Councilmember Guzzetti being absent.

C.18. **Resource Management Zoning Overlay.** Analyze land with known sensitive resources but no Resource Management Area designation. Staff will come back with a recommendation.

C.19. **Resource Management.** Modify page 7-12, second paragraph, line 9, to change language that was agreed to at the time of adoption of the General Plan relating to Resource Management, Monitoring and Reporting Information in the Open Space Element.

C.20. **Urban Uses Adjacent to Agricultural Uses.** Amend OS-I-45 for consistency with the recent adoption of the comprehensive Title 19 update.


C.22. **Foothill Viewshed.** Consider development standards for the Bruce Road/Manzanita Avenue/Eaton Road corridor to protect foothill viewshed. Planning Commission recommended consideration, but not as a high priority.

Don Kidd, 2211 ½ Floral Avenue (#22), asked if the height of trees and landscaping would also block the viewshed. Jon Luvaas, 1980 Wild Oak Lane (#22), recommended keeping a view of the foothills on the east side, including the view down streets, and amending the policy to require that development standards be prepared. Barbara Vlamis, 116 West 2nd Street #3, requested development and further discussion of criteria, definitions and standards on resources, and also updating the Meadowfoam plan. Senior Planner Jolliffe reported that the
regulatory agencies indicated this would be considered as each project came up. Elizabeth Devereaux, 296 Honey Run Road, agreed that resource thresholds were needed along with development standards to create viewshed corridors. John Gillander (#18 and #19), noted that he had provided a chart showing the progression through the various regulatory agencies for new development, and he therefore recommended that items #18 and #19 not be considered further.

Councilmember Jarvis moved approval of the Planning Commission’s recommendations relating to items #18, through #21, with staff to come back with recommended language relating to viewshed resources for inclusion in Title 19. The motion was seconded but failed to carry with Councilmembers Jarvis, Kirk and Lange voting aye, Councilmembers Herbert, Keene and Bertagna voting no, and Councilmember Guzzetti being absent. Councilmember Keene then moved approval of items #19 and #20. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Keene moved approval of item #21 if it was clear that the buffering would occur within a Resource Conservation Area rather than on adjacent property. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Jarvis moved to not approve the Planning Commission recommendation on item #22, but have staff report back on ways to protect viewsheds without amending the General Plan. The motion was seconded and carried with Councilmember Guzzetti being absent. Councilmember Jarvis moved approval of item #18. The motion was seconded but failed to carry with Councilmembers Kirk and Lange voting aye, Councilmembers Herbert, Jarvis, Keene and Bertagna voting no, and Councilmember Guzzetti being absent.

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The Council recessed for 10 minutes and reconvened at 10:45 p.m.

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Due to the lateness of the hour, the Council agreed to allow members of the audience speak on any of the remaining items without regard to the order in which they were reflected in the staff report.

Caryn Jones, 5 Deborah Terrace (#26), relating to the Annie Bidwell Trail from Bidwell Mansion to Ten-Mile Road, offered to build the trail with all volunteer labor by 2005 if the City would do the environmental review. Katie Jones, 5 Deborah Terrace, also spoke in support of the Annie Bidwell Trail. Helen Ost indicated her support of items #23 and #24 relating to creekside greenways and item #25.b relating to a uniform encroachment policy to all City parklands. Bob Purvis, 2259 Dorado Cerro, supported item #23 to add Dead Horse Slough and Little Chico Creek Diversion under the creekside greenway program. Katrina Davis, Downtown Chico Business Association, indicated their support of item #30 concerning preparation of a downtown action plan. Elizabeth Devereaux recommended a staff report and more detailed discussion at a future meeting relating to item #29 regarding the concept of an Inner Ring Transit Corridor.

E.30. Downtown Action Plan. Councilmember Jarvis moved approval of the Planning Commission’s recommendation to consider preparation of a downtown action plan. The motion was seconded and carried with Councilmember Guzzetti being absent.

E.26. Annie Bidwell Trail. Councilmember Jarvis moved approval of the language change, with staff to come back to Council if more than a mitigated negative declaration of environmental review was necessary, and to report to Council on the amount of staff time involved if an Environmental Impact Report was required. The motion was seconded and carried with Councilmember Guzzetti being absent.

Councilmember Jarvis moved to continue the five-year review of the General Plan to a date and time to be determined by the Mayor. The motion was seconded and carried with Councilmember Guzzetti being absent.

Councilmember Jarvis also moved to continue this meeting past the normal 11:00 p.m. adjournment time. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.6. APPOINTMENT TO ARTS COMMISSION

(This item was taken out of the order in which it was listed on the agenda.)

On this evening’s Consent Agenda, the Council accepted a resignation from the Arts Commission, and the term
of the vacancy would expire 1/1/01. By memorandum dated 3/7/00, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment. It was noted that Aaron Bor had called the City Clerk’s Office to withdraw his application from consideration.

Councilmember Jarvis nominated Kathy Barrett and Councilmember Keene nominated Gregg Payne. The Council first voted on the nomination of Kathy Barrett and she was unanimously appointed by affirmative votes from Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna, with Councilmember Guzzetti being absent.

4.3. CONSIDERATION OF REQUEST REGARDING YOUTH FORUM AND POSSIBLE FORMATION OF A YOUTH TASK FORCE

By letter dated 3/8/00, Councilmember Kirk proposed conducting a televised youth forum in the Council Chamber and she requested City Council concurrence and conceptual approval. She and Mayor Bertagna proposed to facilitate the forum, which would consist of youth sitting in the Council seats and engaging in discussions with professionals in the youth field regarding a database of all youth services, positive youth activities, and volunteer opportunities for youth. After hearing from the youth, it would be possible to determine the interest in forming a Youth Task Force and ultimately a Youth Master Plan. She added that the forum would probably be scheduled some time in September or October.

Councilmember Jarvis moved conceptual approval of the proposal. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.5. CONSIDERATION OF CITY PARTICIPATION IN SCOUR AND DEVOUR CLEANUP DAY SPONSORED BY CALIFORNIA STATE UNIVERSITY CHICO (CSUC)

City Manager Lando reported that the University planned to sponsor a Scour and Devour Cleanup Day on April 8 from 9:00 a.m. to 12:00 p.m. on the CSUC campus, in the north and south campus areas, and possibly downtown. If the Council wanted the City to participate and assume some of the costs for sweeping and barricading, City staff would coordinate with the committee, assist with reasonable needs and do a pickup on Monday.

Councilmember Jarvis moved approval of the City’s participation. The motion was seconded and carried with Councilmember Guzzetti being absent.

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

5. BUSINESS FROM THE FLOOR. None.

6. REPORTS AND COMMUNICATIONS

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

6.1. Memoranda dated 3/6/00 from Human Resources Commission Chair Jesse Allread report (per Administrative Procedure & Policy #10-8) on absences by Commissioners Charles Martin and Joseph Topping for more than two consecutive meetings. Each memorandum explains the reasons for the absences and indicates that each member is expected to attend the next meeting scheduled for 4/13/00.

6.2. Memorandum dated 3/6/00 from the Finance Director reporting that the list of claims paid during the month of February 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. ADJOURNMENT

The meeting was adjourned at 11:10 p.m. to Tuesday, 4/4/00 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — APRIL 4, 2000
Chico Municipal Center, Conference Room #2, 421 Main Street — 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

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

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

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2. CLOSED SESSION.

The Council adjourned to a closed session to consider the following:

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a)). This item was not discussed during the closed session.

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

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

REGULAR CHICO CITY COUNCIL MEETING — APRIL 4, 2000
Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.

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

1.2. Invocation. Pastor Jerry Skidgel, First Church of the Nazarene, delivered the invocation.

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

1.4. Introduction of City staff members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Fire Chief Brown, Housing Officer McLaughlin, Police Captains Klassen and Maloney, and Police Lieutenant Voris.

1.5. Proclamations. The Mayor read a proclamation proclaiming April 9-15 as Public Safety Dispatcher Appreciation Week, and presented it to dispatch supervisors in the Police/Fire Departments. He also read a proclamation proclaiming April as Sexual Assault Awareness Month, and presented it to representative of Rape Crisis Intervention & Prevention.

1.6. Closed Session Announcement. None.
2. CONSENT AGENDA

2.1. ORDINANCE NO. 2193 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO MAKE A TECHNICAL CORRECTION TO THE DEFINITION OF “NUISANCE” - FINAL READING AND ADOPTION

By memorandum dated 3/3/00, the City Attorney reports that this ordinance will amend the Municipal Code by deleting a reference to couches from the definition of “nuisance” as recommended by the Internal Affairs Committee. It adds a modified definition of “nuisance” as “Dilapidated furniture in yards or on unenclosed porches”. The City Attorney recommends adoption of the ordinance.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.32, ENTITLED “GLASS-FREE ZONE,” TO THE CHICO MUNICIPAL CODE TO PROHIBIT POSSESSION OF GLASS CONTAINERS ON CITY-OWNED PROPERTY DURING TIMES TO BE SPECIFIED — INTRODUCTORY READING

By memorandum dated 3/16/00, the City Attorney reports that this ordinance will amend the Municipal Code to establish a Glass-Free Zone in the downtown area, as previously defined, in which the possession of glass containers on City-owned property is prohibited. However, the prohibition would not be operative except during certain periods which would either be declared by resolution adopted by the Council or by letter from the City Manager to the Chief of Police and the Director of Public Works. The City Attorney recommends adoption of the ordinance.

2.3. RESOLUTION NO. 117 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 244 - PARKING FEES AND RATES)

By memorandum dated 3/17/00, the Finance Director transmits an amendment to the City of Chico Fee Schedule adding Section II-A-3, Annual Space Lease Renewal Fee. This addition to the Fee Schedule allows for payment of annual parking leases in four equal installment payments, which was authorized by the City Council at its meeting of 9/14/99. The Finance Director recommends adoption of the resolution.

2.4. RESOLUTION NO. 118 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - POMONA AVENUE ANNEXATION DISTRICT NO. 4

By memorandum dated 3/10/00, the Community Development Assistant forwards a report on the initiation of annexation proceedings for two parcels at 600 and 708 Pomona Avenue. One of the parcels proposed for annexation contains a triplex and the other a single family residence. The site is designated and prezoned for low density residential use. The annexation has been initiated to allow connection to the sanitary sewer system and abandonment of the failed septic system on one of the parcels. The Community Development Assistant recommends adoption of the resolution.

2.5. RESOLUTION NO. 119 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - IVY STREET ANNEXATION DISTRICT NO. 3

By memorandum dated 3/13/00, the Community Development Assistant forwards a report on initiation of the annexation of 15 parcels located on Park Avenue, Estes Road, Westfield Lane and north of the terminus of Ivy Street. This annexation includes the entirety of an “island of unincorporated territory” and will be processed through special provisions in state law. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed, or proposed for development, with light industrial uses. The Community Development Assistant recommends adoption of the resolution.

2.6. RESOLUTION NO. 120 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CERES AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated 3/13/00, the Community Development Assistant forwards a report on initiation of the annexation of 15 parcels located on Park Avenue, Estes Road, Westfield Lane and north of the terminus of Ivy Street. This annexation includes the entirety of an “island of unincorporated territory” and will be processed through special provisions in state law. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed, or proposed for development, with light industrial uses. The Community Development Assistant recommends adoption of the resolution.
By memorandum dated 3/10/00, the Community Development Assistant forwards a report on initiation of the annexation of 2670 Ceres Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property developed with a single family residence. The Community Development Assistant recommends adoption of the resolution.

2.7. RESOLUTION NO. 121 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW - (EAST SIDE OF SPRUCE AVENUE SOUTH OF EAST SACRAMENTO AVENUE)

By memorandum dated 3/13/00, the Director of Public Works reports that at the request of the adjacent owners, Lynn and Daniel Pardini, this resolution will initiate the abandonment process for a 15-foot wide strip of Spruce Avenue right-of-way. The Director of Public Works recommends adoption of this resolution which will schedule a public hearing at Council’s 5/2/00 meeting.

2.8. RESOLUTION NO. 122 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 90 (AMBER GROVE/GREENFIELD SUBDIVISIONS)

By memorandum dated 3/23/00, the Director of Public Works reports that a resolution of intention to form this district was previously adopted by Council at its meeting of 9/21/99. Subsequently, ballots were mailed and public hearings were scheduled to consider the proposed annual assessment of $9.82 per year for the future replacement and annual maintenance of the storm drainage facilities specific to the Amber Grove/Greenfield Subdivisions, and the related wood fencing and landscaping adjacent to the facilities. At the first public hearing, Council requested that staff conduct a neighborhood meeting to address the concerns of some of the residents, and the process to form the district was abandoned. A neighborhood meeting was held on 2/23/00, and approximately twelve residents attended. As a result of that meeting, the level of service was reduced, the landscaping and irrigation in front of the facilities were removed, and the wood fencing was changed to chain link fencing, all of which resulted in a reduction of the annual assessment from $9.82 per year to $3.43 per year per residential parcel.

At its meeting of 3/21/00, the Council considered the proposed reduction in level of service, landscaping and fencing amenities, and determined that the ballot formation process for this district should be reinstituted at the level originally proposed, for an annual assessment of $9.82 per year per residential parcel. The resolution of intention to form this district must be adopted by Council in order to proceed with the process. Following adoption of the resolution of intention, ballots will be mailed to all residents and businesses in the subdivisions and two public hearings will be scheduled.

Since these subdivisions were built in the County, and the County Service Area (CSA #150) was dissolved upon annexation to the City in 1996, no funding mechanism currently exists for the future replacement and annual maintenance and operation of the storm drainage facilities for these subdivisions. In accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council is being asked to adopt the above resolution which will direct the City Clerk to schedule two public hearings on the proposed district. Prior to the hearings, a revised ballot will be mailed to all property owners to allow them to vote on whether they wish to be assessed for the ongoing maintenance and operation of the district and the establishment of a reserve fund for replacement of the storm drainage facilities. The Director of Public Works recommends adoption of the resolution and that the City Clerk schedule the public hearings.

2.9. MINUTE ORDER NO. 7-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT TO AGREEMENT WITH MEDIATION CENTER OF THE NORTH VALLEY FOR USE OF CITY OF CHICO FUNDS (1998-99 FY & 1999-00 FY)

By letter dated 1/19/00, Margaret Gunnell, Executive Director of the Mediation Center of the North Valley (MCNV), reports that the organization, in attempting to perform contracted referral mediation services for 1998-99 and 1999-00, had underestimated the time required to develop the prototype Chico Police Referral Mediation Program in consultation with the Chico Police Department. Ms. Gunnell requests that the agreements be amended to allow the funding committed to referred mediation for the rollover funds from FY 98-99 ($1,000) and the first half...
funds from FY 99-00 ($1,920) be approved for the time spent in planning, development and implementation of the police referral program with recognition of consideration for other services provided to City residents by other MCNV programs. There is no change in the total funds allocated; however, as the funding requests to the City Council were targeted specifically to client services rather than development of the Chico Police Referral Mediation Program, the request to amend must be approved by the City Council. Following review of the request, agreements, and a meeting with Ms. Gunnell, the Assistant City Manager recommends approval of the Minute Order, which amends the agreements as set forth above, with the additional provision that the second half funding for FY 99-00 be expended to underwrite the costs of providing mediation services/client contacts for 10 mediation referrals for the Chico Police Referral Mediation Program for FY 99-00, in addition to any other client services required by the FY 99-00 funding agreement.

2.10. APPROVAL OF ADMINISTRATIVE PROCEDURE AND POLICY NO. 10-38 ENTITLED “AWARD OF BADGE, PLAQUE OR OTHER AWARD UPON RETIREMENT OR PROMOTION”

Currently the City does not have a formal policy to issue badges or other awards to retiring uniformed and non-uniformed employees. By memorandum dated 3/21/00, Management Analyst Herman submits Administrative Procedure and Policy (AP&P) No. 10-38, entitled “Award of Badge, Plaque or Award Upon Retirement or Promotion,” for City Council approval. The City Manager recommends approval of this Administrative Procedure and Policy.

2.11. APPROVAL OF MINUTES FOR MEETINGS HELD ON MARCH 7, AND 17, 2000

The Council has been provided with copies of minutes for its meetings held on 3/7/00 and 3/17/00.

(This evening the Council was informed that at the request of Councilmember Kirk, the 3/7/00 minutes would be corrected in item 4.4, first line, by replacing “Keene” with “Jarvis”, and in item 4.2.B, third paragraph, “Keene” would be inserted as the Councilmember making the motion.)

Councilmember Jarvis moved adoption of the ordinance and each resolution, and approval of the remaining items on the Consent Agenda, including the corrections to the minutes in item 2.11. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON 2000-2001 DRAFT ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM

Councilmember Jarvis removed herself from participating in consideration of this item since she was employed by Legal Services of Northern California and it previously received CDBG funding.

Housing Officer McLaughlin reviewed his memorandum dated 3/21/00 in which he reported that the City would receive $1,422,000 of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds for the 2000-2001 program year. The memorandum included a list of proposed housing and community development activities recommended by the Finance Committee at its 3/6/00 meeting for inclusion in the City’s draft Annual Plan. At its meeting held yesterday, the Finance Committee reviewed additional information it requested from staff. He added that this evening the City Council would conduct 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 Department of Housing and Urban Development (HUD). A second hearing and adoption of the final Annual Plan would be scheduled for Council’s meeting of 5/16/00. After receiving public input at tonight’s public hearing the Council would be asked to: 1) adopt a draft Annual Plan; and 2) direct staff to publish the draft Annual Plan as part of a 30-day public comment period.

The Housing Officer further reported that during yesterday’s Finance Committee meeting, it considered a letter dated 3/20/00 from the Chico Community Shelter Partnership (CCSP) to include an allocation of $50,000 for the eventual acquisition or renovation of a permanent shelter (this would be in addition to the $105,000 the City had already set aside for this purpose). Copies of the letter were provided to Council this evening. He indicated that the Finance Committee recommended that the request not be included in the 2000-01 Annual Plan, but rather be considered further by the Committee if and when unanticipated program income became available from a
foreclosure on a home where the owner failed to repay a loan to the City, along with anticipated program income from repayment of loans.

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

Councilmember Kirk moved to (1) adopt of the Annual Plan, (2) direct staff to publish the draft Annual Plan as part of a 30-day public comment period, and (3) accept the Finance Committee’s recommendation regarding the CCSP request. The motion was seconded and carried with Councilmember Jarvis abstaining.

3.2. HEARING ON ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT (LOT 15, ARROYO GREENS SUBDIVISION, ASSESSOR’S PARCEL NO. 011-560-025)

The Director of Public Works reviewed his memorandum dated 3/9/00 in which he reported that the property owner, Arroyo Greens Development Corporation, had petitioned the City of Chico to abandon the public utility easement on Lot 15 of the Arroyo Greens Subdivision in conjunction with a boundary line modification between Lots 14 and 15. A new public utility easement would be dedicated to the City to replace the abandoned easement. The abandonment of the public utility easement would be recorded after the new easement was dedicated to the City. At its 3/7/00 meeting, the City Council adopted a resolution of intention to abandon this easement and set a public hearing for 4/4/00. He recommended adoption of the resolution.

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

RESOLUTION NO. 123 99-00 -- RESOLUTION OF THE CITY 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 (LOT 15, ARROYO GREENS SUBDIVISION, ASSESSOR’S PARCEL NO. 011-560-025). After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.3. HEARING ON ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT (855 BRUCE ROAD, ASSESSOR’S PARCEL NO. 011-160-014)

The Director of Public Works reviewed his memorandum dated 3/8/00 in which he reported that Windchime of Chico, on behalf of the property owner, Enloe Medical Center, had petitioned the City to abandon a portion of the 20-foot-wide public utility easement at 855 Bruce Road, for realignment of the existing sanitary sewer line to allow for future development of the property. The abandonment of the public utility easement would be recorded after the realigned easement was dedicated to the City. At its 3/7/00 meeting, the City Council adopted a resolution of intention to abandon this portion of the easement and set a public hearing for 4/4/00. He recommended adoption of the resolution.

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

RESOLUTION NO. 124 99-00 -- RESOLUTION OF THE CITY 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 (855 BRUCE ROAD, ASSESSOR’S PARCEL NO. 011-160-014). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 3/14/00

Councilmember Jarvis reviewed a memorandum dated 3/16/00 from the Internal Affairs Committee which provided a report on its meeting held on 3/14/00, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair.
A. (Council action required)
Consideration of Permanent Parking Meter Signs for Weekly Street Closure for Thursday Night Market. The Committee concurred (3-0) with the Parking Place Commission recommendation to allow installation of permanent parking meter signs by the Downtown Chico Business Association indicating no parking during the weekly street closures for the Thursday Night Market.

Councilmember Keene moved approval of the Committee’s recommendation set forth in item A. The motion was seconded and unanimously carried.

B. (Council action required)
Consideration of Modification of Parking Spaces on Humboldt Avenue and Installation of Warning Signs Adjacent to Humboldt Skateboard Park. The Committee (3-0):
(1) Approved the installation of advisory warning signs along the sidewalk on the south side of Humboldt Avenue stating “Skaters - Beware of Opening Doors and Backing Vehicles.”
(2) Referred the matters of restricted parking adjacent to Chico Radiator Works at 387 Humboldt Avenue, and the establishment of a 3-minute passenger loading zone adjacent to Humboldt Skateboard Park to the Bidwell Park & Playground Commission for review and recommendation.

Councilmember Guzzetti reported that he would remove himself from participating in consideration of this item due to a potential conflict of interest.

Councilmember Herbert moved approval of the Committee’s recommendations set forth in item B. The motion was seconded and carried with Councilmember Guzzetti abstaining.

C. (Council action required to adopt resolution)
Consideration of Modification of Metered Parking Spaces on Flume Street Between East Second and East Third Streets. The Committee (3-0) recommended concurrence with the Parking Place Commission recommendation that 9 metered parking spaces on Flume Street between East Second and East Third Streets be converted from 10-hour parking to 2-hour parking, and that the implementing resolution be forwarded to Council for adoption.

RESOLUTION NO. 125 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 671. After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

D. (No Council action required at this time -- staff has requested this matter be scheduled for Council consideration at its meeting of 5/2/00)
Consideration of Traffic Calming Devices Along East First Avenue Between Esplanade and Mangrove Avenue. The Committee recommended (2-0, Bertagna abstaining) that these issues be submitted for full City Council consideration with the following recommendations:
(1) that a pedestrian refuge be installed on East First Avenue at its intersection with Laburnum, without the installation of a left turn lane;
(2) that six months after installation of the pedestrian refuge, the proposal for bulbing at all or some of the other intersections on East First Avenue between Mangrove and Esplanade be considered; and
(3) that staff be requested to provide a report on the advantages, disadvantages, and cost of a pedestrian signal at the intersection of East First Avenue and Oleander.

E. (Council action required)
Consideration of Mitigation Measure Monitoring and Enforcement Policies. The Committee recommended (3-0) that staff be directed to:
(1) proceed with the steps for enhancement of the City’s mitigation monitoring program as outlined in the Planning Director’s memorandum of 3/8/00;
(2) solicit input and involvement in this process from interested parties;
(3) endeavor to make available on computer the mitigation measure/condition of approval lists and status for each project by September; and
(4) bring these matters back to the Committee in six months for further consideration.

Councilmember Keene moved approval of the Committee’s recommendations set forth in item E. The motion
was seconded and unanimously carried.

Mayor Bertagna was excused from the Committee meeting at 10:00 a.m.

F. (Council action required)

Consideration of Traffic Control Standards/Traffic Calming Measures. The Committee (2-0, Bertagna absent) recommended that staff be directed to prepare:

1. a proposal for criteria for consideration of neighborhood initiated requests for traffic calming devices;
2. a presentation information regarding current design criteria for new streets;
3. a presentation information regarding the current classification of streets as collectors or arterials; and
4. that these issues be reviewed by the Bicycle Advisory Committee before being brought back to the Committee for consideration in approximately three to four months.

Councilmember Kirk moved approval of the Committee’s recommendations set forth in item F, and the corrections to item (2) and (3) as noted. The motion was seconded and unanimously carried.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD MARCH 6, 2000

Councilmember Keene reviewed a memorandum dated 3/14/00 from the Finance Committee which provided a report on its meeting held on 3/6/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair.

A. (Council action required)

Review of Community Organization Compliance Audits for FY 1998-99. The Committee recommended (3-0) that the Community Organization Compliance Audits for Fiscal Year 1998-99 be accepted with the following conditions regarding four of the organizations:

1. Access for Independence — acknowledge that record keeping had been improved based on the preliminary FY 1999-00 audit, and accept the FY 1998-99 audit.
2. Chico Certified Farmers’ Market — accept the FY 1998-99 audit, and if funding was recommended for this program in the future, require the current agreement structure to be modified so funds were only released on a reimbursement basis to a specified limit with an agreed-upon ratio of coupons to City funds.
3. Community Legal Information Center (CLIC) — accept the FY 1998-99 audit, and require submission of a written procedure from CLIC addressing administration of the City’s funding agreement prior to submission of further funding requests.
4. Voces Unidas para la Prevencion — accept the FY 1998-99 audit subject to reimbursement of $514 to the City by no later than 3/7/00 (NOTE: received by the City on 3/8/00).

Councilmember Herbert moved approval of the Committee’s recommendations in item A. The motion was seconded and unanimously carried.

B. (No Council action was required at this point on the agenda. A public hearing on this matter was scheduled for this evening — see item 3.1 under Hearings)

Review of 2000-0001 Annual Plan for Community Development Block Grant (CDBG) Program and the HOME Investment Partnership Program (HOME).

1. The Committee concurred (3-0) with the staff recommendations in the proposed Annual Plan for allocation of FY 2000-01 CDBG and HOME funds, conditioned upon consideration of additional information to be provided for its 4/3/00 meeting regarding:
   (a) the success and/or results of the Tenant Based Rental Assistance program as requested by Councilmember Keene;
   (b) the maintenance costs for the Revolving Loan Fund program, to be submitted by Tri-County Economic Development Corporation; and
   (c) the possibility of structuring of a loan in the amount of $58,000 for the Community Action Agency’s new request for acquisition of a child care facility, such amount to be taken from the proposed allocation of CDBG funds for the Citrus/Vecino Storm Drain, and then repaid to that project.

2. The Committee recommended (3-0) that $35,000 in HOME funds be allocated in the Annual Plan for
Habitat for Humanity’s new request for acquisition of a lot for construction of two homes.

C. (No Council action required — this matter was considered by Council at its meeting of 3/7/00) Consideration of Supplemental Appropriation Allocating Funds for Modification of the Chico Municipal Center Parking Lot for Improved Circulation/Safety. The Committee recommended (3-0) against allocating $25,000 for the proposed modifications to the Chico Municipal Center parking lot, and that $6,000 be allocated instead for the installation of two speed undulations.

Councilmember Keene moved to accept the report and remaining recommendations of the Committee. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF REQUEST FROM CHAMBERS COMMUNICATIONS CORP. TO TRANSFER CABLE FRANCHISE TO AT&T CORP.

This item was removed from the agenda. By memorandum dated 3/29/00, Management Analyst Wood reported that after the agenda was printed, AT&T Corporation and Chambers Communication Corporation requested that the City delay action on this item until the 4/25/00 meeting, and staff agreed with the delay.

4.5. FUTURE MEETINGS

A. The City Manager reported that members of the Council should indicate if they were interested in attending all or a portion of the City Clerk candidate interviews on 4/7/00 beginning at 8:30 a.m. If a quorum of the Council was expected to be in attendance, this evening’s meeting would be adjourned to that date and time. Mayor Bertagna indicated he would be present, and Councilmembers Guzzetti and Keene indicated they would try to attend portions.

B. The City Manager reported that the 4/18/00 Council Budget Review all day meeting had been rescheduled to 4/25/00 at 9:00 a.m..

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

5. BUSINESS FROM THE FLOOR

Recycling Containers for Multi-Family Residential Complexes. John Gillander reported that where he lived in an apartment complex at 215 Lassen Avenue the recycling containers that were provided were not large enough to hold all the recyclable material from tenants and, therefore, the excess was being placed in containers for solid waste. The City Manager reported that staff would investigate the matter and report back to Council.

6. REPORTS AND COMMUNICATIONS

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

6.1. Memorandum dated 3/21/00 from Management Analyst Herman provides a report on the California Integrated Waste Management Board’s approval of the City’s request to change its AB 939 base-year to 1995, and the Board’s finding that the City has fulfilled the requirements of Compliance Order IWM BR99-34. With the new base-year, the City’s diversion rate for 1995 is 43%, which exceeds the state mandate of 25% diversion.

7. ADJOURNMENT

The meeting was adjourned at 8:20 p.m. to Thursday, 4/13/00 at 7:00 p.m. in the Council Chamber for a meeting regarding amendments to the City’s noise ordinance.
ADJOURNED REGULAR CITY COUNCIL MEETING - APRIL 13, 2000
Chico Municipal Center, Council Chamber, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

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

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

1.3. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, City Clerk Evans, Planning Director Seidler, Police Chief Efford and Police Lieutenant Voris.

2. CONSENT AGENDA -- No Items.

3. NOTICED PUBLIC HEARINGS -- No Items.

4. REGULAR AGENDA

4.1. CONSIDERATION OF THE CITY OF CHICO’S NOISE ORDINANCE

The City Council scheduled tonight’s meeting for the purpose of reviewing the City of Chico’s noise ordinance. The Council previously directed staff to rewrite the noise ordinance to eliminate ambiguities and to provide for both a warning process prior to citation issuance and the development of objective implementation standards. The Internal Affairs Committee of the City Council had discussed this issue over an extended time period, and was requesting City Council direction. The Council had been provided with copies of the draft noise ordinance, as well as various memoranda regarding the contents of that ordinance, including Police Chief and Planning Director memoranda dated 1/25/00 and 4/5/00 containing recommendations on enforcement and noise standards, memorandum from Councilmember Jarvis regarding the Internal Affairs Committee’s recommendations, and memorandum dated 4/3/00 from the City Manager regarding the ordinance. There were several issues which needed to be resolved during this public meeting to be inserted into the ordinance should Council wish to proceed with introductory reading.

Received this evening were (a) University Associated Students resolution dated 2/23/00, (b) letter from Kimberly, Darrell and Patricia Smith, 130 Cedar Street, dated 4/13/00, (c) letter from Stephen Miller, 420 Maple Street, dated 4/11/00, and (d) Noise Measurement Data & Supporting Documentation report prepared by Bollard & Brennan, Loomis, for the City of Chico, dated 10/29/99.

City Manager Lando reported that the issues he believed the Council needed to address at the conclusion of public comments were (a) the number of hours between the written warning and the issuance of a citation, (b) whether or not to use noise meters because varying ambient noise levels posed problems, (c) determining the dBA noise limits for residential, commercial/industrial, and public property along with daytime and nighttime limits, and (d) whether to set higher noise limits in the campus area surrounding the University as outlined on a map attached to the Planning Director’s memorandum (generally bounded by the Esplanade/Normal Street, Little Chico Creek, Walnut Street/Nord Avenue, and West 4th Avenue/West Sacramento Avenue).

Charlie Preusser, 1405 West 3rd Street, South Campus Neighborhood Association, recommended clarifying the definition of “reasonable person of normal sensitivity”, utilizing a noise meter before issuing a citation, and establishing a mediation process for complaints. Bill Priel, 666 Esplanade, suggested that two citizen complaints not be required before issuing a citation, and reviewing the effectiveness of the ordinance again in a year. Dan Davis, Chamber of Commerce, noted that issuance of citations should be left to the discretion of police officers rather than using a noise meter. Bob Ray, 1405 West 3rd Street, South Campus Neighborhood Association, asked that the hours for higher noise levels on Thursday, Friday and Saturday nights be different from the standard noise levels, and that noise meters be used. Greg Bard, 1505 West 3rd Street #B, South Campus Neighborhood Association, recommended using noise meters for clear measurement of noise levels, that the noise be measured at the property line of the complainant, that a citation should require two citizen complaints rather than one citizen complaint corroborated by a police officer, and that a mediation process be established.

Jonathan Smith, 742 West 6th Street #C, Inter Fraternity Council, spoke in favor of 12 hours between a complaint and a citation, and against using noise meters because of the wide variations that could occur in ambient noise...
levels. Dolly Brown, 2166 Noel Court, Government Affairs Committee of the Associated Students, reviewed their 2/23/00 resolution recommending that noise levels be measured from the complainant’s property line, that the time between a complaint and citation be 12 hours, and that two citizens complaints from two different locations be required if a noise meter is not used. Greg Norwood, 446 West 10th Street, pointed out that an officer’s verification didn’t work because noise levels were down by the time they arrived, and he wanted enforcement south of Little Chico Creek. Kenn Vance, 811 West 2nd Avenue #3, recommended measuring noise at the complaining person’s property line. Betty Nopel, 517 West 1st Avenue, expressed concern for residents who might be fearful of making a complaint as well as the related problems that were associated with parties. Steve Johnson, 2171 Ramsey Way, thought the “reasonable person” standard would be a problem in enforcing the ordinance.

Jeff DeFranco, 1228 Chestnut Street, Associated Students Vice President, asked if the amount of the fines for noise violations could be lowered or limited, believed that 12 hours rather than 18 hours between a warning and a citation was more likely to cover a single incident, and recommended that the campus neighborhoods have a different noise standard. April Alexander, 1391 East Lindo #5, suggested using noise meters and measuring noise at the complainant’s property line. Heide Ogle, 343 West 8th Street, recommended measuring noise at the complainant’s property line. Cyrus Keshmiri, 1505 West 3rd Street #B, asked that ambient noise level standards be those taken at daybreak and that fines be no more than $250.

Councilmember Keene moved that the ordinance be amended to provide that use of noise meters be optional at the discretion of a police officer, that a citation be issued upon receiving one citizen complaint and corroborations by a police officer or by a citizen complaint, that there be a minimum 18-hour time period between a warning and a citation, that there be only one noise level standard throughout the City, and that noise be measured at the property line of the source. The motion was seconded by Councilmember Herbert who noted that since the Police Department indicated more noise citations were issued outside of the campus area, there wasn’t a need for two different noise standards.

Councilmember Jarvis was opposed to the motion in total, recommending 12 hours between the warning and citation, priority for corroborations from a second source, using noise meters rather than officer’s corroborations, and establishing a mediation process. Councilmember Guzzetti was also opposed to the motion for the reasons stated by Councilmember Jarvis, plus he questioned noise levels at bars or auto races. Councilmember Lange was in favor of the motion as stated. Councilmember Kirk was in favor of 12 hours between the warning and citation and review of the ordinance after one year.

Councilmember Keene amended his motion to further amend the ordinance to establish maximum noise levels at 70 dBA from 7:00 a.m. to 9:00 p.m. and 60 dBA from 9:00 p.m. to 7:00 a.m. The amendment was seconded by Councilmember Herbert. The main motion and amendment then carried with Councilmembers Herbert, Keene, Lange and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis and Kirk voting no.

Councilmember Jarvis recommended that the ordinance be amended so that the provisions of Section 8 of the ordinance (violation—residential property limits or general noise regulations) would be applied equally to Section 3 (residential, commercial and industrial property noise limits), Section 4 (public property noise limits), and Section 6 (general noise regulations). Councilmember Keene moved approval of the recommendation. The motion was seconded and unanimously carried.

Councilmember Keene moved to confirm Section 9 of the ordinance to delete “audio” from the title “noise from vehicle equipment”. The motion was seconded and unanimously carried.

Councilmember Jarvis recommended that the ordinance be clarified to provide that if a second complaint wasn’t received, then an officer could corroborate a noise complaint. Councilmember Keene moved approval of the recommendation. The motion was seconded and unanimously carried.


Councilmember Keene read the title and then moved for introductory reading of the ordinance as amended. The motion was seconded and unanimously carried.

Councilmember Jarvis recommended that the Police Department be directed to establish a mediation procedure relating to the noise ordinance in lieu of a citation. Police Chief Efford reported that the department now utilized the services of North Valley Mediation Services, and City Manager Lando added that the parties could be handed information regarding mediation services when complaints were made or warnings/citations issued.
Councilmember Jarvis also suggested that the process be made part of the freshman orientation. Councilmember Guzzetti suggested use of the mediation procedure be left to the discretion of the person making the complaint, but the Police Chief noted that both parties would have to agree. Councilmember Keene pointed out that the mediation process could not be substituted for the noise ordinance regulations.

It was the consensus of the Council to have the Police Chief establish a mediation process with regard to noise complaints. The Council also agreed to review the ordinance within a year.

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA.

April 25 Closed Session. City Manager Lando reported that during the 4/25/00 meeting, the Council would need to meet in closed session for approximately one hour to discuss the pending litigation relating to the Airport groundwater contamination, and for approximately 45 minutes to discuss negotiations with all employee groups. The Council agreed to meet at 8:30 a.m. on the first item (the open session would be changed from 9:00 a.m. to 9:30 a.m.) and at some other time during the day on the second item.

5. BUSINESS FROM THE FLOOR -- No items.

6. REPORTS AND COMMUNICATIONS -- No Items.

7. ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to Tuesday, 04/25/00 at 8:30 a.m. in Conference Room 2 for a closed session, followed by an adjourned regular meeting at 9:30 a.m. in Conference Room 1.
1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

City Staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch and Personnel Director Erlandson.

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

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

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

The Council reconvened to open session at 7:25 p.m.

3. ADJOURNMENT.

The meeting was adjourned at 7:25 p.m. to a City Council meeting in the Council Chamber.
1.4. Introduction of City Staff. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Community Development Assistant Sellers, Senior Planners Hayes and Figge, Police Captain Klassen and Management Analyst Halldorson.

1.5. Proclamation. The Mayor read a proclamation proclaiming May 2000 as Mental Health Month and presented it to a representative of the Butte County Department of Behavioral Health.

1.6. Closed Session Announcement. None.

2. CONSENT AGENDA.


By memorandum dated 4/5/00, the Park Director reports that the rules and regulations for the use of the Humboldt Neighborhood Park, which include a skateboard facility, are more appropriately placed in Title 12 of the Chico Municipal Code rather than in Title 12R where they are currently set forth. No previously approved rules or regulations are being changed by this action, they are simply being transferred to a different Title in the Code. The rules and regulations now contained in Title 12R are being repealed by adoption of the resolution. The Bidwell Park and Playground Commission recommended approval of the ordinance and resolution at its 3/27/00 meeting. The Bidwell Park and Playground Commission and Park Director recommend adoption of the ordinance and resolution.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF CHAPTER 3.80, ENTITLED “SPECIAL ASSESSMENT DISTRICT FINANCING,” OF THE CHICO MUNICIPAL CODE TO DELETE THE REQUIREMENT FOR AN ANNUAL PUBLIC HEARING ON THE AMOUNTS TO BE LEVIED AND TO PROVIDE FOR ANNUAL MAILED NOTICE TO PROPERTY OWNERS OF THE AMOUNT TO BE LEVIED - INTRODUCTORY READING

By memorandum dated 4/17/00, the Director of Public Works reports that this ordinance will amend Municipal Code Chapter 3.80 pertaining to maintenance assessment districts by including a section in the annual report which states that the maximum assessment for the maintenance district will be that which was established in the 1996/97 fiscal (the base year), by repealing sections pertaining to public hearings on the annual report, and by adding a section requiring notification to property owners of the amount to be levied if the current year’s assessment will be more than that of the previous fiscal year. The proposed modifications will update the Code to conform to the requirements of Proposition 218. The City Attorney and Director of Public Works recommend adoption of the ordinance.

2.3. RESOLUTION NO. 130 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO — COHASSET ROAD ANNEXATION DISTRICT NO. 24

By memorandum dated 4/5/00, the Community Development Assistant forwards a report on initiation of the annexation of three parcels located at 2520 and 2522 Cohasset Road. This annexation includes properties developed with the Courtesy Motors automobile and light truck sales and service facilities. In accordance with adopted LAFCo policy, the City must adopt the resolution to initiate the annexation of the properties to the City. The Community Development Assistant recommends adoption of the resolution.
2.4. (Removed from the Consent Agenda at the request of John Schaller.)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 8TH STREET ANNEXATION DISTRICT NO. 17

By memorandum dated 5/2/00, the Community Development Assistant forwards a report on initiation of the annexation of the 31.5 acre parcel located southwest of the intersection of East 8th Street and Bruce Road. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties approved for development of the Nob Hill Subdivision, consisting of 97 lots for single family residential use. The Community Development Assistant recommends Council adoption of the resolution.

2.5. RESOLUTION NO. 131 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - FRANKLIN STREET ANNEXATION DISTRICT NO. 2

By memorandum dated 4/10/00, the Community Development Assistant forwards a report on initiation of the annexation of two parcels located on the east side of Franklin Street, south of the East 20th Street intersection. This annexation includes property developed with a parking lot and vacant land. The annexation was initiated at the request of the property owner. In accordance with adopted LAFCo policy, the City must adopt the resolution to initiate the annexation of the properties to the City. The Community Development Assistant recommends adoption of the resolution.

2.6. MINUTE ORDER NO. 8-00 -- DONATION OF SURPLUS COMPUTER EQUIPMENT TO CHICO UNIFIED SCHOOL DISTRICT AND PROCEDURE TO DISPOSE OF FUTURE SURPLUS CITY COMPUTER EQUIPMENT

The Information Systems Director reports that the City has accumulated a number of computer systems that are no longer useable. This minute order will approve the donation of existing surplus computer equipment to the Chico Unified School District and authorize the City Manager to donate unneeded equipment to schools, nonprofit organizations, or other governmental agencies in the future on a lottery basis. The City Manager recommends approval of the minute order.

2.7. MINUTE ORDER NO. 9-00 -- AUTHORIZATION TO CONDUCT ELECTION(S) OF COVERED EMPLOYEES FOR POSSIBLE CHANGES IN HEALTH AND DENTAL INSURANCE PROVISIONS

(This item was added by posted addendum.) By memorandum dated 4/28/00, Personnel Director Erlandson reports that this minute order would authorize employee election(s) for possible changes in health and dental insurance plan provisions. The proposed minute order authorizes the employee election(s) only, and has no direct financial impact. The Personnel Director recommends approval of the minute order.

Councilmember Kirk moved adoption of the ordinance and resolutions, and approval of all other items on the Consent Agenda, except item 2.4. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ANNEXATION OF EAST AVENUE ANNEXATION DISTRICT NO.19

Community Development Assistant Sellers reviewed his memorandum dated 4/12/00 regarding the annexation of 21 parcels, totaling 12.867 acres, located on East Avenue and Mariposa Avenue. The annexation also included the portion of East Avenue west of Floral not currently in the City limits. The area was designated as low density residential and office in the General Plan. The area had been prezoned consistent with the General Plan designations. Fifteen of the parcels were developed with single family residences, two contained multiple family...
residential units, one contained an office complex and three were vacant. This annexation was initiated at the request of the owner of several of the parcels to facilitate subdivision of the properties.

Councilmember Guzzetti arrived at the meeting at 7:50 p.m.

As this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest was filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election if the protest represented more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represented less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

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

RESOLUTION NO. 132 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CITY OF CHICO - EAST AVENUE ANNEXATION DISTRICT NO. 19. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON ABANDONMENT AND VACATION OF A PUBLIC RIGHT-OF-WAY – EAST SIDE OF SPRUCE AVENUE SOUTH OF EAST SACRAMENTO AVENUE

Public Works Director Ross reported that at its meeting of 4/4/00, the City Council adopted the Resolution of Intention initiating this abandonment and setting today’s public hearing. By memorandum dated 3/13/00, he reported that at the request of the adjacent owners, Lynn and Daniel Pardini, this proposed action would abandon a 15-foot wide strip of Spruce Avenue right-of-way. He recommended adoption of this resolution.

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

RESOLUTION NO. 133 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (EAST SIDE OF SPRUCE AVENUE SOUTH OF EAST SACRAMENTO AVENUE). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. Resolution Initiating Annexation of East 8th Street Annexation District No. 17, John Schaller, 819 El Monte Avenue, representing Philip Smith, reported that the deed had not yet been recorded that would transfer some of the Benedict Ranch property to property owners on Husa Lane. Further, the developer was to deed an easement to the owners on the south side of Benedict Ranch and use Husa Lane as an easement, but he had not yet signed any documents. He asked that the annexation be continued for a month. Jim Stevens, North Star Engineering, thought all agreements had been negotiated before the current owner became involved.

Following discussion, Councilmember Keene moved that the matter be continued until the 6/6/00 Council
meeting. The motion was seconded and unanimously carried. The City Manager indicated to Councilmember Jarvis that even though the 6/6/00 meeting was an all-day budget review, it would be ok to place the item on the Consent Agenda.

4.2. CONSIDERATION OF TRAFFIC CALMING MEASURES ALONG EAST FIRST AVENUE BETWEEN THE ESPLANADE AND MANGROVE AVENUE

Mayor Bertagna did not participate in this agenda item since his business was located on Mangrove Avenue, near the intersection of East 1st Avenue. Vice Mayor Herbert presided over this portion of the meeting.

By memorandum dated 4/13/00, the Assistant Director of Public Works provided the staff analysis regarding East First Avenue traffic calming measures as requested by the Internal Affairs Committee at its 3/14/00 meeting. At that meeting the Committee recommended (2-0, Bertagna abstaining) that these issues be submitted for full City Council consideration with the following recommendations: (1) that a pedestrian refuge be installed on East First Avenue at its intersection with Laburnum, without the installation of a left turn lane; (2) that six months after installation of the pedestrian refuge, the proposal for bulbing at all or some of the other intersections on East First Avenue between Mangrove and Esplanade be considered; and (3) that staff be requested to provide a report on the advantages, disadvantages, and cost of a pedestrian signal at the intersection of East First Avenue and Oleander.

This evening the Council received a fax letter received 5/2/00 from Robin Keehn, 273 East 3rd Avenue, indicating that any calming efforts to help safety cross East 1st Avenue at Laburnum would be appreciated, and a letter dated 5/2/00 from Marc Moretti, 262 East 1st Avenue, asking that parking not be eliminated in front of his home.

Councilmember Keene questioned if pedestrians would go out of their way to Laburnum if they wanted to cross as Oleander. Councilmember Jarvis reported that the Internal Affairs Committee thought they would if it was a safer crossing, and the Committee did not want to place traffic controls at Oleander that would have the potential of making vehicles avoid the intersection and travel on adjacent residential streets.

Frank Zebley reported that he managed several properties on East 1st Avenue and he was concerned with the elimination of any on-street parking. Peter Milbury, 1120 Laburnum Avenue, supported the proposal but also recommended bulbing at all intersections on East 1st Avenue. Melinda Vasquez, 260 East Sacramento Avenue, supported the proposal at Laburnum but was opposed to any future traffic controls at Oleander that would move traffic to adjacent residential streets. Lynn Pardini, 455 East Sacramento Avenue, doubted that any traffic measures would prevent Chico Junior and Senior High students from jaywalking wherever they wanted. Kenn Vance, 811 West 2nd Avenue #3, asked if those on bicycles or skateboards could wait on the pedestrian refuge and Council indicated that they could. Tom Masterson, 351 East 1st Avenue, recommended improvements to 3rd and 5th Avenues in order to reduce the number of vehicles using East 1st Avenue. E. Gougeon, 180 East 1st Avenue, asked if parking would still be allowed on East 1st Avenue and the Council indicated that it would.

In response to Councilmember Jarvis, the Director of Public Works reported that the pedestrian refuge could possibly be constructed this summer if a supplemental appropriation was approved ($15,000 estimated cost).

Following Council discussion, Councilmember Jarvis moved approval of the installation of a pedestrian refuge on East 1st Avenue at its intersection with Laburnum, without the installation of left-turn lanes, prohibiting parking on the four corners of East 1st Avenue at its intersection with Laburnum Avenue in front on 295, 298, 351 and 354 East 1st Avenue, approval of a supplemental appropriation for the project, and review of the effectiveness of the pedestrian refuge at the end of the school semester following its installation. The motion was seconded and carried with Mayor Bertagna abstaining. (Traffic Regulation Amendment to be processed administratively.)

The Mayor presided over the remainder of the meeting.

4.3. CONSIDERATION OF FIVE-YEAR REVIEW OF THE GENERAL PLAN
By memorandum dated 4/18/00, Senior Planner Hayes forwarded the Five-Year Review of the General Plan, Planning Commission recommendations regarding staff and public comments received to date, information requested by Council at its 3/21/00 meeting, and a listing of Council directives from the 3/21/00 meeting. The Five-Year Review report was provided to the Council under separate cover. He reported that additional information was being provided on item No. 2 (clustering in foothills), No. 8 (evaluate designating Very Low Density Residential land to Low Density Residential), and No. 26 (Annie Bidwell Trail).

23 - Dead Horse Slough & Little Chico Creek Diversion. Councilmember Guzzetti moved approval of adding these into the creekside greenway program. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk and Lange voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

24 - Creekside Greenways. Senior Planner Hayes reported that staff was conducting a parcel by parcel study to determine appropriate creekside greenways, and this could be combined with a master trails plan (item #27). Jon Luvaas, 1980 Wild Oak Lane, spoke in support of this item. Councilmember Guzzetti moved approval of item #24. The motion was seconded and unanimously carried.

25 a - Trails along Creekside Greenways. Councilmember Herbert moved to not include an implementing policy for a foot/equestrian trail the length of every creekside park. The motion was seconded and carried with Councilmembers Herbert, Keene, Lange and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis and Kirk voting no.

25 b - Consider Uniform encroachment policy on all City parklands. City Manager Lando stated his concerns with areas such as “lost park” where boundaries were not clear, and the need for public hearings and notice to all potential affected property owners if the Council decided to consider it. Councilmember Guzzetti moved that the item be referred to the Internal Affairs Committee for consideration, and the motion was seconded by Councilmember Jarvis. Councilmember Keene preferred dealing with alleged encroachments on a complaint basis, and Mayor Bertagna was concerned with added staff workload to police and enforce the policy. Councilmember Guzzetti wanted the Committee to discuss how to get the message to the public that it cannot encroach on public land. Councilmember Jarvis recommended amending the motion to refer the matter first to the Park Commission and then the Committee, and Councilmember Guzzetti agreed with the amendment. Mayor Bertagna and Councilmember Keene indicated they would only support the motion as a discussion item before the Commission and Committee. The motion, as amended, was then carried with Councilmembers Guzzetti, Jarvis, Keene, Kirk, Lange and Bertagna voting aye, and Councilmember Herbert voting no.

27 - Recreational trails from urban area into foothills. Senior Planner Hayes reported that implementation now takes place through the development review process, whereas the Planning Commission asked the Council to consider a master trails plan so that opportunities to implement a comprehensive trail system could be considered during project review. In response to Council concerns, the City Manager reported that the Park Commission, Planning Commission or Bicycle Advisory Committee could provide a list of priorities, and require that maintenance costs be considered in order to develop the plan. Councilmember Jarvis moved to develop a master trails plan. The motion was seconded and unanimously carried.

28 - Office/Residential Uses on Salem & Wall Streets. Councilmember Keene moved approval of allowing existing residences to be converted to office use in order to preserve the historical character of the area. The motion was seconded and unanimously carried.

29 - Inner ring transit corridor. Council indicated it had no problem with the inner ring transit corridor concept as presently stated as long as it didn’t impact existing businesses.

31 - Assist neighborhoods and districts in developing design guidelines. Senior Planner Hayes reported that the Planning Commission directed staff to forward a previously considered neighborhood program to Council. Some Councilmembers indicated that neighborhood consensus on issues affecting certain areas would be helpful before they were brought to the Council, rather than having neighbors form groups because they were opposed to something. Councilmember Keene agreed as long as two or three individuals did not purport that their views were those of their neighborhood. Jim Owens, 1462 Mountain View Avenue, spoke in favor of the neighborhood planning concept. John Gillander, Committee for Environmental & Economic Balance, stated his concern with
neighborhood groups that opposed development adjacent to their properties even though such properties were properly zoned. Following discussion, it was the consensus of Council that staff would provide copies of the previously considered neighborhood program.

The Council recessed for 10 minutes and reconvened at 9:55 p.m.

32, 33, 34 - Parks & schools. Senior Planner Hayes reported that the Commission recommended Council consideration of (a) amending the designation of the DeGarmo community park site in north Chico from Community Commercial to Park, (b) the designation of land on Eaton Road that had previously been designated as a community park site, (c) eliminating or relocating one of two neighborhood park sites in the West Avenues area, and (d) amend the General Plan Land Use Diagram to reflect acquired park sites. The Council agreed with the recommendations.

3 - Low/Moderate Income Housing Set Aside. At the 3/21/00 meeting, it was the consensus of the Council to retain the policy to study the feasibility of increasing the Low & Moderate Income Housing Fund set-aside of the RDA tax increment from the existing 20% to 30%. Senior Planner Hayes reported that staff was recommending that Council not pursue this objective, due in part to increased demand for the 80% tax increment funds used for improvement and infrastructure projects, many of which improved older neighborhoods. Councilmember Keene moved approval of staff’s recommendation. The motion was seconded and unanimously carried.

35 & 36 - Noise. Senior Planner Hayes reported that staff was developing guidelines for mitigating noise along arterial streets adjacent to residential areas, through measures other that sound walls where feasible, and would be providing copies to Council when they were completed. On the issue of establishing noise standards for various land uses, he noted that the Council recently adopted comprehensive amendments to the City’s noise ordinance. No Council action was required on this item.

2 - Clustering of development at higher elevations. Senior Planner Hayes reported that staff attempted to define “encourage” and was of the opinion that if there was not a compelling reason to not do something, then it should be done. Councilmember Keene did not want encourage to be interpreted as a mandate, and applicants having to make substantial expenditures before they even reached the hearing stage. Planning Director Seidler indicated that staff did not consider encourage a mandate, but rather working on each situation or project individually. Councilmember Jarvis believed that encourage was a compromise between shall and shall not and that discretion needed to be afforded to staff. Senior Planner Hayes added that consideration would not be lot by lot but rather an entire parcel and where clustering was appropriate. Councilmember Keene moved that clustering be encouraged in accordance with staff’s recommendation, and the motion was seconded by Councilmember Herbert. Jon Luvaas noted that clustering should be implemented unless there was a good reason not to do so, since it was more economical for home buyers and for the delivery of public services. Jim Owens noted that clustering would occur to some degree due to constraints caused by the layout of the land. Councilmember Keene amended his motion to encourage clustering based on resources on the site, and Councilmember Herbert seconded the amendment. The motion was then carried with Councilmembers Guzzetti, Herbert, Keene, Kirk, Lange and Bertagna voting aye, and Councilmember Jarvis voting no.

8 - Low Density & Very Low Density Residential Land. Senior Planner Hayes reported that staff investigated the suggestion of designating available Very Low Density Residential land to Low Density Residential use, and determined that opportunities to make such amendments were small and would not result in sizable increased housing numbers. The Council agreed to leave the policy as is in the General Plan.

26 - Annie Bidwell Trail. Planning Director Seidler reported that at its 3/21/00 meeting, the Council asked for a report on the environmental review for a trail on the south side of Big Chico Creek from the Five-Mile Recreation Area to Ten-Mile Road. It was his belief that the project could be accomplished with a Negative Declaration because the trail could be moved as needed to avoid environmentally sensitive areas. The project would have to start within two weeks with a botanical study, because wildflowers were now in bloom, which he estimated would cost $5,000, or have to wait until next year. He mentioned other studies that would follow and their estimated costs. Park Director Beardsley added that the resource analysis study was now underway for the upper
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park area located on the south side of Big Chico Creek. Councilmember Jarvis moved that the Council determine that there was a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. The motion was seconded and unanimously carried. She then moved approval of a supplemental appropriation in the amount of $5,000 for a botanical study related to the Annie Bidwell Trail. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON ITS MEETING HELD 4/13/00

Councilmember Kirk provided a report on the Economic Development Committee meeting held on 4/13/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Keene, Lange, and Kirk, Chair.

A. (Council action required to approve recommendation)

CONSIDERATION OF PROPOSED REVISIONS TO THE PROGRAM GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REVOLVING LOAN FUND

The Committee considered recommendations from the Tri-County Economic Development Corporation (TCEDC) for proposed revisions to the CDBG Revolving Loan Program Guidelines. The TCEDC recommended that the guidelines be amended to 1) allow businesses outside the city limits and within the Chico Urban Area to be eligible for a loan, and 2) eliminate or increase the maximum loan amount to $75,000. After its review of the proposed revisions, the Committee recommended by a 2-1 vote to increase the maximum loan amount from $25,000 to $50,000, with Councilmember Kirk preferring to increase the maximum loan to $75,000. The Committee also recommended that the program guidelines not be revised to allow businesses outside the city limits to be eligible for these loans.

Marc Nemanic of the Tri-County EDC reported that more funding would allow more loans, however, they would work within the funding provided by the City.

MINUTE ORDER NO. 10-00 -- AUTHORIZATION FOR THE CITY MANAGER TO AMEND THE AGREEMENT WITH TRI COUNTY ECONOMIC DEVELOPMENT CORPORATION TO REVISE THE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND PROGRAM GUIDELINES.

Councilmember Guzzetti moved approval of the minute order. The motion was seconded and unanimously carried.

B. (Council action required to approve the recommendation)

CONSIDERATION OF RECOMMENDATIONS REGARDING PRIORITY PROJECTS FOR THE 2000-01 UPDATE OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS).

The Tri-County Economic Development Corporation (TCEDC) was the planning and coordinating agency for the Tri-County Economic Development District, which consists of the three counties and ten incorporated cities within the region of Butte, Glenn and Tehama counties. Last year, the Federal Economic Development Administration (EDA) required TCEDC to submit a five-year Comprehensive Economic Development Strategy (CEDS) for the District, which contained a list of projects each jurisdiction would like to have funded and completed. The projects contained in the CEDS must be related to economic development and must provide technical assistance, financing or infrastructure.

The Federal EDA required that the CEDS document be updated annually. The Economic Development Committee reviewed the current list of proposed CEDS projects at its 4/13/00 meeting for possible additions or revisions for the 2000-01 update. By memorandum dated 4/17/00, Management Analyst Herman submitted the list of current CEDS projects that were reviewed by the Committee, and the Committee’s recommendations regarding revisions to the list to be submitted by TCEDC for 2000-01. The Economic Development Committee recommended approval of the proposed revised 2000-01 CEDS projects.

Councilmember Guzzetti moved approval of the Committee’s recommendation. The motion was seconded and unanimously carried.
4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 4/11/00

Councilmember Jarvis reviewed a memorandum dated 4/13/00 from the Internal Affairs Committee that provided a report on its meeting held on 4/11/00, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair.

Consent Agenda

A. (No Council action required)

APPROVAL OF THE ESTABLISHMENT OF PROHIBITED PARKING ON THE NORTH SIDE OF HUMBOLDT ROAD, OPPOSITE HANK MARSH JUNIOR HIGH SCHOOL. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 674, establishing prohibited parking on the north side of Humboldt Road opposite Hank Marsh Junior High School.

B. (Council action required to adopt resolution)

RECOMMENDATION FOR APPROVAL OF THE ESTABLISHMENT OF SPEED ZONES ON HUMBOLDT ROAD BETWEEN FOREST AVENUE AND BRUCE ROAD. The Committee recommended (3-0) approval of the establishment of speed zones on Humboldt Road between Forest Avenue and Bruce Road, and that the implementing resolution be forwarded to the City Council for adoption.

RESOLUTION NO. 13499-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 673. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

Regular Agenda

C. (No Council action required)

CONSIDERATION OF THE ESTABLISHMENT OF PROHIBITED PARKING AND BIKE LANE ZONES ALONG WEST EAST AVENUE BETWEEN THE ESPLANADE AND STATE ROUTE 32. The Committee (3-0) continued this matter to its 5/9/00 meeting and directed staff to conduct a neighborhood meeting regarding the proposal in the interim.

D. (Council action required)

CONSIDERATION OF IMPLEMENTATION OF SPECIAL EVENTS OR “PARTY” PERMITS. The Committee recommended (3-0):

(1) that no action be taken on the proposal to implement special events permits;

(2) that the voluntary “Activity Report Form” used by the Police Department be revised to include the name and phone number of the owner (or agent) of the property where the party was to be held; and

(3) that the Police Department be directed to make every effort for greater communication with other groups (in addition to fraternities/sororities) regarding use of the voluntary “Activity Report Form,” including the publication of articles in the “Orion” and other local newspapers.

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

E. (No Council action required)

CONSIDERATION OF REQUEST TO ELIMINATE THE NO PARKING DESIGNATION ALONG A PORTION OF THE SOUTH SIDE OF MISSION RANCH BOULEVARD ADJACENT TO RICARDO’S RESTAURANT. The Committee (3-0) continued this matter to its meeting of 5/9/00 in order for staff to work with Mr. Jauregui
and bring back a proposal to allow some temporary parking spaces on the south side of Mission Ranch Boulevard, at least 150 feet back from the intersection, with staff to be authorized to reinstate the parking prohibition when it was warranted by increased traffic volume as development occurred.

F. (Council action required)
CONSIDERATION OF REPORT REGARDING ANNEXATION OF UNINCORPORATED ISLANDS. The Committee recommended (3-0) that the City continue its friendly annexation policy and maintain its current policy of not initiating annexations unless requested; that the new law regarding island annexations be used as a tool when appropriate; that the City reaffirm its ultimate goal that all islands eventually be annexed; and that staff be directed to re-evaluate the situation two years before the island annexation law expired in 2007.

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

Councilmember Herbert moved to accept the report and remaining recommendations of the Committee. The motion was seconded and unanimously carried.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA

May 16 Closed Session. The City Manager reported that the Evaluation Committee for Council-appointed positions (Bertagna, Herbert & Kirk) wanted to meet with the Council in closed session on 5/16/00 beginning at 6:30 p.m. The Council agreed to adjourn this evening’s meeting to that date/time.

5. BUSINESS FROM THE FLOOR

General Plan Five-Year Review. Charlie Preusser, South Campus Neighborhood Association, 1405 West 3rd Street, reported that he missed that portion of the meeting dealing with neighborhood planning and reported that their Association meetings were open to the neighborhood and that he believed they represented those residing in the area including transient students.

6. REPORTS AND COMMUNICATIONS

6.1. Memorandum from City Clerk Administrative Analyst reporting that the Annual Statements of Economic Interest for the calendar year 1999 for designated employees, Boards & Commission members, and City Council members are on file and available for review in the City Clerk’s office.

7. ADJOURNMENT

The meeting was adjourned at 10:50 p.m. to Tuesday 5/16/00 at 6:30 p.m. in Conference Room No. 2 for a closed session, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.
1. **CALL TO ORDER.** The Mayor called the meeting to order at 6:30 p.m.

1.1. **Roll Call.** Present at 6:30 p.m. when item 2.1 was considered - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

Present at 7:00 p.m. when the remaining items were considered - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Councilmember Guzzetti arrived at 7:05 p.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Public Works Director Ross and Assistant Public Works Director Martinez.

2. **CLOSED SESSION.**

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

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following: *State of California, Regional Water Quality Control Board v. City of Chico*, Administrative Civil Liability Complaint No. 5-00-512. (Gov. Code Sec. 54956.9(a).)

2.3. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following: *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

2.4. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

3. **ADJOURNMENT**

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

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**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — MAY 16, 2000**
Chico Municipal Center, Conference Room #2, 421 Main Street — 6:30 p.m.

1. **CALL TO ORDER.** The Mayor called the meeting to order at 7:35 p.m.

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

1.2. **Invocation.** Reverend Fred Wymore, Christian Life Center Foursquare Church, delivered the invocation.
1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Bertagna, Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange.

1.4. Introduction of City Staff. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Airport Manager Bob Grierson, Housing Officer McLaughlin and Management Analysts Herman and Wood.

1.5. Proclamation. The Mayor read a proclamation proclaiming May as Drug Court Month and presented it to Amy Asher, Probation Officer, representing the Drug Court.

1.6. Closed Session Announcement. None.

2. CONSENT AGENDA

2.1. CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 2-00 -- AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO AN OWNER’S PARTICIPATION AGREEMENT WITH UNIPRISE (AKA UNITED HEALTHCARE) FOR REIMBURSEMENT OF COSTS TO INSTALL PUBLIC IMPROVEMENTS DURING THE CONSTRUCTION OF THE FIRM’S PERMANENT FACILITY IN CHICO

Uniprise, also known as United Health Care, recently constructed and moved into its permanent facility on 20th Street in Chico. Uniprise has requested financial assistance from the Agency for the costs the firm incurred to install the public improvements necessary for the construction of their new facility. At its 3/9/00 meeting, the Economic Development Committee reviewed this request for assistance and recommended that the Redevelopment Agency reimburse Uniprise for up to $175,000 of the costs of the public improvements. The reimbursement amount is based on 50% of the tax increment the new facility is expected to generate, and will be paid over a ten-year period. This recommendation is consistent with previous reimbursement agreements the Agency has entered into with other expanding noncommercial businesses based on job creation and the anticipated tax increment the new expansion will produce. This Minute Order will authorize the Executive Director to enter into an owner’s participation agreement with Uniprise for Redevelopment Agency reimbursement of up to $175,000 of the cost of the public improvements installed during the construction of the firm’s permanent facility in Chico. The Economic Development Committee recommends approval of the Minute Order.

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO DAVID MERAZ DBA MERAZ & ASSOCIATES

Management Analyst Herman reviewed a memorandum dated 4/28/00 from the Executive Director of the Redevelopment Agency submitting the Summary Report and proposed Resolution relating to the sale of Chico Redevelopment Agency owned property located on Fortress Street, north of Lockheed Ave. at the Chico Municipal Airport to David Meraz DBA Meraz & Associates. Mr. Meraz intended to build an approximately 30,000 sq. ft. building to be used for the manufacturing of counter tops and other kitchen products. Mr. Meraz was also seeking financial assistance for the property sale. The Executive Director was requesting Agency approval of 1) the sale of the approximate 1.0 acre parcel for $65,340 which was based on the 1998 appraised fair market value of $1.50 per sq. ft. for the proposed use; 2) a loan to Mr. Meraz for 90% of the purchase price of the land at 6% interest per year for a period of 30 years with interest deferred for 5 years from the close of escrow, and 3) forgiveness of $5,000 of the deferred interest for each $30,000/year new job created. The Airport Commission and the Economic Development Committee recommended approval of the Resolution.

In response to Councilmember Jarvis regarding the appraised value, the City Manager reported that the City
would be evaluating its entire economic program in the coming year. He indicated to Councilmember Guzzetti that land values had gone up and down, however, the Airport Commission and Council could require an appraisal for each sale and add the cost to the sale price. Councilmember Kirk, a member of the Economic Development Committee, reported that the City had been negotiating with Mr. Meraz for approximately two years, so the Committee approved the sale based on the 1998 appraisal. Councilmember Keene suggested all remaining land for sale could be appraised each year and the cost divided up among purchasers. The City Manager noted that not many parcels remained for sale, until some time in the future when the west side of the Airport developed. Following discussion, the Council agreed with the Mayor’s recommendation to refer these questions to the Economic Development Committee.

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

CHICO REDEVELOPMENT AGENCY RESOLUTION NO. RDA 1-00 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AGREEMENT ENTITLED, "DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO/DAVID MERAZ DBA MERAZ & ASSOCIATES)", WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO DAVID MERAZ DBA MERAZ & ASSOCIATES. After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO SLATER LAND, INC.

Management Analyst Herman reviewed a memorandum dated 4/28/00 from the Executive Director of the Redevelopment Agency submitting the Summary Report and proposed Resolution relating to the sale of Chico Redevelopment Agency owned property located on the corner of Airpark Blvd. and Fortress St. at the Chico Municipal Airport to Slater Land, Inc. Slater Land, Inc. intended to build two 20,000 sq. ft. buildings on the property to be used for an office complex and a training/conference center.

On 11/30/99, the Airport Commission recommended approval of the property sale to Fortress Development Group. Subsequent to the Airport Commission approval, it was discovered that asbestos lined pipes were located under the property which needed to be properly removed as hazardous materials. Fortress Development Group requested that the sale price be adjusted to reflect the cost to remove the pipes. The Economic Development Committee reviewed this request at its 12/9/99 meeting and recommended that the Agency approve a credit toward the purchase price of the property for the pipe removal based on cost estimates received through a competitive bid process. In addition, staff recently received a letter from Fortress Development Group requesting that the property be sold to Slater Land, Inc., which was a subsidiary entity of Fortress Development Group.

Therefore, the Executive Director was requesting approval of the sale of the approximate 3.76 acres of Agency owned property to Slater Land, Inc. for the proposed use and for the purchase price of $206,817, which was the 1998 appraised fair market value of $245,773 ($1.50/sq. ft.) less the competitive low bid price of $38,956 for removal of the underground asbestos pipes. The Airport Commission and the Economic Development Committee recommended approval of the Resolution.

No one spoke from the audience and the Mayor declared the hearing closed. Councilmember Guzzetti stated he would vote against the resolution since he would have preferred an updated appraisal.

CHICO REDEVELOPMENT AGENCY RESOLUTION NO. RDA 2-00 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AGREEMENT ENTITLED, "DISPOSITION AND
DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO/SLATERS, INC.), WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO SLATER LAND, INC. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: Councilmember Guzzetti. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD MAY 1, 2000

Councilmember Keene reviewed a memorandum dated 5/4/00 from the Finance Committee which provided a report on its meeting held on 5/1/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair.

A. (This matter will be considered under Hearings on tonight’s Council agenda, Item 3.1) REVIEW AND RECOMMENDATION FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) FIVE YEAR CONSOLIDATED PLAN FOR 2000-2001 TO 2004-2005 AND THE ANNUAL PLAN FOR THE 2000-2001 PROGRAM YEAR. The Committee recommended (3-0) approval of the CDBG/HOME Five-Year Consolidated Plan for 2000-01 through 2004-05, with the understanding that any concerns or questions raised could be addressed when the Five-Year Plan, along with the Annual Plan, were presented to the City Council for final public hearing on 5/16/00.

B. (Agency action required) CONSIDERATION OF REQUEST FOR REDEVELOPMENT AGENCY HOUSING ASSISTANCE FROM THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE — ALAMONT APARTMENTS. The Committee recommended (3-0) approval of a grant to the Housing Authority of Butte County in the amount of $105,750, to be allocated from the Low & Moderate Income Housing Fund of the Greater Chico Urban Area Redevelopment Project Area, for connection of the Alamont Apartments to the City’s sewer system, and that this allocation be included as a capital project in the 2000-01 Proposed Budget.

Councilmember Jarvis moved approval of the recommendation set forth in item B. The motion was seconded and unanimously carried.

C. (No Council action required — continued for further Committee consideration) CONSIDERATION OF DEVELOPMENT IMPACT FEES FOR PARKS AND SANITARY SEWER TRUNK LINES. The Committee tabled consideration of park and sewer development impact fees and scheduled a meeting for 5/24/00 at 3:00 p.m. in Conference Room No. One for further consideration of the fees, directing staff to provide additional information as discussed today and encouraging interested parties to submit written questions and concerns to staff so that they could be addressed prior to that meeting.

Councilmember Herbert moved to accept the Committee’s report. The motion was seconded and unanimously carried.

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

6. ADJOURNMENT. The meeting was adjourned at 7:55 p.m. to a City Council meeting.
1. CALL TO ORDER. The Mayor called the meeting to order at 7:55 p.m.

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

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Airport Manager Bob Grierson, Housing Officer McLaughlin and Management Analysts Herman and Wood.

2. CONSENT AGENDA

2.1. ORDINANCE NO. 2197 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF CHAPTER 3.80, ENTITLED “SPECIAL ASSESSMENT DISTRICT FINANCING,” OF THE CHICO MUNICIPAL CODE TO DELETE THE REQUIREMENT FOR AN ANNUAL PUBLIC HEARING ON THE AMOUNTS TO BE LEVIED AND TO PROVIDE FOR ANNUAL MAILED NOTICE TO PROPERTY OWNERS OF THE AMOUNT TO BE LEVIED - FINAL READING AND ADOPTION

By memorandum dated 4/17/00, the Director of Public Works reports that this ordinance will amend Municipal Code Chapter 3.80 pertaining to maintenance assessment districts by including a section in the annual report which states that the maximum assessment for the maintenance district will be that which was established in the 1996/97 fiscal (the base year), by repealing sections pertaining to public hearings on the annual report, and by adding a section requiring notification to property owners of the amount to be levied if the current year’s assessment will be more than that of the previous fiscal year. The proposed modifications will update the Code to conform to the requirements of Proposition 218. The City Attorney and Director of Public Works recommend adoption of the ordinance.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA -- REZONE NO. 00-2 (ACTION PROPERTIES) — INTRODUCTORY READING

By memorandum dated 05/01/00, Associate Planner Claudia Sigona reports that the Planning Commission voted 7-0 at its meeting of 04/20/00 to recommend City Council adoption of a proposed Mitigated Negative Declaration and approval of Rezone No. 00-2 which would rezone the westerly half of an 8,712 square foot parcel located at the northwest corner of W. 7th and Cherry Streets, Assessor’s Parcel No. 004-208-005, from R3 Medium-High Density Residential to ML Light Manufacturing/Warehousing. Planning staff recommends that the City Council uphold the Planning Commission’s recommendation, and set the matter for public hearing on 6/20/00.

2.3. RESOLUTION NO. 135 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - THE ESPLANADE ANNEXATION DISTRICT NO. 26

By memorandum dated 05/01/00, the Community Development Assistant forwards a report on initiation of the annexation of three parcels located at 2804 and 2828 The Esplanade. This annexation includes properties developed with the Asian Buffet (formerly known as the Rice Bowl) restaurant and a 17-unit apartment complex. In accordance with adopted LAFCo policy, the City must adopt the resolution to initiate the annexation of the properties to the City. The Community Development Assistant recommends adoption of the resolution.

2.4. RESOLUTION NO. 136 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO NORVILLE AND JANET WEISS FOR ENCROACHMENT ON PUBLIC RIGHT-OF-WAY (OLEANDER AVENUE BETWEEN EAST FIRST AND EAST SECOND AVENUES)
By memorandum dated 4/27/00, the Assistant Director of Public Works reports on a request for a revocable Grant of License for a groundwater monitoring well by Henshaw Associates, Inc., representing Norville and Janet Weiss, owners of Esplanade Dry Cleaners, 164 East 2nd Avenue. The groundwater monitoring well is required pursuant to an agreement between the property owners and the Department of Toxic Substances Control. The Assistant Director of Public Works recommends adoption of this resolution.

2.5. RESOLUTION NO. 137 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 5/2/00, the Personnel Director forwards this resolution which adopts a modified Memorandum of Understanding between the City and the International Association of Firefighters. The City Manager and Personnel Director recommend adoption of this resolution.

2.6. (Removed from the Consent Agenda at the request of Councilmember Kirk.)
RESOLUTION NO. 138 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST FORM TO THE CALIFORNIA DEPARTMENT OF CONSERVATION’S DIVISION OF RECYCLING FOR CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT FUNDS

By memorandum dated 5/4/00, Management Analyst Herman provides staff’s proposal to submit a City/County Funding Request Form to the California Department of Conservation’s Division of Recycling for the City of Chico’s per capita share of funds available through the California Beverage Container Recycling and Litter Reduction Act. These funds are not competitive and are available to jurisdictions each year. The City is eligible to receive $15,813 for the 1999/2000 funding cycle. Staff is proposing to use these funds to help pay for the annual costs to collect the downtown recycling containers, to purchase additional recycling containers, and to promote beverage container recycling and litter abatement citywide. Division of Recycling requires that the City submit a Funding Request Form and a City Council Resolution for these funds. The use of these funds will be reviewed by the City’s Solid Waste Committee prior to tonight’s meeting and this item may be removed from the consent agenda if the Committee does not agree with staff’s recommendation. Management Analyst Herman recommends approval of the Resolution.

(This evening the Council was informed that at its 5/12/00 meeting, the Solid Waste Committee (Councilmembers Jarvis and Herbert) recommended approval of this request.)

2.7. (Removed from the Consent Agenda at the request of John Gillander.)
MINUTE ORDER NO. 11-00 -- APPROVAL OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET FOR FY 2000-01

For a number of years the City has participated with various other Butte County agencies in the Butte Interagency Narcotics Task Force (BINTF). This Task Force targets the illegal production, distribution and use of narcotics and other controlled substances. The City’s agreement to participate in the Task Force is extended on a year-to-year basis and requires approval or disapproval of BINTF’s annual budget by the City no later than June 30th of each year. This Minute Order will approve the BINTF General Budget for the 2000-01 fiscal year. The Chief of Police recommends approval of the Minute Order.

2.8. APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - QUACKERS LOUNGE, 968 EAST AVENUE

By memorandum dated 04/28/00, the Community Development Director recommends that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section
May 16, 2000

23958.4, concerning the issuance of an on-sale alcoholic beverage license for Quackers Lounge, a cocktail lounge located at 968 East Avenue.

2.9. APPROVAL OF MINUTES FOR MEETING HELD ON APRIL 13, 2000

The Council has been provided with copies of minutes for its meeting held on 4/13/00.

Councilmember Keene moved adoption of each ordinance and resolution and approval of all other items on the Consent Agenda, except items 2.6 and 2.7. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA.

4.3. CONSIDERATION OF YOUTH ASSET DEVELOPMENT FRAMEWORK BEING PROPOSED BY HEALTHY CHICO KIDS COALITION

(The Council agreed to take this item out of the order in which it was listed on the agenda at the request of Councilmember Kirk.)

Monica Gage, a Sophomore at Pleasant Valley High School, and Marian Gage, Prevention Coordinator with the Butte County Office of Education, reviewed a letter dated 5/2/00 that provided information on the Healthy Chico Kids Coalition and a Youth Asset Development framework that would be a cooperative effort of several agencies and organizations. Potential activities to be explored to promote the Youth Asset Development approach included a one-day workshop, a town hall meeting, creation of a youth commission, establishment of a leadership vision team, and a survey to determine the asset levels of youth.

The Mayor reported that Councilmember Kirk would keep the Council informed relative to youth matters.

3. NOTICED PUBLIC HEARINGS

3.1. FINAL HEARING ON THE 2000/2001 ANNUAL PLAN/FIVE-YEAR CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

Councilmember Jarvis abstained from voting or discussion on this item.

Housing Officer McLaughlin reviewed his memorandum dated 5/3/00 in which he reported on the 2000-2001 Annual Plan and the Five-Year Consolidated Plan for the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds. The memorandum included the 2000/2001 Proposed Annual Plan adopted by Council at its 4/04/00 meeting and published for a 30-day comment period. There were no comments received during the public review period. The Council was also provided with previous staff reports regarding the CDBG/HOME Programs and a copy of the final Five-Year Consolidated Plan. This evening the City Council would conduct 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 Department of Housing and Urban Development (HUD).

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

Councilmember Keene moved that the Council adopt the final “2000-2001 Proposed Annual Plan” and the “Five-Year Consolidated Plan” and authorize the City Manager to submit the “2000-2001 Proposed Annual Plan” and the “Five-Year Consolidated Plan” to the Department of Housing and Urban Development (HUD) along with the required certifications. The motion was seconded and carried with Councilmember Jarvis abstaining.

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 99, MARIGOLD ESTATES, PHASE 2

Community Development Director Baptiste reviewed his memorandum dated 4/25/00 in which he reported that this resolution would order the formation of Chico Maintenance Assessment District No. 99. As a condition of
development of this subdivision, generally located north of East Avenue and west of Marigold Avenue, the
developers, Donn and Carol Marshall and Pat and Suzanne Conroy, had consented to the formation of this district
for operation and maintenance of landscaping and irrigation within the future median on Marigold Avenue, along
Marigold Avenue, and on the storm drainage detention basin within the subdivision. This maintenance
assessment district would provide that the City perform (or contract for) the operation and maintenance services
which would be paid for by property owners within this district. Future annual assessments would be paid at the
time other property taxes were collected. The Community Development Director recommended adoption of the
Resolution.

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

RESOLUTION NO. 139 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING
FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT
DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 99 – MARIGOLD ESTATES,
PHASE 2 SUBDIVISION). After reading the title, Councilmember Keene moved adoption of the resolution. The
motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene,
Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 500, FOOTHILL PARK EAST

Community Development Director Baptiste reviewed his memorandum dated 4/25/00 in which he reported that this
resolution would order the formation of Chico Maintenance Assessment District No. 500. As a condition of
development of this subdivision, generally located north of East Avenue and between Ceanothus on the east and
Wildwood Avenue on the west, and southwest of the Sycamore Creek Diversion Channel, the developer, Dan
Drake, had consented to the formation of this district for operation and maintenance of landscaping and irrigation,
soundwalls, stamped concrete paving, and stormwater treatment ponds within the development. This
maintenance assessment district would provide that the City perform (or contract for) the operation and
maintenance services which would be paid for by property owners within this district. Future annual assessments
would be paid at the time other property taxes were collected. The Community Development Director
recommended adoption of the Resolution.

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

RESOLUTION NO. 140 99-00 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING
FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT
DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 500 - FOOTHILL PARKEAST
- UNIT 1. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was
seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange
and Bertagna. NOES: None. ABSENT: None.

3.4. HEARING ON PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE FROM CHAMBERS
COMMUNICATION CORP. TO AT&T CORP.

Mayor Bertagna stated that he had a business relationship with Chambers Cable and he would abstain from
discussion or voting on this matter. Vice Mayor Herbert presided over this portion of the meeting.

Management Analyst Wood reviewed his memorandum dated 5/8/00 which provided background on the request
of Chambers Communications Corp. to transfer its cable television franchise to a subsidiary of AT&T Corp. The
resolution provided to Council would approve the conditional transfer of the franchise. The first ordinance would
amend the provisions of the Chico Municipal Code relating to cable franchisees and the second ordinance would
amend the current franchise ordinance. This evening he provided Council with his memorandum dated 5/16/00
transmitting amended Exhibits “B” and “C” to the resolution. In addition, he noted that changes would need to
be made to the ordinance amending Chapter 5.12 of the Municipal Code and, therefore, staff was asking that it
be introduced at the 5/23/00 meeting and adopted on 6/6/00 with the ordinance amending the franchise ordinance.
He explained what staff attempted to accomplish for the benefit of the City and what matters it could not regulate.
He introduced Brenton Bleier from Folsom, special legal counsel to the City in this matter.
Management Analyst Wood, City Manager Lando and Mr. Bleier responded to Council questions relating to the adoption of the resolution this evening, customer service, rebuilding the physical system that was underground in City rights of way, budgeting funds for an analysis of street repairs that might be needed in connection with rebuilding the system and determining if those costs were recoverable from AT&T, adopting an ordinance and fees for trenching in City streets, placing a moratorium on trenching permits until an ordinance could be adopted, the availability of a box or trap when scrambling did not work to block a program, those areas that could be regulated by the City and those regulated by the Federal Communications Commission, future rate increases, and the public access channel.

This evening the Council received a letter dated 5/10/00 from Virginia Langdon urging the Council to approve the franchise transfer. Council requested that staff respond to this letter.

Linda Langston, Pacific Bell, recommended that AT&T be required to have open Internet access on cable television if it was required in other communities. Mr. Bleier reported on a pending court case in Portland on whether or not agencies could regulate open access. Marsha Berkbigler, AT&T, reported that rate increases occurred in May or June so none were planned for this year, that when trenching would occur was unknown at this time, that trenching was not always needed since lines could be pulled through existing conduits, that the public access channel would be retained as long as the City wanted it, that they would do what they could to block channel programing for customers, and that with open access business arrangements were made with Internet service providers. Sean Hogue, Chambers Cable, urged Council to approve the transfer and believed it would benefit the community.

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

Councilmember Guzzetti stated he would vote against the transfer because he did not believe that it would be in the best interests of the community or cable subscribers.

RESOLUTION NO. 141 99-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE CONDITIONAL TRANSFER OF THE CABLE TELEVISION FRANCHISE HERETOFORE GRANTED TO STATE TV CABLE BY ORDINANCE NO. 1696 FROM CHAMBERS COMMUNICATIONS CORP. TO AT&T CORP. After reading the title, Councilmember Jarvis moved that the resolution be amended in Exhibits “B” and “C” as provided to Council this evening, and that the resolution be adopted as amended. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. NOES: Councilmember Guzzetti. ABSTAIN: Councilmember Bertagna. ABSENT: None.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE 1696 GRANTING STATE TV CABLE A NON-EXCLUSIVE FRANCHISE TO INSTALL, CONSTRUCT, OPERATE, AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF CHICO FOR A TERM OF TWENTY (20) YEARS - INTRODUCTORY READING. The ordinance received introductory reading by title only.

The Council recessed for 10 minutes and then reconvened at 10:00 p.m. The Mayor presided over the remainder of the meeting.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.6. Resolution No. 138 99-00 -- Funding Request Form to State for Recycling & Litter Reduction Act Funds. In response to Councilmember Kirk, Management Analyst Herman reported that it was in the City’s discretion where recycling containers were placed. The Mayor suggested, and the Council agreed, that the Solid Waste Committee (Councilmembers Herbert and Jarvis) could review locations. Councilmember
Jarvis noted that since there was no longer a City/County Solid Waste/Recycling Committee on which she and Councilmember Herbert served, the Mayor might want to consider appointing a third member. The Mayor stated that he would take it under consideration.

After reading the title, Councilmember Jarvis then moved adoption of Resolution No. 138 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

2.7. Minute Order No. 11-00 -- Approval of BINTF Budget. John Gillander indicated that he asked that this item be removed from the Consent Agenda so there could be a roll call vote on it since Council votes in prior years had not been unanimous.

Councilmember Herbert moved approval of Minute Order No. 11-00. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF MINUTE ORDER AUTHORIZING CITY MANAGER TO EXECUTE INTERDEPENDENT LEASES ALONG LINDO CHANNEL (CITY/HIGNELL TRUST)

Park Director Beardsley reported that the minute order set forth the background of Bidwell Park and Playground Commission and Council consideration of interrelated leases for a term of twenty-five (25) years between the City and the Fred and Eileen Hignell, Jr. Family 1990 Trust which would allow use of City property by the Trust for landscaping, parking and access to a private business, while allowing use of Hignell property to provide a dedicated single public parking space and improved access to Lindo Channel from Longfellow Avenue to the greenway along Lindo Channel, and additional trail land along Lindo Channel to be used as greenway.

The Bidwell Park and Playground Commission, at its 4/24/00 meeting, approved the mitigated negative declaration. Although the leases involved park property, the Park Commission forwarded this matter with no recommendation. Because the concurrent terms of the leases exceeded fifteen years, approval of the leases must be made by the City Council. If the Council wished to approve the leases, staff recommended approval of the minute order, subject to the terms and conditions set forth therein.

Councilmember Keene reported that he subleased property from someone who leased property from Hignell and, therefore, he would abstain from discussion or voting on this item.

Caryn Jones, 5 Deborah Terrace, recommended approval of the minute order. She also recommended that the trail later be widened to four feet and that it also be extended to the Madrone Avenue bridge. The City Attorney advised that the trail was a separate issue from the matter before the Council. Steven O’Bryan, a member of the Park Commission, recommended that the lease not be approved and that the Hignell encroachment be handled the same as all other encroachments in Lindo Channel. Dan Shedd, representing Hignell, requested Council approval of the minute order. John Merz, 1331 Broadway, was opposed to both the proposed lease and the trail and recommended that they either be sent back to the Commission or not be approved.

MINUTE ORDER NO. 12-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE INTERDEPENDENT LEASES OF REAL PROPERTY ALONG LINDO CHANNEL (CITY OF CHICO/FRED AND EILEEN HIGNELL, JR. FAMILY 1990 LIVING TRUST). Councilmember Kirk moved approval of the minute order. The motion was seconded and carried with Councilmembers Herbert, Jarvis, Kirk, Lange and Bertagna voting aye, Councilmember Guzzetti voting no, and Councilmember Keene abstaining.

4.4. CONSIDERATION OF FUNDING REQUEST FROM UNIVERSITY PUBLIC EVENTS/CHICO PERFORMANCES FOR 4TH OF JULY CELEBRATION

The City Manager reported that by letter dated 5/2/00, Patrick Kopp, Director, and Dan DeWayne, Associate Director, University Public Events/Chico Performances, were seeking to form partnerships to underwrite the $35,000 production costs for a free 4th of July celebration in the CSUC stadium, and were asking for $5,000 in funding from the City to help make the event possible. He added that by letter dated 5/11/00, copies of which were provided to Council this evening, they indicated that they were withdrawing the funding request because the
University could not ensure enough funding to make the free event possible due to the short lead time. However, the City Manager recommended that the $5,000 be approved for use either this year or next year.

Councilmember Guzzetti moved approval of setting aside $5,000 in funding for the University Public Events/Chico Performances for a free 4th of July celebration either this year or next year. The motion was seconded and unanimously carried.

4.5. INITIAL CONSIDERATION OF AN APPEAL BY DAN HAYS ON A DECISION MADE BY THE ARCHITECTURAL REVIEW BOARD

Planning Director Seidler reviewed his memorandum dated 5/3/00 in which he reported that at its 4/6/00 meeting, the Architectural Review Board denied the use of vinyl siding on a proposed warehouse building in an industrial area on property located at the north terminus of Ivy Street in south Chico, by including a condition requiring staff approval of a siding material other than vinyl. He recommended that the Council schedule the matter for a public hearing (required 4 affirmative votes) on 6/20/00 and uphold the appeal. Councilmember Kirk moved that the matter be scheduled for public hearing on 6/20/00 unless the Municipal Code would allow the Council to dispense with the hearing. The motion was seconded and unanimously carried. The City Manager reported that he would advise Council on whether or not a hearing was necessary.

4.6. CONSIDERATION OF MEASURES FOR NOVEMBER 2000 BALLOT

By memorandum dated 5/3/00, the City Clerk provided a list of possible measures for the 11/7/00 municipal ballot. 
(1) Article 34 housing units - the Internal Affairs Committee would provide a verbal report this evening regarding its consideration of this item at its 5/9/00 meeting. 
(2) Publishing ordinances - a Charter amendment to conform to State law which allowed publishing a summary as an alternative to publishing an ordinance in its entirety. 
(3) Deleting reference to gender - a Charter amendment to delete reference to “his” in one section that was apparently overlooked when such changes were approved throughout the Charter by voters a number of years ago.

Councilmember Jarvis reported that item (1) would be considered at the Council’s 6/6/00 meeting. Councilmember Kirk moved approval of placing measures on the ballot relating to items (2) and (3). The motion was seconded and unanimously carried.

Councilmember Kirk moved that this evening’s meeting be extended beyond the Council’s normal 11:00 p.m. adjournment time, to approximately 11:30 p.m. The motion was seconded and unanimously carried.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA

(This matter was added to this evening’s agenda by addendum posted 5/12/00)
INITIAL CONSIDERATION OF AN APPEAL BY TIMOTHY MUIR OF THE PLANNING DIRECTOR’S APPROVAL OF A CERTIFICATE OF APPROPRIATENESS AUTHORIZING DEMOLITION AND RECONSTRUCTION OF A PORTION OF A COMMERCIAL BUILDING LOCATED AT 902 MAIN STREET

Planning Director Seidler reported that by memorandum dated 5/11/00 he advised the Council that he approved Certificate of Appropriateness No. 00-1 authorizing demolition and reconstruction of an 11,000 square foot portion of a 20,000 square foot commercial building (former Volpato auto dealership sales and repair) located at 902 Main Street. The appellant contended that the structure was of historical significance and should not be demolished.

The Council was also provided with copies of a memorandum dated 5/11/00 from Mark Abouzeid, the applicant, opposing the appeal and providing additional information in support of his application.

This evening the Council was provided with a letter dated 5/13/00 (received 5/16/00) from Timothy Muir, the appellant, indicating that he would not be present at tonight’s meeting, and strongly objecting that this matter was placed on the agenda less than 14 days after the appeal was filed, since the appeal form stated it would be scheduled:... “not less than 14 nor more than 45 days following the date the appeal was received”.... The Council was also being provided with copies of Chico Municipal Code Section 2.80.020 which provided that the time...
limitations set forth in Chapter 2.80 were directory rather than mandatory (except in relation to notice of an appeal hearing).

Also provided this evening was a letter dated 5/16/00 from Mark Abouzeid, the applicant, providing Council with copies of a letter received from Pete Volpato, the former owner of the property, which gave a history of improvements that were made to the property over the years.

Since the appeal form indicated 14 to 45 days, the Council agreed to give this appeal initial consideration at a meeting to be held on 5/22/00 at 1:00 p.m.

5. BUSINESS FROM THE FLOOR

   Cable TV Franchise Transfer. The City Manager answered questions from Sharon Chambers, 600 Flume Street, regarding the time within which the Council had to act on the transfer.

6. REPORTS AND COMMUNICATIONS

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

6.1. Charmaine Ratcliffe, 3 Greg Court - Requesting a Municipal Code amendment that would allow residents to park vehicles on the street in front of their residences for a longer period of time than is currently allowed (168 consecutive hours (7 days)).

   This evening Ms. Ratcliffe submitted an additional letter in which she requested that a passenger car or van be allowed to be parked in front of its owner’s residence for 30 days.

   The Council referred this item to its Internal Affairs Committee for consideration. The City Manager noted that staff would not recommend an amendment.

6.2. State Department of Water Resources - May 2000 notice of formation of Public Advisory Committee for next update of the California Water Plan, and seeking volunteers to serve on the committee.

6.3. State Public Utilities Commission - notice of public scoping meetings to be held during May in order to prepare an EIR on PG&E application to sell its hydroelectric assets through an auction.

6.4. PG&E - notice of application dated 4/13/00 to State Public Utilities Commission to approve a decrease in natural gas rates.

6.5. State Department of Alcoholic Beverage Control - application dated 4/21/00 for license from Tamborazo Mexican Restaurant, 968 East Avenue #B.

6.6. State Department of Alcoholic Beverage Control - application dated 4/26/00 for license from Rico’s Pizza, 1600 Mangrove Avenue #E.

7. ADJOURNMENT

   The meeting was adjourned at 11:05 p.m. to 5/22/00 at 1:00 p.m. in Conference Room No. 1, and then to 5/23/00 at 7:00 p.m. in Conference Room No. 1 for a meeting with boards and commissions.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING - MAY 22, 2000
Chico Municipal Center, Conference Room No. 1, 421 Main Street, 1:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 1:00 p.m.

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

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Keene, Kirk and Lange. Absent - Councilmembers Guzzetti and Jarvis.

1.3. Introduction of City Staff. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Assistant City Attorney Barker and Building Official Purvis.

2. CONSENT AGENDA -- No Items

3. NOTICED PUBLIC HEARINGS -- No Items

4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL BY TIMOTHY MUIR OF THE PLANNING DIRECTOR’S APPROVAL OF A CERTIFICATE OF APPROPRIATENESS AUTHORIZING DEMOLITION AND RECONSTRUCTION OF A PORTION OF A COMMERCIAL BUILDING LOCATED AT 902 MAIN STREET

This item was continued from the Council's 5/16/00 meeting. Planning Director Seidler reviewed a memorandum dated 5/11/00 from Senior Planner Palmeri which reported that on 4/24/00 the Planning Director approved Certificate of Appropriateness No. 00-1 authorizing demolition and reconstruction of an 11,000 square foot portion of a 20,000 square foot commercial building (former Volpato auto dealership sales and repair) located at 902 Main Street. The appellant contended that the structure was of historical significance and should not be demolished. The Planning Director noted that the building was not in the historic building inventory.

The Council was again being provided with copies of (a) a memorandum dated 5/11/00 from Mark Abouzeid, the applicant, (b) a letter dated 5/13/00 (received 5/16/00) from Timothy Muir, the appellant, (c) Chico Municipal Code Section 2.80.020, and (d) a letter dated 5/16/00 from Mark Abouzeid, the applicant.

Planning Director Seidler added that at this meeting the Council had the option of (a) taking no action, in which case the appeal would be denied, or (b) by a least 4 affirmative votes schedule the appeal for a public hearing at a subsequent meeting. Planning Staff recommended that no action be taken on the appeal.

Don Kidd, owner of Mr. Kopy, spoke in favor of not setting a hearing. Tim Muir, the appellant, and David Wilkinson urged that a public hearing be scheduled. Mark Abouzeid, the applicant, requested that the appeal be denied.

Following discussion, Councilmember Herbert moved that the appeal be denied. The motion was seconded and carried with Councilmembers Herbert, Keene, Kirk, Lange and Bertagna voting aye, and Councilmembers Guzzetti and Jarvis being absent.

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA -- None

5. BUSINESS FROM THE FLOOR -- None

6. REPORTS AND COMMUNICATIONS -- No Items

7. ADJOURNMENT. The meeting was adjourned at 1:15 p.m. to Tuesday, 5/23/00 at 7:00 p.m. in Conference Room #1, for a meeting with Boards and Commissions.
1. **CALL TO ORDER.** The Mayor called the meeting to order at 9:00 a.m.

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

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.3. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Information Systems Director McEnespy, Airport Manager Bob Grierson, Budget Officer Pierce, Housing Officer McLaughlin, Management Analysts Wood and Halldorson, Community Development Assistant Sellers, and Development Engineer Varga. Assistant City Attorney Barker and Management Analyst Carroll attended the afternoon portion of the meeting.

2. **CONSENT AGENDA**

2.1. **REDEVELOPMENT AGENCY RESOLUTION NO. RDA 3-00 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A GRANT OF FUNDS FROM THE AGENCY’S GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT AREA LOW AND MODERATE INCOME HOUSING FUND TO THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE TO FACILITATE CONNECTION OF PROPERTY LOCATED AT 811 WEST EAST AVENUE TO CITY SEWER**

By memorandum dated 5/25/00, the Housing Officer reports that at its meeting of 5/16/00 the Agency accepted the 5/1/00 recommendation of the Finance Committee to approve the allocation of grant funds in the amount of $105,750 to the Housing Authority of Butte County for connection of the Alamont Apartments to the City’s sewer system. The grant will be allocated from the Agency’s Low & Moderate Income Housing Fund of the Greater Chico Urban Area Redevelopment Project Area, and is to be included as a capital project in the 2001-01 Proposed Budget. This resolution will implement the grant. The Housing Officer recommends adoption of the resolution.

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

Councilmember Guzzetti arrived at 9:05 a.m.

3. **NOTICED PUBLIC HEARINGS** -- No Items

4. **REGULAR AGENDA**

4.1. Items removed from the Consent Agenda -- None

4.2. **REDEVELOPMENT AGENCY BUDGET REVIEW.**

A. **General Budget Review.**

Council was advised that the Chico Redevelopment Agency 2000-01 Proposed Budget pages were
contained in the budget binder under the brown tabs.

The Executive Director and other staff members provided an overview of the 2000-01 Proposed Chico Redevelopment Agency Budget, including a review of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas Five Year Trends (located under the brown RDA “Fund Projections” tab), the Operating Budget, and the Low and Moderate Income Housing Fund Summary, a copy of which was provided with the agenda. Today the Council was provided with a revised copy of the GCUARPA LMIHF which reflected a correction to a mathematical error.

B. Capital Budget Review.

The Executive Director and other staff members reviewed the Chico Merged Redevelopment Project Area 2000-01 project funding requests and recommendations as set forth in Appendix RDA A-2 (located under the brown RDA “Appendix” tab).

The Executive Director reported that further Council approval would be needed before further expenditure of funds on the Old Municipal Building, that the Redevelopment Committee had not yet had a chance to consider acquisition of property at 1500 Humboldt for the future expansion of the Police Department, but Council could make its own decision, that he would recommend Otterson Drive Extension funding be deleted from the budget until the Council met to review the project, and that later today the Council could discuss various projects relating to the downtown area. The Council agreed that the property acquisition at 1500 Humboldt did not need to be referred to the Redevelopment Committee, and the Executive Director reported that the Police Chief could provide a memorandum to Council on how the building and property would meet its 20-year needs.

Councilmember Guzzetti left the meeting at 9:25 a.m.

Community Development Assistant Sellers explained what would be included in the Teichert Pond Management Plan. Councilmember Keene and Mayor Bertagna indicated the Council previously agreed that the primary use would be drainage detention. Suzanne Gibbs reported that the City could apply for Proposition 13 funds from the State for water quality management plans. Greg Steele, a public member of the Redevelopment Committee, recommended that the Committee be provided with an opportunity to review the Teichert Pond and 1500 Humboldt projects.

Councilmember Guzzetti returned to the meeting at 9:45 a.m.

Councilmember Keene moved to delay further action but set aside the funds on the Teichert Pond and 1500 Humboldt projects until further information was provided to the Council. The motion was seconded, and following further discussion, was then carried with Councilmembers Herbert, Keene, Lange and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis and Kirk voting no.
The City Manager responded to questions from Bob Best regarding the five-year trends for the CMRPA. He continued with his review of revenues and expenditures for the CMRPA and the GCUARPA. Assistant City Manager Dunlap reviewed the Low & Moderate Income Housing Fund (L&MIHF) revenues and expenditures for the two project areas, along with a summary of the Chico Public Financing Authority (CPFA) bond proceeds.

5. ITEMs ADDED AFTER POSTING OF THE AGENDA -- None

6. ADJOURNMENT

The Council recessed for 10 minutes and then adjourned to a City Council meeting at 10:15 a.m.
May 23, 2000

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING - MAY 23, 2000
Chico Municipal Center, Conference Room #1, 421 Main Street, 7:00 p.m.

1. **CALL TO ORDER.** The Mayor called the meeting to order at 7:00 p.m.

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

1.2. **Roll Call.** Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Kirk and Lange. Absent - Councilmember Keene.

1.3. **Introduction of Staff Members.** City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Assistant City Attorney Barker, Urban Forester Boza, Budget Officer Pierce, Management Analyst Herman, and Art Projects Coordinator Gardner.

2. **CONSENT AGENDA.** All Consent Agenda items were submitted by a Posted Addendum that was posted on 5/19/00.


By memorandum dated 5/17/00, Management Analyst Wood provides information on the above ordinance. The ordinance amends the provisions of the Chico Municipal Code relating to cable franchisees and was developed in connection with consideration of the transfer of the cable television franchise from Chambers Communications, Corp. to AT&T Corp. This ordinance incorporates changes discussed with the Council at its 5/16/00 meeting when the transfer resolution was adopted. The City Manager and Management Analyst recommend introduction of the Ordinance.

2.2. **RESOLUTION NO. 142 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MONTECITO AVENUE, BETWEEN EAST AVENUE AND MISSION RANCH BOULEVARD)**

By memorandum dated 5/18/00, the Director of Public Works reports that S&S Enterprises has petitioned the City to abandon the portion of Montecito Avenue between East Avenue and Mission Ranch Boulevard, in conjunction with a boundary line modification on the adjacent parcel, to allow for future development. An easement will be reserved over the entirety of the proposed abandonment for public utilities, public services, and bicycle/pedestrian access. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing for 6/20/00.

2.3. **MINUTE ORDER NO. 13-00 -- AUTHORIZING CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR THE USE OF SPACE AT THE CITY’S WATER POLLUTION CONTROL PLANT FROM 5/24/00 THROUGH 4/15/01.**

The United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), has requested that the City of Chico grant them the exclusive use of approximately 3,000 square feet of ground space at the City’s Water Pollution Control Plant for use as a wind profiler site for their Central California Ozone Study. If approved, the Letter of Agreement would be in effect for the period of May 24, 2000 through April 15, 2001 only. Further, they have requested that the City allow them to install such facilities as may be necessary for their operation, including a wind profiler, a meteorological tower, an 8’ x 20’ equipment trailer, and a private telephone line. NOAA agrees to pay all costs associated with phone and electrical installation and phone usage at the site.
NOAA further agrees to pay to the City a rate of $150.00 per month for electrical usage. The agreement would permit unrestricted access to the property by NOAA staff and representatives for any purpose in connection with their research. The Director of Public Works recommends approval of the Minute Order.

Councilmember Kirk moved adoption of the resolution, approval of the minute order, and removing item 2.1 from the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmember Keene.

3. **NOTICED PUBLIC HEARINGS**  No items

4. **REGULAR AGENDA**

4.1. **MEETING WITH BOARDS & COMMISSIONS.**

The City Council scheduled today’s meeting as part of its 2000-01 Budget Calendar. A memorandum was sent on 2/29/00 from the City Clerk asking boards and commissions if there were any budget-related issues they wished to discuss with the Council at today’s meeting, and the responses received were listed below. (All boards and commissions were not listed since some did not have any matters to discuss with the Council.)

A. **Bidwell Park & Playground Commission.**

Present were Commissioners Glenn Dunning, Kimberly King, Barbara Kopicki, Russell Mills and Steven O’Bryan. Absent were Commissioners Tom Barrett and Bruce Holderbein.

The Council was in receipt of a memorandum dated 5/8/00 from the Park Director concerning the items listed below.

1. **Proposition 12.** Commission members reviewed the availability of these funds on a per-capita basis and on a competitive basis in a variety of project categories, along with a list of recommended projects.

   The City Manager noted that the Chico Area Recreation District and Butte County would also be receiving funds, that it was beneficial to have the proposed list of projects at an early date, and that they could be included in the Capital Improvement Program and considered later.

2. **Policy change re nexus between capital improvements in Bidwell Park & development fees.** Commission members reported that except in a few instances, improvements in the park were not eligible for funding from development fees, and they wanted to discuss the concept of establishing a nexus between those improvements and population increases. Existing residents had a responsibility and would share in the cost.

   Following discussion, it was the consensus of the Council to have a philosophical discussion of this item at the 6/6/00 budget review meeting and then Council could decide where it should be referred.

3. **Short and long range planning.** Commission members reported on a number of projects that they were considering in planning for the increased use and demand for park, open space and greenways throughout the community.

B. **Community Transit Advisory Committee.**

Present were Committee members Diane Cooper, Linda Leahy, Barbara Shockley and Jonathan Studebaker. Absent were Committee members Sherri Lynn Douglas, Peggy Hargrove and Anne Patterson.

The Council was in receipt of a memorandum dated 5/9/00 from Management Analyst Herman concerning the items listed below.
1. **Transit center.** Committee members discussed the need for a future transit center at 2nd & Salem Streets or at some other location.

City Manager Lando agreed that it was appropriate to have a transit center, that funds were budgeted for the design phase and an architect would be hired, that the 2nd & Salem site at Municipal Parking Lot #7 was now used as a central site for all buses to meet, more space would be needed if the site became a transit center, and that representatives from all cities and the County were meeting about consolidating all of the transit systems operating throughout the County.

Council and Committee members spoke on the need for other agencies to participate in the transit center, including the County, University and other schools. Councilmember Jarvis recommended that this item be placed on the next Intergovernmental Committee agenda for discussion, along with a report from Management Analyst Herman on any funds that might be available.

2. **Transit vehicle replacement/capital projects.** Committee members spoke on the need to continue to expand the system to meet increasing needs.

In response to Council questions, the City Manager indicated that the Committee could look at expanding service to the north to Philadelphia Square and the Airport, although prior service to the Airport was not successful. He indicated to Councilmember Jarvis that staff could see if there were other convenient locations to buy transit tickets besides City Hall. In response to the Mayor, he stated that there weren’t many suitable places with enough space for bus stops on Mangrove Avenue.

C. **Planning Commission.**

Present were Commissioners Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Absent were Commissioners Victor Alvistur and Jolene Dietle.

The Council was in receipt of a memorandum dated 5/9/00 from Planning Director Seidler concerning the items listed below.

1. **Otterson Drive extension.** The Planning Director reported that the Commission would be considering the final environmental impact report on 6/1/00.

The City Manager recommended that Council schedule a hearing on the matter at a Tuesday meeting in June. Councilmember Kirk indicated she would not be available on 6/13/00 and Councilmember Jarvis indicated she would not be available on 6/27/00. It was agreed that scheduling a hearing date would be placed on the 6/6/00 agenda for consideration.

2. **Code enforcement.** City Manager Lando reported that an hourly Code Enforcement Officer would be used for the remainder of this fiscal year for the weed abatement program, and that Council would be considering funding the position for next fiscal year during budget review. At the request of Councilmember Kirk, Community Development Director Baptiste reported that he would provide Council with copies of the complaint log relating to Code violations.

D. **Arts Commission.**

Present were Commissioners Debra Austin, Kathy Barrett, Paula Busch and Mary Memmer. Absent were Commissioners Jack Lee, Robin Nichols and Ross White.

The Council was in receipt of a memorandum dated 5/10/00 from Risk Manager Koch concerning the items listed below.

1. **Policy regarding Commissioner attendance at conferences and training.** Commission members requested that they be allowed to attend arts-related conference or training programs in a manner similar to other commissions, and that $2,000 in Transient Occupancy Tax (TOT) funding for conferences and $200 for
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training had been included in the 2000-01 budget that they wanted the Council to approve. In addition, since some of the more important arts conferences were national in nature and were held outside of California, the Commission wanted Council to discuss whether to retain the in-State conference attendance policy as it relates to the Commission.

Councilmember Jarvis noted that since TOT funds were limited, she would recommend discussion at the 6/6/00 budget meeting regarding other funding sources, allowing Commissioners to use Council conference funds, and getting Council permission to attend out-of-State conferences.

2. Policy regarding appointment by Commission of persons other than Commissioners to Arts Commission subcommittees. Commissioners asked that they be allowed to appoint public members to subcommittees of their two standing committees in an effort to secure greater public input and participation. Each subcommittee would be chaired by a Commissioner, and its recommendations would be forwarded to a standing committee and then to the Commission.

City Manager Lando stated his concern about the need for additional staff time and costs associated with preparing reports, agendas and minutes. Some members of the Council suggested that the Commission hold open forums or invite various groups or citizens to its meetings.

Councilmember Jarvis suggested this item be discussed further at a future Council meeting. Mayor Bertagna recommended that it be referred back to the Commission to come back with a recommendation involving increasing public participation at the committee level only. Councilmember Jarvis agreed and suggested they seek legal counsel from the City Attorney’s office regarding the need to post agendas.

3. City sponsorship of Annies arts awards celebration in Fall 2000. Commissioners requested that the Council approve one-time City sponsorship of the 10th annual Annies arts awards ceremony, and approval of $5,000 in TOT arts money in the 2000-01 budget to cover costs for City staff and for printing, promotion and other needs for the event. They reported that Stash Distributing Company had again pledged to contribute $8,000 for the event, which would be used to fund the costs for the actual awards night event, and would be handled through an agreement with the University Research Foundation as the financial receiver.

The Council agreed to consider this request at its 6/6/00 budget meeting.

E. Parking Place Commission.

Present were Commissioners Cynthia Augur, William Dudman, Robert Mowry, Ali Sarsour and Ann Schwab.

The Council was in receipt of a memorandum dated 5/10/00 from the Director of Public Works concerning the items listed below.

1. Funding for design and printing of brochure to educate/inform downtown customers about the availability of parking. Commissioners requested that the Council allocate $7,500 for the design and printing of a brochure to educate and inform downtown customers about the availability of parking. The City Manager reported that the request would be placed on the list of additive budget requests for consideration by the Council on 6/6/00.

2. Funding for a comprehensive parking plan. Commissioners requested that the Council provide $25,000 for a comprehensive parking plan that would explore various alternatives for making more parking available for downtown customers, and how these changes would impact parking revenues.

The City Manager reported that funding was included in the 2000-01 budget for a parking structure study. Councilmember Jarvis questioned if any of the alternatives could be incorporated into that study.

4.2. ITEMS REMOVED FROM THE CONSENT AGENDA.
2.1. Ordinance Amending Chapter 5.12 of Municipal Code re Cable TV Franchise. Mayor Bertagna abstained from voting or discussion of this item since he had a contractual arrangement with Chambers Cable. Vice Mayor Herbert presided over this portion of the meeting.

The City Manager and Assistant City Attorney answered questions from Councilmember Kirk regarding customer service provisions relating to the franchise.

Councilmember Kirk then read the title of the ordinance and moved for introductory reading. The motion was seconded and carried with Councilmember Keene being absent and Mayor Bertagna abstaining.

Mayor Bertagna presided over the remainder of the meeting.

4.1. MEETING WITH BOARDS & COMMISSIONS (CONT’D).

F. Airport Commission.

Present were Commissioners Georgie Bellin, Wendy Coggins, Stephen Lucas, Allen Sherwood and Al Silva.

The Council was in receipt of a memorandum dated 5/10/00 from the Airport Manager concerning the item listed below.

1. Revisions to Chico Municipal Airport revenue structure. Airport Manager Bob Grierson reported on new FAA policies that would provide some flexibility on developing airport property and define the limits of airport revenues, in order to make airports self-sustaining. Toward this end, the City would establish policies that clearly define sources and use of revenues, leasing policies and rate setting methodology. Prior to asking the Council to raise fees, he was completing an audit of historical costs to establish the baseline revenue requirements necessary to operate and to meet future needs. Council support of this endeavor would be requested in the next fiscal year.

The Airport Manager responded to Council questions concerning appropriate uses at the Airport, the Comprehensive Land Use Plan, development on the west side of the Airport, and the San Francisco Airport’s limit on the size of aircraft coming there in order to reduce airport traffic.

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA.

June 20 Closed Session. Councilmember Kirk asked that the Council meet in closed session at 6:30 p.m. on 6/20/00 to evaluate the City Manager and City Attorney. The Council agreed and asked that both of them be in attendance.

5. BUSINESS FROM THE FLOOR No items

6. REPORTS AND COMMUNICATIONS No items

7. ADJOURNMENT. The meeting was adjourned at 9:45 p.m. to 6/6/00 at 9:00 a.m. in Conference Room #1 for all-day budget review. (The regular evening meeting on 6/6/00 at 7:30 p.m. would be canceled.)
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — JUNE 6, 2000
Chico Municipal Center, Conference Room No. One, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 10:15 a.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti.

1.2. City staff. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Information Systems Director McEnespy, Airport Manager Bob Grierson, Budget Officer Pierce, Housing Officer McLaughlin, Management Analysts Wood and Halldorson, Community Development Assistant Sellers, and Development Engineer Varga. Assistant City Attorney Barker and Management Analyst Carroll attended the afternoon portion of the meeting.

2. CONSENT AGENDA

2.1. (Mayor Bertagna announced he was disqualified from discussion or voting on this item, and Vice Mayor Herbert presided over this portion of the Consent Agenda.)

ORDINANCE NO. 2199 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE 1696 GRANTING STATE TV CABLE A NON-EXCLUSIVE FRANCHISE TO INSTALL, CONSTRUCT, OPERATE, AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF CHICO FOR A TERM OF TWENTY (20) YEARS — FINAL READING AND ADOPTION

By memorandum dated 5/24/00, Management Analyst Wood provides information on the above ordinances. The ordinance amending Ordinance No.1696 was introduced at the Council’s 5/16/00 meeting while the ordinance amending Chapter 5.12 of the Chico Municipal Code was introduced at the 5/23/00 meeting. Both ordinances were developed in connection with consideration of the transfer of the cable television franchise from Chambers Communications, Corp. to AT&T Corp. The first ordinance amends the provisions of the Chico Municipal Code relating to cable franchisees and the second ordinance amends the current franchise ordinance. The City Manager and Management Analyst recommend adoption of the Ordinances.

Vice Mayor Herbert read the titles of the two ordinances and Councilmember Jarvis moved their adoption. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. NOES: None. DISQUALIFIED: Councilmember Bertagna. ABSENT: Councilmember Guzzetti.

The Mayor presided over the remainder of the meeting.

2.2. (Removed from the Consent Agenda at the request of Greg Steele.)
RESOLUTION NO. 143 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CENTENNIAL AVENUE ANNEXATION DISTRICT NO. 1

By memorandum dated 5/12/00, the Community Development Assistant forwards a report on initiation
of the annexation of a 6.52 acre parcel on the east side of Centennial Avenue, north of East 8th Street. The subject property has been approved by the City for the 14 lot single family residential Whitehall Subdivision. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommends adoption of the resolution.

2.3. RESOLUTION NO. 144 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CHICO CANYON ROAD ANNEXATION DISTRICT NO. 3

By memorandum dated 5/12/00, the Community Development Assistant forwards a report on initiation of the annexation of a 7.05 acre parcel on the south side of Chico Canyon Road, approximately 3,000 feet east of Bruce Road - Manzanita Avenue. The subject property has been proposed for an 11 lot single family residential subdivision. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommends adoption of the resolution.

2.4. RESOLUTION NO. 145 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - HOLLY AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated 5/12/00, the Community Development Assistant forwards a report on initiation of the annexation of parcels at 2251 and 2257 Holly Avenue. The subject properties are developed with two single family residences. Subdivision of one of the parcels and adjacent incorporated land is proposed to create nine lots for single family residential development. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommends adoption of the resolution.

2.5. (Removed at the request of John Schaller.) RESOLUTION NO. 146 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 8TH STREET ANNEXATION DISTRICT NO. 17

This matter was continued at the City Council’s request from its 5/2/00 meeting. By memorandum dated 5/30/00, the Community Development Assistant forwards a report on initiation of the annexation of the 31.5 acre parcel located southwest of the intersection of East 8th Street and Bruce Road. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties approved for development of the Nob Hill Subdivision, consisting of 97 lots for single family residential use. The Community Development Assistant recommends adoption of the resolution.

2.6. RESOLUTION NO. 147 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST 8TH AVENUE ANNEXATION DISTRICT NO. 7

By memorandum dated 05/12/00, the Community Development Assistant forwards a report on initiation of the annexation of parcels at 810 and 820 West 8th Avenue. The subject properties are developed with two single family residences with a third proposed, and an appliance sales and service business. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommends adoption of the resolution.
2.7. RESOLUTION NO. 148 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING PUBLIC NUISANCE AND SETTING TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS (RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS)

By memorandum dated 5/5/00, Management Analyst Wood reports that the Lot Cleaning Program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to inspect properties located within the City limits and determine which properties contain weeds, rubbish, refuse and/or debris which constitute a fire hazard, or may become a fire hazard, if not abated. Adoption of this resolution declares that noxious, combustible, or dangerous weeds and/or rubbish, refuse and/or debris exist on the properties set forth on Exhibit “A” attached to the resolution, and constitute a public nuisance which must be abated. The resolution also sets a public hearing on Tuesday, 6/20/00, for the purpose of hearing and considering all objections to the proposed removal of weeds, rubbish, refuse and/or debris, and the assessment of the cost of such removal. The Community Development Director and Management Analyst recommend adoption of the resolution.

2.8. RESOLUTION NO. 149 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)

By memorandum dated 5/18/00, the Community Development Director reports that as a condition of approval of a subdivision map, the Walnut Park Subdivision was required to consent to the formation of a maintenance district to fund costs of annual operation and maintenance of the landscaping and a masonry wall the along E. 8th Street and Centennial Avenue frontages, and storm water quality treatment facilities within the subdivision. Consent was granted but was subsequently invalidated by the passage of Proposition 218. As a result, Chico Maintenance District (CMD) No. 73 was initiated. The formation attempt failed for a lack of an affirmative vote from the majority of property owners. Since that time, ownership has changed and the current project proponent is endeavoring to fulfill the subdivision condition. The public improvements have been installed and are complete, and will be accepted pending formation of this maintenance district.

The most recent neighborhood meeting was held 3/30/00 with City staff and the project proponent in attendance. The improvements covered by the CMD and costs per lot were presented. Neighborhood comments were solicited and answered. In accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council is being asked to adopt the above resolution directing the City Clerk to schedule two public hearings on the proposed CMD. Prior to the hearings, a ballot will be mailed to all of the property owners within the proposed district. The ballot will allow the property owners to vote on whether they wish to be assessed for the maintenance and operation of the public facilities noted above and to establish a reserve fund for the replacement of these facilities. The Community Development Director recommends adoption of the resolution and that the City Clerk schedule the two public hearings.

2.9. (Removed at the request of Councilmember Jarvis.)

MINUTE ORDER NO. 14-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING A PUBLIC UTILITY EASEMENT TO PACIFIC BELL ON CITY-OWNED PROPERTY ON HUMBOLDT ROAD (APN 002-180-093)

In anticipation of growth on the east side of Chico, Pacific Bell has requested a public utility easement of approximately 550 square feet on a corner of City-owned property on Humboldt Road for the purpose of installing a fiber optic unit which would provide additional phone lines to that area of the City. Staff has reviewed the request and determined that the easement will not interfere with future development of the site, and is recommending sale of the easement for $1,050 and other associated title, escrow or transfer costs. The Community Development Director recommends approval of the minute order.
2.10. MINUTE ORDER NO. 15-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT TO PACIFIC BELL AT THE NORTHEAST CORNER OF AIRPARK BOULEVARD AND MARAUDER STREET

The Airport Manager reports that Pacific Bell has requested an additional easement on City property at the northeast corner of Airpark Boulevard and Marauder Street to extend fiber optic services to the airport. In exchange for the easement, Pacific Bell will install additional landscaping and irrigation in the area. The Airport Commission considered this request at its meeting of 5/23/00 and recommends approval of the minute order.

2.11. APPROVAL OF AWARD OF BIDS FOR OFFICIAL PUBLICATIONS FOR THE 2000-01 FISCAL YEAR

By memorandum dated 5/10/00, Administrative Analyst Young forwards pertinent information regarding the award of bids for official publications, including a summary of the bids received for the Fiscal Year 2000-01. The City Council has the option of awarding the bid to either the Chico Enterprise-Record or the Chico News & Review; however, the City has traditionally awarded it to both newspapers. The City Clerk recommends that bids be awarded to both the Chico Enterprise-Record and the Chico News & Review, and that publications be placed in both newspapers as equally as possible.

2.12. (Removed at the request of Councilmember Kirk.)

APPROVAL OF MINUTES FOR MEETINGS HELD ON APRIL 25, 2000 AND MAY 2, 2000

The Council has been provided with copies of minutes for its meetings held on 4/25/00 and 5/2/00.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.2, 2.5, 2.9 and 2.12. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

Councilmember Guzzetti returned to the meeting at 10:20 a.m.

3. NOTICED PUBLIC HEARINGS -- No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. Resolution No. 143 99-00 re Centennial Avenue Annex, Dist. No. 1. Greg Steele reported that the Whitehall Subdivision project had not been approved by the City. Community Development Director Sellers indicated that when the City annexed property, any projects on the property developed in the County were approved. A new project had been approved by the City. After reading the title, Councilmember Keene moved adoption of Resolution No. 143 99-00 without approval of the Whitehall Subdivision project. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.
2.5. Resolution No. 146 99-00 re East 8th Street Annex. Dist. No. 17. Today the Council was provided with a letter dated 6/2/00 from Attorney John Schaller which indicated that the condition had not been complied with which stated: “Initiation of this annexation is contingent on completion of a lot line adjustment with property owners to the west of Husa Lane. The subdivision engineer has verified completion of this process and supplied supporting documentation.” A letter dated 6/5/00 was also received from James Stevens of North Star Engineering requesting that this item be continued until the afternoon portion of today’s meeting. Councilmember Keene moved that this item be continued until 3:00 p.m., after the Council considered community organization funding. The motion was seconded and unanimously carried.

2.9. Minute Order No. 14-00 re Granting Public Utility Easement to Pacific Bell on Humboldt Road. The City Manager indicated to Councilmember Jarvis that the easement was not located next to the Humboldt Burn Dump site. Councilmember Jarvis then moved approval of Minute Order No. 14-00. The motion was seconded and unanimously carried.

2.12. April 25 & May 2 Minutes. Councilmember Kirk reported that in the 4/25/00 City Council minutes, item 2.6 was removed from the Consent Agenda at the request of Councilmember Keene rather than Councilmember Kirk. Further, in the 4/25/00 minutes, item 4.2.D relating to the Leaf Pick Up Program, she did not recall referring the matter of disposing of green waste and leaves by commercial yard maintenance businesses being referred to the Internal Affairs Committee. Councilmember Guzzetti moved that item 2.6 be corrected as noted, that staff review the videotape of the meeting on item 4.2.D and correct it accordingly, and that the 4/25/00 and 5/2/00 minutes be approved as corrected. The motion was seconded and unanimously carried.

4.2. BUDGET REVIEW

A. General Budget Review.

The City Manager and other staff members provided an overview of the 2000-01 Proposed Budget, including a review of the General Fund and Estimated Fund Balances. The “General and Park Funds Projected Trends” and the “Summary of Estimated Fund Balances” were located under the green “Fund Projections” tab in the budget binder.

B. Department Budget Review.

The City Council reviewed department Operating Budgets as well as specific capital requests pertinent to those departments. He noted that department heads and selected management personnel were available to review requests with the Council and answer any questions that Council might have.

The City Manager and other staff members then reviewed the General/Park Fund additives. The City Manager responded to Councilmember Guzzetti about not having individual departments make
presentations today, about shifting the lot cleaning program from the Fire Department to the Community Development Department and he and explained that he and the Fire Chief had discussed fire prevention services in the Fire Department. The City Manager responded to Councilmember Kirk’s questions regarding salary adjustments for reception desk personnel and indicated that the Personnel Director could provide more information this afternoon for the Council’s consideration. He indicated to Councilmember Jarvis that the Plaza Park Master Plan should be included on the Chico Merged Redevelopment Project Area New Capital Projects (2000-01) list. He also advised Councilmember Jarvis that new positions were incorporated in the budget, however, in the future those positions could be identified separately. The City Manager further noted that in the future staff would schedule a separate budget meeting with departments as has been done with boards and commissions, in advance of and to save time at the Council’s June budget review.

Councilmember Jarvis moved that the City Manager report on the weed abatement program and the impacts thereof on the Fire and Community Development departments, and that the City Manager and Mayor meet in advance of the budget review meetings, estimate how long various agenda items will take, and then set a schedule for beginning the meeting, breaks and closed sessions so that members of the Council could coordinate them with their own work schedules.

The Council recessed at 11:30 a.m. and reconvened at 1:00 p.m. in Conference Room 2.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the items listed below. Present were Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Councilmember Guzzetti was present at 1:20 p.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson and Community Development Director Baptiste.

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

2.3. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION: Significant exposure to litigation: Two Cases. (Gov. Code Sec. 54956.9(b).)
At 1:25 p.m. adjourned to Conference Room No. 1 and reconvened in open session at 1:30 p.m.

2. CLOSED SESSION ANNOUNCEMENT. The City Manager reported that during its closed session under item 2.3., the Council discussed protests that had been filed in connection with payment of City building fees, and that since a study was underway to review building and planning fees, the Council agreed to toll the time to file a lawsuit until 1/31/01.

4.2. BUDGET REVIEW (Continued).

C. Budget Policy Discussion.

The City Manager indicated to Councilmember Kirk that the Budget Policies would be clarified regarding per diem and daily meal allowances.

The City Manager report that at its meeting held 05/23/00, the City Council requested discussion of the following budget policies:

1. Policy regarding development impact fees for improvements in Bidwell Park. Councilmember Jarvis moved that this item be referred to the Finance Committee. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk and Lange voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

2. Out of state conference attendance. The City Manager reported that the question came up during the 5/23/00 meeting on whether Council approval was needed for the Arts Commission to attend out of state conferences, but then the question also came up on whether individual Councilmembers needed Council approval to attend out of state conferences if they stayed within their budget allowance. Following discussion, Councilmember Kirk moved that the budget policies be amended to authorize Councilmembers to attend out of state conferences within the Continental United States, without needing Council approval, within the amount budgeted for conference expenses each year. The motion was seconded and unanimously carried.

3. Authority for Councilmembers to designate use of their individual unused conference expense by members of City Boards and Commissions for public purposes. On this item, which also came up during the 5/23/00 meeting with the Arts Commission, the City Manager reported that he would not recommend using Council conference funds, but rather budgeting separately for board and commission expenses.
4. Arts Commission conference and training expense. Budget Officer Pierce reported that $2,000 was included in the Arts Commission’s budget. Councilmember Jarvis recommended not designating a certain amount for conference expense for individual members of boards and commissions, but rather to budget a lump sum for boards and commissions, and they would need to come to the Council with any additional funding requests. The Council unanimously agreed with the recommendation.

The City Manager recommended adding to the budget policies that new members of the Council would be offered cellular telephones for City business and computers for access to the City’s electronic mail. Some members of the Council indicated the difficulty of separating costs for City, business and personal needs with several pieces of equipment. Councilmember Keene moved approval of the City Manager’s recommendation to add a policy that would allow City staff to work with individual Councilmembers to meet their needs regarding computers and cellular phones in an amount not to exceed $600 annually or $50 monthly. The motion was seconded and unanimously carried.

The City Manager also recommended that the City cover the cost of meals for a spouse whenever a Councilmember was expected to attend a function in his or her official capacity. Councilmember Jarvis moved that the City pay the cost of a spouse or guest meal for the Council-Commission Biennial Appreciation Dinner. The motion was seconded and unanimously carried. Councilmember Kirk moved that the City also pay the cost of a spouse or guest meal for Councilmembers and Department Heads when attending local events. The motion was seconded and carried with Councilmembers Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmembers Guzzetti, Herbert and Keene voting no.

The Council recessed at 1:55 p.m. and reconvened in the Council Chamber at 2:05 p.m.

F. Community Organization Funding (this item was timed for 2:00 p.m.).

1. By memorandum dated 05/17/00, the Assistant City Manager provided a summary of funds available and a listing of the 2000-01 community organization funding requests, the recommendations of the Finance Committee made at its 04/20/00 meeting, and the recommendations of the Arts Commission made at its 04/19/00 meeting.

Council was also provided with the following: (a) Reports from the Finance Committee for its meetings held on 04/06/00 and 04/20/00. (b) Memorandum dated 05/17/00 from the Risk Manager providing a report on the Arts Commission's funding recommendations for TOT funds.

2. At its meeting held 05/23/00, the City Council requested discussion of the following items related to Community Agencies operating budgets: (a) Consideration of changing funding source for Arts
Commission conference and training expense requests from Transient Occupancy Tax revenues to the General Fund. Funds for Arts Commission conference and training expenses have been requested in the Community Agencies Operating Budget (Page N-4). (This matter was considered under Item 4.2.C). (b) City sponsorship of Annies arts awards celebration.

Councilmember Jarvis reported that she was disqualified from voting or discussion on this item because of her employment with Legal Services of Northern California, one of the organizations seeking City funding.

Today the Council received a letter dated 6/2/00 from Judy White, Executive Director of the Chico Creek Nature Center, requesting reconsideration of the Finance Committee’s recommendation of $44,100 and indicating that the full $60,000 request was needed to keep the Center stabilized and able to maintain the current level of services.

Councilmember Herbert moved approval of the Finance Committee recommendations for funding community organizations from General/CDBG funds. Councilmember Kirk seconded the motion with an amendment to provide an additional $2,000 to the Chico Creek Nature Center. Councilmember Herbert concurred in the amendment, and the motion was then carried with Councilmember Jarvis being disqualified from voting.

Councilmember Guzzetti moved approval of the Finance Committee recommendations for funding community organizations from TOT Economic Development/Tourism funding, except that the Chamber of Commerce allocation would be reduced by $10,000 and this amount would be allocated $5,000 each to the Downtown Chico Business Association and the Chico Creek Nature Center. The motion died for lack of a second.

Councilmember Kirk moved approval of the Finance Committee recommendations for funding community organizations from TOT Economic Development/Tourism funding, except to take $2,000 each from the Chamber Business Resource Center and the Chico Visitor Bureau and then to allocate an additional $2,000 to the Downtown Chico Business Association and $2,000 to the Chico Creek Nature Center. The motion was seconded but failed to carry with Councilmembers Guzzetti and Kirk voting aye, Councilmembers Herbert, Keene, Lange and Bertagna voting no, and Councilmember Jarvis being disqualified from voting. (Clerk not sure if Maureen reduced the two Chamber funding items to give to DCBA & Nature Center.)

Councilmember Herbert then moved approval of the Finance Committee recommendations for funding community organizations from TOT Economic Development/Tourism funding. The motion was seconded and carried with Councilmember Jarvis being disqualified from voting.
Councilmember Kirk moved approval of allocating an additional $5,000 from the General Fund for the Chico Creek Nature Center. The motion was seconded and carried with Councilmembers Guzzetti, Keene, Kirk, Lange and Bertagna voting aye, Councilmember Herbert voting no, and Councilmember Jarvis being disqualified from voting.

Councilmember Kirk moved approval of the Arts Commission recommendations for funding community organizations from TOT Arts funding. The motion was seconded and carried with Councilmember Jarvis being disqualified from voting.

The Council recessed at 2:30 p.m. and reconvened in the Council Chamber at 2:35 p.m.

D. Capital Budget Review.

By memorandum dated May 30, 2000, the City Manager provided a list of capital projects which staff believed the Council might want to specifically discuss.

Today the Council was provided with a letter dated 5/31/00 from the Bidwell Park & Playground Commission recommending that the Teichert Ponds be designated as parkland and open space, and that it supported a budget proposal for fiscal year 2000-01 to prepare a management plan for the Ponds.

With regard to Fire Station #6 start up, Councilmember Keene moved approval of authorizing the Fire Chief to award bids prior to adoption of the final budget on 7/5/00. The motion was seconded and unanimously carried.

With regard to Lindo Channel stabilization, Councilmember Jarvis moved approval of $33,185 in funding for the Lindo Channel Existing Conditions Study. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk and Lange voting aye, and Councilmembers Herbert, Keene and Bertagna voting no. The City Manager reported that he was disqualified from discussing this item since he owned property along Lindo Channel.

Councilmember Herbert moved approval of the City Manager’s recommendation to remove funding for a community survey and a youth survey from the budget, and to consider funding for them next year. The motion was seconded and unanimously carried.

E. Review of Additive Requests.

The City Manager’s recommendations for additive requests were set forth in Exhibit “B” to the City Manager’s Budget Message and as set forth in the Supplemental Additive List, a copy of which had been provided with this agenda. (These items were discussed under item 4.2.B.)

By memorandum dated May 26, 2000, Management Analyst Wood transmitted the Community
Access Users Group recommendations concerning the City’s Television Production Studio/Equipment Lending Program. Management Analyst Wood reviewed the three recommendations attached to a letter from Jack Lemley, Chair of the CAUG, which included: (1) Hiring a full-time Video Technician/Public Access Director who would have the responsibility of promoting and operating the lending program and producing all City broadcasts. (2) Contracting with an individual to serve as Video Technician/Public Access Director who would have the responsibility of promoting and operating the lending program and producing all City broadcasts. (3) Obtain a facility which would be utilized solely for the equipment lending program, serving as an office, studio, and storage for the City’s field equipment.

Donald Wykoff, Rainbow Heritage, reported that he currently operated the lending program at no cost in exchange for using the City’s equipment, that he had letters of support for the program from Blair Snyder of the Chico Rod & Gun Club and from Angel Espinoza, that there was a lack of publicity regarding the availability of the existing program, and that he did not agree with the CAUG’s recommendations. Greg Bard recommended that the Council go out to bid.

Following discussion, Councilmember Jarvis moved that the matter be referred to the Internal Affairs Committee for its July or August meeting, and that the contract with Rainbow Heritage continue from month to month. The motion died for lack of a second. Councilmember Guzzetti moved that the equipment lending program be abandoned for now. The motion was seconded and carried with Councilmember Jarvis voting no.

The Council recessed for 5 minutes and reconvened at 3:40 p.m.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

2.5. Resolution No. 146 99-00 re East 8th Street Annex, Dist. No. 17. The Council was in receipt of a letter dated 6/6/00 from Attorney John Schaller indicating that the developer of Nob Hill and Philip and Anne Smith had reached agreement regarding the Husa Lane easements and that they now had no objection to the Council approving the resolution.

After reading the title, Councilmember Hubert moved adoption of Resolution No. 146 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4.2. BUDGET REVIEW (Continued).

G. Conclude Budget Review.
With regard to Clerical support staff, the City Manager provided the Council with salary and estimated take home pay information prepared by the Personnel Office for the positions of Typist Clerk, Senior Typist Clerk, Secretary and Administrative Secretary. Councilmember Kirk moved approval of the City Manager’s recommendation to add a budget policy that would allow up to 10% additional merit or incentive pay, rather than modifying salary schedules, for individuals in any department to remain as front counter employees. The motion was seconded and unanimously carried.

With regard to the Downtown Plan, Councilmember Kirk moved approval of the City Manager’s recommendation to use $25,000 that was in the budget to pull together all the prior downtown studies and to study all parking needs, but to not include a parking structure study. The motion was seconded and unanimously carried.

The City Manager reported that there were a few budget items that he might have the Finance Committee review.

Council was advised that the budget resolutions were included in the budget binders. It was noted that the Council would be acting in its capacity as the Board of Directors of the Redevelopment Agency during adoption of the second resolution below.

RESOLUTION NO. 150 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 2000-01 TENTATIVE BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

REDEVELOPMENT AGENCY RESOLUTION NO. RDA 4-00 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2000-01 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 5/9/00

Councilmember Jarvis reviewed a memorandum dated 5/16/00 from the Internal Affairs Committee that provided a report on its meeting held on 5/9/00, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair.

Consent Agenda

A. (Council action required)

RECOMMENDATION FOR APPROVAL OF AMENDMENT TO THE CHICO MUNICIPAL CODE
TO CLARIFY REGULATIONS FOR RIDING BICYCLES ON SIDEWALKS OUTSIDE OF THE CENTRAL BUSINESS DISTRICT OF THE CITY. The Committee recommended (3-0) that Section 10.40.090(C) of the Chico Municipal Code be amended to clarify the regulations for riding bicycles on sidewalks outside of the downtown area as recommended by the Chief of Police. By memorandum dated 5/22/00, Assistant Director of Public Works Hislop forwards the below ordinance which will implement the Committee’s recommendation.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO CLARIFY REGULATIONS FOR RIDING BICYCLES ON SIDEWALKS OUTSIDE OF THE CENTRAL BUSINESS DISTRICT OF THE CITY — INTRODUCTORY READING. After reading the title, Councilmember Herbert moved for introductory reading. The motion was seconded and unanimously carried.

B. (Council action required)
RECOMMENDATION FOR APPROVAL OF STREAMBANK PROTECTION STANDARDS FOR CREEKS AND WATERWAYS. The Committee recommended (3-0) adoption of the Streambank Protection Standards for Creeks and Waterways as recommended by the Bidwell Park & Playground Commission and the Park Director.

Councilmember Keene moved approval of the Standards as recommended by the Committee. The motion was seconded and unanimously carried.

C. (No Council action required)
RECOMMENDATION FOR THE TEMPORARY ELIMINATION OF THE “NO PARKING” DESIGNATION ALONG A PORTION OF THE SOUTH SIDE OF MISSION RANCH BOULEVARD ADJACENT TO RICARDO’S RESTAURANT. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 675, implementing the temporary elimination of the “no parking” designation along a portion of the south side of Mission Ranch Boulevard adjacent to Ricardo’s Restaurant.

Regular Agenda

D. (No Council action required)
CONSIDERATION OF ESTABLISHMENT OF PROHIBITED PARKING AND BIKE LANE ZONES ALONG WEST EAST AVENUE BETWEEN THE ESPLANADE AND STATE ROUTE 32. The Committee (3-0):
1. adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 670, which will establish prohibited parking and bike lane zones on West East Avenue from the Esplanade to State Route 32 at such time as street construction is complete;
2. directed staff to prepare a memorandum responding to Dr. Abbott’s request for a left turn lane adjacent to the professional complex, with copies to Committee members; and
3. directed staff to review parking requirements for professional complexes and report back if any changes were recommended.

E. (Council action required)
CONSIDERATION OF PROPOSED ARTICLE 34 BALLOT MEASURE FOR NOVEMBER ELECTION. The Committee recommended (3-0) that the City Council include on the 11/7/00 ballot a measure requesting voter approval of additional units of Article 34 multi-family low-rent housing projects only if a broad base of community support came forward.

By letter dated 5/18/00, the Building Industry Association urged the Council to place an Article 34 measure on the November ballot. Today a letter was received from the Chico Economic Planning
Corporation, dated 5/25/00, indicating its support for placing a measure on the ballot.

Councilmember Jarvis provided the Council with copies of suggested language for the Article 34 ballot measure which she indicated would be based on 1% of the existing housing units in the City.

Councilmember Kirk moved approval of placing an Article 34 housing measure on the November ballot. The motion was seconded and unanimously carried. Councilmember Keene noted that while he supported placing it on the ballot, he might not later support the measure itself.

F. (This item was considered under Budget Review of Additive Requests, Item 4.2.E)

CONSIDERATION OF ANNUAL LEAF PICK-UP PROGRAM. The Committee (3-0):
1. Recommended that the Council consider at its 6/6/00 budget meeting the possibility of implementing four leaf pick-up crews during the peak leaf season, including the purchase of the necessary additional equipment; and
2. Directed staff to provide an informational memorandum addressing (1) bike lane priorities during leaf season; (2) commercial dumping of greenwaste in the streets; and (3) the placing of leaves in the streets in long, narrow lines as opposed to piles.

G. (No Council action required)

CONSIDERATION OF ESTABLISHMENT OF A PASSENGER LOADING ZONE ON HUMBOLDT AVENUE AT HUMBOLDT NEIGHBORHOOD PARK. The Committee recommended (3-0) that a passenger loading zone adjacent to Humboldt Neighborhood Park not be established at this time, but that staff be directed to analyze options such as one-way streets with diagonal parking to increase the number of parking spaces in the immediate area, and that this be brought back to the Committee in August, after which a loading zone adjacent to the Park might be reconsidered.

Councilmember Keene moved to accept the report and remaining recommendations of the Internal Affairs Committee. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON 5/24/00 REGARDING DEVELOPMENT IMPACT FEES FOR PARKS AND SANITARY SEWER TRUNK LINES

Councilmember Keene reviewed a memorandum dated 5/30/00 from the Finance Committee on its 5/24/00 meeting, at which time the matters listed below were considered. Committee members present were Herbert, Lange and Keene, Chair.)

A. (Council action required)
PARK FEES. The Committee recommended (3-0):
1. that the Basic Park Fees be $1,426 for single family, and $1,205 for multiple family residences, based upon the assumptions discussed today and outlined in the City Manager and Director of Public Works memorandum of 5/15/00 as directed by the Committee; and
2. that the Bidwell Park Land Acquisition Fee not include charges for interest.

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

B. (No Council action required)
SEWER FEES. The Committee continued (3-0) further consideration of the Sewer Fees to its July
4.5. CONSIDERATION OF ALLOCATION OF FUNDS (FROM THE WATER POLLUTION CONTROL PLANT VIOLATION FINE) TO A FLOOD PLAIN RESTORATION PROJECT ALONG BIG CHICO CREEK NEAR THE ONE-MILE RECREATION AREA IN BIDWELL PARK

The Director of Public Works reviewed his memorandum dated 5/26/00 regarding this matter. On 4/20/00, the City received an Administrative Civil Liability Action in the amount of $100,000 from the Regional Water Quality Control Board (RWQCB). The fine was issued for non-compliance with the order from RWQCB to issue permits to significant industrial users by a mandated date. The $100,000 fine could either be paid in full, or paid 50% in cash and 50% by funding a watershed water quality project approved by the Central Regional Water Quality Control Board. Work plans, time frames and goals which outline responsibilities necessary to meet federal requirements had now been instituted by the City to ensure that this type of violation did not occur again. The City was now in compliance.

At its 5/30/00 meeting, the Bidwell Park and Playground Commission (BPPC) reviewed a project that had been tentatively approved by the Regional Water Quality Control Board as qualifying as a supplemental environmental watershed water quality project. This project was located on Big Chico Creek in the vicinity of Sycamore Field near One-Mile Dam, and the estimated cost was $50,000. The Council was provided with a memorandum dated 5/31/00 reporting on the Park Commission’s recommendation of 5/30/00. Funds had been included in the Proposed Budget to satisfy the claim and were considered under Item 4.2.D. If the Council approved this project to satisfy the Action, the Final Budget Resolution to be considered on 7/5/00 would include modification of Capital Project No. NW 11051 to specifically identify the supplemental environmental project. The Director of Public Works and the Park Director recommended that the City Council approve the supplemental environmental project to satisfy the watershed water quality project portion of the Action.

Councilmember Guzzetti noted that he asked that this item be on the agenda for official Council action after being discussed in closed session. He added that the public needed to be able to secure information from the City on the final disposition of closed session items when such information was not available from other sources.

Councilmember Jarvis moved approval of the supplemental environmental project to satisfy the watershed water quality project portion of the Action. The motion was seconded and unanimously carried.

4.6. CONSIDERATION OF AGREEMENT WITH THE COUNTY OF BUTTE TO ALLOW AREAS DESIGNATED BY THE CHICO URBAN AREA NITRATE COMPLIANCE PLAN TO CONNECT TO THE CITY SEWER SYSTEM WITHOUT BEING REQUIRED TO ANNEX

City Manager Lando reported that the City and County had been meeting for an extended time period to develop an Agreement to allow the connection of those properties designated by the Chico Urban Area Nitrate Compliance Plan to the City sewer system without annexation. The City’s committee was comprised of Mayor Bertagna and Councilmembers Keene and Kirk, and they could discuss their concerns and the issues associated with this Agreement. He added that should the City Council decide to proceed, a Minute Order had been provided for approval of the Agreement, which would need to be implemented by amending Chapter 15.36 of the Chico Municipal Code, entitled “Sewer Services and Fees,” and by formally entering into the Agreement. At today’s meeting the Council was provided with a revised copy of the Agreement outline.

In response to Mayor Bertagna, the City Manager reported that while it was not mentioned in the outline,
it had been suggested that if the agreement became null and void, property owners would agree not to protest annexation. Councilmember Keene requested that the word “island” be added in paragraph 2 for clarification of annexations that the City would not initiate, and wording be added to clarify that individual property owners could still apply for annexation. Councilmember Keene also recommended adding “from these or similar sources” in paragraph 8.a. regarding funding for road projects in the Chico Urban Area.

Star Brown, Deputy County Administrative Officer, provided background information and estimated time lines for completing various phases of the project. She reported that the Regional Water Quality Control Board would be considering certain actions next week if the City and County did not reach an agreement. Councilmember Keene believed that part of the delay was due to the County not coming to an agreement on committing road funds for the Chico Urban Area. Barbara Vlamis noted that the Regional Board could take actions against both the City and County.

Councilmember Jarvis moved approval of the Agreement outline with the changes discussed today and subject to the City Attorney and County Counsel approving the final language. The motion was seconded and unanimously carried.

Supervisor Houx expressed her appreciation for the Council’s action. Councilmember Keene requested that the Regional Board be advised that the Council conceptually approved the Agreement. He asked that Council be provided with copies of the final agreement when it was available.

4.7. CONSIDERATION OF NOMINATING AT-LARGE MEMBERS TO THE LEAGUE OF CALIFORNIA CITIES BOARD OF DIRECTORS.

By letter dated 5/11/00, the League of California Cities invited nominations from elected officials interested in serving in the three at-large positions (one-year term) on the Board of Directors. The Board’s Nominating Committee would recommend a slate of city officials for consideration by the Board during the Annual Conference in September in Anaheim. Meetings were held quarterly, one during the Annual Conference in September, one in November or December, one in May or June, and one in July during the Mayor/Council Institute. Travel-related expenses are reimbursed by the League. (Placed on the agenda at the request of Councilmember Kirk.)

It was the consensus of the Council to nominate Councilmember Kirk as an at-large member to the Board of Directors.

4.8. FUTURE MEETINGS

A. The City Manager requested that the Council adjourn to 6:30 p.m. on 6/20/00 for a closed session meeting regarding performance evaluations for the City Manager and the City Attorney. The Council concurred.

B. The City Manager asked the Council to schedule a meeting to consider the Environmental Impact Report for the Otterson Drive Extension. The Council agreed to meet on 7/5/00 at 6:30 p.m. to
consider the Otterson Drive Extension EIR, to adopt the 2000-01 final budget, and to consider routine Consent Agenda items (this meeting previously set for 4:00 p.m. to adopt the final budget).

C. With regard to the 7/18/00 meeting, the Council agreed to meet that evening only on routine items or those items that were previously scheduled for hearing in order to keep the meeting as short as possible, and then to consider all other agenda items on 7/25/00.

5. BUSINESS FROM THE FLOOR — No items

6. REPORTS AND COMMUNICATIONS

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

6.1. Letter dated 5/17/00 from Nan Jones, Architect, 305 Wall Street, requesting that the Architectural Review Board be disbanded in its present form.

6.2. Memorandum dated 5/18/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.3. Memorandum dated 5/5/00 from the Finance Director reporting that the list of claims paid during the month of April 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.


6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 5/10/00 for Off the Wall Concessions, 1090 E. 20th Street.

6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 5/18/00 for Rico’s Pizza, 1600 E Mangrove Avenue.

7. ADJOURNMENT.

The meeting was adjourned at 5:10 p.m. to Tuesday, 6/20/00 at 6:30 p.m. in Conference Room No. 2 for a closed session, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.
1. **CALL TO ORDER.** The Mayor called the meeting to order at 8:30 a.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Councilmember Guzzetti arrived at 8:40 a.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, and Assistant City Attorney Barker.

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

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following:

   *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a.).)

   The Council reconvened to open session at 9:30 a.m.

3. **ADJOURNMENT.** The meeting was adjourned at 9:30 a.m. to a Redevelopment Agency meeting in Conference Room 1.

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**ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — APRIL 25, 2000**

Chico Municipal Center, Council Chamber, 421 Main Street — 9:30 a.m.

1. **CALL TO ORDER.** The Mayor called the meeting to order at 9:40 a.m.

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

1.2. Moment of Silence. A moment of silence was observed in memory of Jackie Faris-Rees, a member of the Chico Unified School District Board of Education, who passed away on 4/22/00.

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

1.4. Introduction of City Staff Members. City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Assistant City Attorney Barker, Assistant Public Works Director Martinez, Housing Officer McLaughlin, Budget Officer Pierce, and Management Analysts Halldorson and Wood.

1.5. Closed Session Announcement -- None

2. **CONSENT AGENDA** -- No Items

3. **NOTICED PUBLIC HEARINGS** -- No Items

4. **REGULAR AGENDA**
CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD APRIL 3, 2000

Councilmember Keene reviewed a memorandum dated 4/7/00 from the Finance Committee which provided a report on its meeting held on 4/3/00, at which time the matters listed below were considered. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair.

Consent Agenda

A. (Agency action required to approve supplemental appropriation)

RECOMMENDATION FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR THE MORTGAGE SUBSIDY PROGRAM. The Committee recommended (3-0) that a supplemental appropriation in the amount of $100,000 for operation of the Mortgage Subsidy Program through the remainder of this fiscal year be forwarded to the City Council for approval. This supplemental appropriation will allocate $100,000 from the Low and Moderate Income Housing Fund (371). The Agency is being provided with a copy of the L&MIHF Fund Summary which reflects the estimated 06/30/00 fund balance.

Councilmember Herbert moved approval of the supplemental appropriation. The motion was seconded and unanimously carried.

B. (Council action required to adopt resolution)

RECOMMENDATION FOR APPROVAL OF AMENDMENT TO THE CITY’S FEE SCHEDULE REGARDING UTILITY USER’S TAX REFUND CRITERIA AND EXEMPTION LEVELS. The Committee recommended (3-0) that a resolution implementing the amendments to City of Chico Fee Schedule No. 15.110, Utility Users’ Tax Refund Criteria and Exemption Levels, as proposed by staff be forwarded to the City Council for adoption.

RESOLUTION NO. 126 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 245 — UTILITY USERS’ TAX REFUND CRITERIA AND EXEMPTION LEVELS). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

Regular Agenda

C. (No action required during this portion of the agenda -- See Item No. 3.1., under Council “Hearings” on today’s agenda)

RECOMMENDATION FOR APPROVAL OF AMENDMENT TO THE CITY’S BUILDING DIVISION FEE SCHEDULE REGARDING USE OF THE RESIDENTIAL MASTER PLAN PROCESS. The Committee recommended (3-0):

(1) that a resolution implementing the proposed amendment to City of Chico Fee Schedule 60.010, Building Division Fees, Section II-A-2-b, allowing multi-family apartment buildings to utilize the Residential Master Plan process, be forwarded to the City Council for adoption; and

(2) that the proposed amendment to the Building Division Fee Schedule regarding a reduction in building permit fees for buildings constructed under the “Master Plan” process be continued and brought back to the Committee for further review after related discussions between staff and the Building Industry Association were concluded.

D. (No Council action required — recommendation was accepted by Council on 4/4/00 and a second public hearing is scheduled for Council’s meeting of 5/16/00)

FURTHER CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) ANNUAL PLAN FOR FY 2000-01. The Committee recommended (3-0):

(1) that the Draft Annual Plan for allocation of Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds for fiscal year 2000-01 be forwarded to the City Council for adoption with the revisions recommended by the Committee on 3/6/00, and as set forth in the revised
proposed Annual Plan considered by the Committee today; and
(2) that the new request for funding from the Chico Community Shelter Partnership not be included in the Plan at this time, but referred to the Committee for review and consideration if and when more program revenue became available.

E. (Council action required)
CONSIDERATION OF THE FUNDING SOURCE FOR THE PREVIOUSLY APPROVED LOAN TO CALIFORNIA STATE UNIVERSITY, CHICO (CSUC) FOR THE CONSTRUCTION OF A SOCCER FACILITY. The Committee recommended (3-0) that the previously approved loan to the Chico State University Research Foundation for construction of a soccer stadium in the amount of $500,000 be taken from the General Fund portion of the Equipment Replacement Fund, and that staff be directed to negotiate security for the loan.

The Council is also being provided with copies of a letter dated 4/13/00 from CSUC and the CSUC Research Foundation outlining the security proposed to be provided for the loan.

Councilmember Jarvis moved approval of the Committee's recommendation, making an exception to the normal policy on use of the funds, replacing the funds in the future, and accepting the security proposed in the letter from CSUC and the CSUC Research Foundation. The motion was seconded and unanimously carried.

F. (No Council action required)
STATUS AND INITIAL REVIEW OF DEVELOPMENT IMPACT FEES FOR PARKS, SANITARY SEWER TRUNK LINES, AND WATER POLLUTION CONTROL PLANT. These fees had been presented for discussion only and for direction to staff at this time, and recommendations would be considered at the Committee's next meeting. Staff was directed to provide for that meeting a map delineating the creekside greenways proposed for acquisition.

Councilmember Kirk moved to accept the report and remaining recommendations of the Committee. The motion was seconded and unanimously carried.

4.2. GENERAL BUDGET REVIEW

City Manager Lando reviewed the financial status of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas and related funds. The Chico Redevelopment Agency was provided with the following documents:

A. Chico Merged Redevelopment Project Area Fund Five Year Trends

Councilmember Jarvis requested that in the future Council also be provided with copies of the summarized overhead displays depicting revenues, expenditures and fund balances. The City Manager noted that at future April budget review meetings, staff would also provide a list of capital projects included in the projections for the ensuing budget year together with the City Manager and RDA Committee recommendations for each project.

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

The City Manager noted that funds for the Humboldt Dump were reflected in the Capital Rebudgets, and would continue to be rebudgeted each year until a final decision was made on the scope of the project.

C. Low & Moderate Income Housing Fund Summary

Assistant City Manager Dunlap reviewed this item. Councilmember Jarvis reported that the City was running out of Article 34 authority for low income rental housing units. Councilmember Guzzetti moved that the Council attempt to place a measure on the 11/7/00 ballot for voter approval of additional units. The motion was seconded and unanimously carried. The Council also agreed with the City Manager’s recommendation
to have the Internal Affairs Committee review the proposed ballot measure at its 5/9/00 meeting.

D. Arts Funds

Risk Manager Koch reported that the only significant change to the summary was the inclusion of funding for the Chico Open Board Art Project.

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

6. ADJOURNMENT. The meeting was adjourned at 10:15 a.m. to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — APRIL 25, 2000
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 10:15 a.m.

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

City staff - City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Assistant City Attorney Barker, Assistant Public Works Director Martinez, Housing Officer McLaughlin, Budget Officer Pierce, and Management Analysts Halldorson and Wood.

2. CONSENT AGENDA

2.1. ORDINANCE NO. 2194 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.32, ENTITLED “GLASS-FREE ZONE,” TO THE CHICO MUNICIPAL CODE TO PROHIBIT POSSESSION OF GLASS CONTAINERS ON CITY-OWNED PROPERTY DURING TIMES TO BE SPECIFIED — FINAL READING AND ADOPTION

By memorandum dated 3/16/00, the City Attorney reports that this ordinance will amend the Municipal Code to establish a Glass-Free Zone in the downtown area, as previously defined, in which the possession of glass containers on City-owned property is prohibited. However, the prohibition would not be operative except during certain periods which would either be declared by resolution adopted by the Council or by letter from the City Manager to the Chief of Police and the Director of Public Works. The City Attorney recommends adoption of the ordinance.


This ordinance was introduced, with amendments, at the City Council meeting of 4/13/00. By memorandum dated 4/17/00, the City Attorney submits for adoption the final draft of this ordinance amending the noise ordinance to (1) require issuance of a written warning before a citation is issued for noise violations on residential property or city property or for violations of the general noise regulations, (2) provide for such warnings to be in effect for a period of 18 hours, during which a citation may be issued if a second violation occurs, (3) provide for confirmation of every second violation, either by a complaint from a second party at an address different from that of the original complaining party or by verification of the violation by an enforcing officer, and (4) establish maximum noise levels for various types of property and authorize the use of noise meters to measure such levels at the property line of the source of the noise.

(Today the Council received a letter dated 4/20/00 from Pamela Easterly, 317 Cherry Street #1, concerning noise
2.3 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 12.17, ENTITLED "HUMBOLDT NEIGHBORHOOD PARK," TO TITLE 12 OF THE CHICO MUNICIPAL CODE, ENTITLED "PARKS" - INTRODUCTORY READING

By memorandum dated 4/5/00, the Park Director reports that the rules and regulations for the use of the Humboldt Neighborhood Park, which includes a skateboard facility, are more appropriately placed in Title 12 of the Chico Municipal Code rather than in Title 12R where they are currently set forth. No previously approved rules or regulations are being changed by this action, they are simply being transferred to a different Title in the Code. The rules and regulations now contained in Title 12R will be repealed by adoption of a resolution at the next Council meeting when the ordinance receives final reading and adoption. The Bidwell Park and Playground Commission recommended approval of the ordinance at its 3/27/00 meeting. The Bidwell Park and Playground Commission and Park Director recommend adoption of the ordinance.

2.4 RESOLUTION NO. 127 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 4 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (UNIT A)"

By memorandum dated 4/12/00, the Personnel Director reports that agreement has been reached with Service Employees International Union (SEIU) Unit A to add the new job title of Information Systems Technician to those positions represented by SEIU, and to establish a salary for the position. This new job title was approved by Council at the 11/16/99 budget review meeting and funding for the position was approved at that time. The job title must be formally added to an employee bargaining unit so that salary and benefits may be established. The Personnel Director recommends adoption of the resolution.

2.5 APPROVAL OF SUPPLEMENTAL APPROPRIATION REGARDING ANNUAL STREET MAINTENANCE PROGRAM.

At its budget review meeting held 1/18/00, the City Council conceptually approved a staff recommendation that would allocate funds for the City’s Annual Street Maintenance Program in the budget year preceding the year in which construction will occur to allow the City to award construction bids three months earlier and to take advantage of the full construction season. This Supplemental Appropriation would allocate $511,660 to fund the 2000-01 Annual Street Maintenance Program to be drawn from the Gas Tax Fund. The City Council is being provided with a copy of the Gas Tax Fund Summary which reflects the estimated 06/30/00 fund balance. The Director of Public Works recommends approval of the supplemental appropriation.

2.6 (Removed from the Consent Agenda at the request of Councilmember Keene.)

2.7 ACKNOWLEDGE RECEIPT OF TELEVISION PRODUCTION EQUIPMENT LENDING PROGRAM REPORT

At its 1/18/00 budget review meeting, the City Council approved allowing the Rainbow Heritage Project to continue
administering the Television Production Equipment Lending Program to the end of its non-monetary contract; requested that a three-month report on usage be prepared; that the editing equipment be replaced; and that the Community Access Users Group develop criteria to monitor the effectiveness of the program. The City Council also requested that the Rainbow Heritage Project provide a list of board members. By memorandum dated 04/12/00 Management Analyst Wood submits the above requested information. The City Manager recommends acceptance of the report.

2.8. APPROVAL OF MINUTES FOR MEETINGS HELD ON MARCH 21, AND APRIL 4, 2000

The Council has been provided with copies of minutes for its meetings held on 03/21/00 and 04/04/00.

Councilmember Kirk moved adoption of each ordinance and resolution, and approval of all other items on the Consent Agenda, except item 2.6. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti (item 2.3) because he had a business located in the vicinity, and Councilmember Keene (item 2.4) because he was related to an employee in the job title. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON AMENDMENT TO THE CITY’S FEE SCHEDULE REGARDING BUILDING DIVISION FEES

Councilmember Guzzetti abstained from voting or discussion on this item since future business plans could make him subject to the fees.

Community Development Director Baptiste reported that at its meeting of 4/3/00 (report provided under Redevelopment Agency Agenda Item No. 4.1), the Finance Committee recommended that (1) a resolution implementing the proposed amendment to City of Chico Fee Schedule 60.010, Building Division Fees, Section II-A-2-b, allowing multi-family apartment buildings to utilize the Residential Master Plan process, be forwarded to the City Council for adoption; and (2) that the proposed amendment to the Building Division Fee Schedule regarding a reduction in building permit fees for buildings constructed under the “Master Plan” process be continued and brought back to the Committee for further review after related discussions between staff and the Building Industry Association were concluded. The California Government Code required that a public hearing on the establishment or increase of fees that impact development be held and that a public notice be mailed to any party who had filed a written request for such mailed notice. The required notice was mailed to the one party who filed such a request.

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

RESOLUTION NO. 128 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 246 — BUILDING DIVISION FEES). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.6. Plan to Implement Lindo Channel Encroachments Policies & Procedures. Councilmember Keene recommended that (a) on page 2 of Attachment A (Proposed Plan) it be made clear that individuals have the right to appeal to the Council during the process, and (b) on page 2 of Attachment B (Administrative Policy), regarding the policies for removal of encroachments, Category III encroachments, where individuals have 180 days to remove or file a plan for removal, language be added to extend this time if an appeal is filed with the Council. He also recommended that “other undue hardship” be added to “financial hardship” in the list of extenuating circumstances at the top of page 3.
Councilmember Jarvis recommended that the right to appeal to Council, and the related extension of timelines, be included in the opening statement so that it would apply to all categories, and the Council agreed.

Councilmember Keene then moved approval of the Proposed Plan and Administrative Policy & Procedure with the recommended amendments. The motion was seconded and unanimously carried.

4.2. BUDGET REVIEW

A. General Budget Review.

City Manager Lando provided an overview of the 1999-00 annual budget and the 2000-01 proposed budget. He explained what assumptions were or were not included in the reports in arriving at the estimates. The City Council was provided with the following budget documents:

1. General and Park Funds Projected Trends
2. Summary of Estimated Fund Balances for all Funds
3. Capital Project Status Report

B. Discussion of Downtown Maintenance Program.

Public Works Director Ross reported that at its 02/01/00 meeting, the City Council requested additional information on the costs of having independent contractors perform work related to downtown cleanup. Assistant Public Works Director Martinez reviewed the memorandum from the Public Works Director dated 04/14/00 which provided a report on the bids received for pressure washing downtown sidewalks. The report included a summary of the bids received for two scopes of work with three possible levels of service, and a copy of the prior DCBA proposal. The City Council was also provided with a copy of Chapter 3.34 of the Chico Municipal Code, entitled "Parking and Business Improvement Area — Additional License Tax," pursuant to its previous request for information regarding this tax.

Katrina Davis, Downtown Chico Business Association (DCBA) provided Council with copies of an outline of the City of San Luis Obispo’s downtown maintenance program. She and Don Kidd explained what DCBA was currently doing, what was included in its original proposal, and the importance of implementing any type of maintenance program.

Mayor Bertagna indicated that he wanted a partnership with downtown business and property owners to share the responsibility. Councilmember Keene noted that businesses in other areas of the City question why they were not included in a similar program, and he indicated his support for one cleaning with a quarterly review. Councilmember Guzzetti stated he would support two but preferred one cleaning, and pointed out that although DCBA received tax revenues from the City, the City’s maintenance workers still assisted DCBA in other ways on an ongoing basis.

Councilmember Herbert moved approval of Alternate A1 single event cleaning, including the recovery of water and additives, in the “core bid area”, a review of the results after all summer events were concluded, a 25% added cost for staff oversight, and approval of a supplemental appropriation to cover all costs. The motion was seconded and unanimously carried.

Councilmember Jarvis noted the bids were based on annual or quarterly cleanings, and requested staff to secure bids for semi-annual cleanings. Councilmember Jarvis also requested a report on the program in August, along with a summary of other services and their cost that the City provided to the downtown area. Councilmember Guzzetti asked that any capital costs be included in the report as well. The Council agreed with the suggestions.

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At 11:15 a.m. the Council adjourned to Conference Room 2.
2. CLOSED SESSION. At 11:25 p.m. the Council adjourned to a closed session to consider the following:

2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a)).

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The meeting was reconvened to open session at 12:00 Noon.

The Council recessed at 12:00 Noon and reconvened at 1:30 p.m. in Conference Room 1. Councilmember Keene arrived at the meeting at 1:45 p.m.

4.2. BUDGET REVIEW (Continued).

C. Consideration of Municipal Facilities Maintenance Program.

The City Manager reported that by memorandum dated 04/14/00 the Director of Public Works was recommending that a Building Facilities Maintenance Program be established and that an annual set aside be made from the appropriate funds to fund this program. The program, similar to the equipment replacement program, would provide funds for maintaining the City’s investment in building facilities. The funding level would provide stability to the budgeting process, while supplying the needed resources to maintain municipal facilities in good repair. If the City Council conceptually approved the plan, a newly established fund and a transfer of funds from the appropriate funds into such fund would be included in the 2000-01 proposed budget and then considered by the Council in June. The Council concurred.

D. Discussion of the City’s Leaf Pick Up Program.

Public Works Director Ross reviewed his memorandum dated 04/14/00 regarding the City’s annual leaf pick up program, which included a review of the problem of leaves in the bike lanes, street sweeping and leaf pick up coordination, and a recommendation to include additional hours for hourly personnel to provide better coverage during the 2000-01 leaf pick up season. He added that Ed McLaughlin had provided copies of Vehicle Code provisions about not blocking bicycle lanes.

City Manager Lando indicated that if approved, funding would be included in next year’s budget. He stated that staff was suggesting a definite time period be established for leaves to be placed adjacent to the bike lanes. The leaves would be picked up by the City the day after they were placed in the street.

Councilmember Kirk observed that most residents placed their leaves in the street on the weekend. Councilmember Jarvis suggested that residents keep the leaves on their property adjacent to the curb, and then place them in the street the day before they were scheduled to be picked up. She added that street sweeping also needed to be taken into consideration. In response to Councilmember Guzzetti, the City Manager noted that a definite schedule was possible except during those times of heaviest leaf drop when, even with an extra crew, the City could not keep up.
Councilmember Keene moved approval of additional funding in next year’s budget for a third leaf pick up crew in the amount of $25,000. The motion was seconded and unanimously carried. Councilmember Keene noted that he had observed commercial yard maintenance businesses dumping leaves in the street on Humboldt. The City Manager stated that staff would determine if there were any restrictions on commercial businesses, provide a report to Council, and perhaps have the Internal Affairs Committee review it. The Council agreed. Councilmember Kirk suggested the Committee also discuss an educational program and letting residents know how and where to place leaves in the street, such as in a row so as not to block either bike lanes or drainage.

Councilmember Kirk moved that the Internal Affairs Committee review the matter of disposing of green waste and leaves by commercial yard maintenance businesses as well as the entire leaf pick up program. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Keene, Kirk and Lange voting aye, and Councilmembers Herbert and Bertagna voting no.

E. Discussion of the City’s Weed Abatement Program.

Fire Chief Brown reviewed his memorandum dated 04/05/00 in which he recommended proposed changes to the City’s Weed Abatement Program. The current program was administered under the provisions of California Government Code Section 39500, et seq. Under the current program, the City cleaned private property of owners not in compliance with the City’s notice to abate weeds. The property owners could then pay the cost of the service either directly upon receipt of a bill from the City or indirectly through a lien on the property. He was recommending a revised program to be administered under the provisions of Uniform Fire Code Section 1103.2.4 (Combustible Vegetation) which would require substantially less staff time to administer. Under the recommended program, instead of abating weeds on private property, the City would issue a citation. If the property owner could not be contacted, the Fire Marshal would file the citation with the Court as a complaint. Under direction of the court, a fine could be levied if the owner did not appear in court or did not abate the weeds from the parcel.

City Manager Lando reported that another alternative was to move the program from the Fire Department to the Community Development Department under its Code Enforcement Program. In response to Councilmember Kirk, the Fire Chief noted that the position that administered the program in the Fire Department was currently vacant.

Councilmember Keene moved approval of transferring the weed abatement program from the Fire Department to the Community Development Department as a Code Enforcement Program, adding a full time Code Enforcement Officer in 2000-01 with such Officer devoting half time to the weed abatement program and half time to other Code enforcement issues, and approval of a supplemental appropriation in the amount of $20,000 for the current year’s program. The motion was seconded and unanimously carried.

4.3. CONSIDERATION OF REQUEST FROM CHAMBERS COMMUNICATION CORP. TO TRANSFER CABLE FRANCHISE TO AT&T CORP.

At the request of AT&T and City staff, this item was removed from today’s agenda. It was expected that it would be placed on the 5/16/00 agenda for consideration.

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

5. BUSINESS FROM THE FLOOR -- None

6. REPORTS AND COMMUNICATIONS

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

6.1. Memorandum dated 4/3/00 from the Finance Director reporting that the list of claims paid during February 2000
is available for review in the offices of the Finance Director, City Clerk, and City Council.

6.2. Memorandum dated 4/11/99 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.3. Memorandum dated 4/11/00 from the Risk Manager providing a report regrading the tort claims against the City which were denied during the quarter ending 3/31/00.

At 2:10 p.m. the Council adjourned to Conference Room 2 to meet in closed session.

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

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson for all employee organization except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organization that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6).

The Council reconvened to open session at 3:10 p.m.

6. ADJOURNMENT

The meeting was adjourned at 3:10 p.m. to Tuesday, 5/2/00 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
JUNE 20, 2000
Minutes

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

1. **CALL TO ORDER**

   The Mayor called the meeting to order at 6:30 p.m.

1.1. Roll Call - Present: Bertagna, Herbert, Jarvis, Keene, Kirk and Lange

   Absent: Guzzetti

   City staff - City Manager Lando and City Attorney Frank

2. **CLOSED SESSION**

   The Council adjourned to a closed session to consider the following:

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

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

3. **ADJOURNMENT.**

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

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING

1. **CALL TO ORDER**

   The Mayor called the meeting to order at 7:35 p.m.

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

1.2. Invocation - Police Chaplain Dale Rash delivered the invocation.

1.3. Roll Call - Present: Bertagna, Herbert, Jarvis, Keene, Kirk, Lange

   Absent: Guzzetti

1.4. Introduction of City Staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Fire Chief Brown, Housing Officer McLaughlin, and Management Analysts Halldorson, Herman and Wood.

1.5. Presentations:

   (a) Citizen Hero Award: Latoya Lopez was presented with an award by Mayor Bertagna and Fire Chief Brown for her bravery during a fire in a neighbors apartment.

   (b) Citizen Hero Award: Meek's Lumber employees - Steve Fiori, Fork Lift Operator and Randy Holmes, Manager will receive their awards at a future Fire Department meeting.
(c) The North Campus Community, Assn. presented the Police Department with a plaque for the efforts of the Police Dept. Neighborhood Enforcement Team. Mayor Bertagna also received a plaque for his hours of dedication to this program.

(d) The Mayor presented a commendation to Marge Saadoon, who is retiring after 36 years of service to the City of Chico as the City’s Parking Violation Officer.

(e) The Mayor presented Barbara Evans, City Clerk, with roses and RESOLUTION NO. 151 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO HONORING BARBARA A. EVANS UPON HER RETIREMENT AS CITY CLERK, which was executed by all members of the Council.

1.6. Closed Session Announcement - None

2. **CONSENT AGENDA** — None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO GERALD B. AND KATHLEEN K. ROBINSON**

Management Analyst Herman reviewed a memorandum dated 5/24/00 from the Executive Director of the Redevelopment Agency submitting the Summary Report and proposed Resolution relating to the sale of Chico Redevelopment Agency owned property located on Lockheed Avenue, west of Fortress Street at the Chico Municipal Airport to Gerald B. and Kathleen K. Robinson. Mr. and Mrs. Robinson are interested in relocating their dental lab business to the Airport and intend to build an approximately 5,000 sq. ft. building on the property.

The Robinsons are also seeking financial assistance for the property sale. The Executive Director requests Agency approval of 1) the sale of the approximately 0.5 acre parcel for $32,670 which is based on the 1998 appraised fair market value of $1.50 per sq. ft. for the proposed use; 2) a loan to the Robinsons for 90% of the purchase price of the land at 8% interest per year for a period of 25 years with interest deferred for 5 years from the close of escrow; and 3) forgiveness of $5,000 of the deferred interest for each $30,000/year new job created. The Airport Commission and the Economic Development Committee recommend approval of the below Resolution.

The Mayor opened the hearing to the public for comments. No one spoke from the audience and the Mayor declared the hearing closed.

REDEVELOPMENT AGENCY RESOLUTION NO. RDA 05-00, A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AGREEMENT ENTITLED, “DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO/GERALD B. AND KATHLEEN K. ROBINSON)”, WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO GERALD B. AND KATHLEEN K. ROBINSON.

After reading the title, Councilmember Kirk moved adoption of the Resolution. The motion was seconded and carried, by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti.

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

5. **ITEMS ADDED AFTER POSTING OF THE AGENDA**
6. **ADJOURNMENT.** The meeting was adjourned at 8:02 p.m. to a City Council meeting.

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING**

1. **CALL TO ORDER**

   The Mayor called the meeting to order at 8:02 p.m.

1.1. Roll Call: Present - Bertagna, Herbert, Jarvis, Keene, Kirk, Lange
     Absent - Guzzetti

1.2. Introduction of City Staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Fire Chief Brown, Housing Officer McLaughlin, and Management Analysts Halldorson, Herman and Wood.

2. **CONSENT AGENDA** (Item 2.10 was removed from the Consent Agenda at the request of Councilmember Jarvis and heard under Item 4.1.)

2.1. **ORDINANCE NO. 2200, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO CLARIFY REGULATIONS FOR RIDING BICYCLES ON SIDEWALKS OUTSIDE OF THE CENTRAL BUSINESS DISTRICT OF THE CITY - FINAL READING & ADOPTION**

   At its 6/6/00 meeting, the Council accepted the Internal Affairs Committee’s recommendation to amend Section 10.40.090.C of the Chico Municipal Code to clarify the regulations for riding bicycles on sidewalks outside of the downtown area, and gave introductory reading to the above ordinance. By memorandum dated 5/22/00, Assistant Director of Public Works Hislop reports on the Committee’s recommendation and transmits a copy of the ordinance. The Council’s Internal Affairs Committee recommends adoption of the ordinance.


   By memorandum dated 6/1/00, the Personnel Director recommends approval of a resolution which redesignates the name of the approved representative from “Chico Police Officers’ Association - Unit A” to “Chico Police Officers’ Association - Sworn Unit” and adopts a modified Memorandum of Understanding between the City and the Association. The additional costs for the agreement will be included in the Final 2000-01 Annual Budget, scheduled for adoption on 7/5/00. The City Manager and Personnel Director recommend adoption of this resolution.

2.3. **RESOLUTION NO. 153 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION UNIT B (NON-SWORN) REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

   By memorandum dated 6/1/00, the Personnel Director recommends approval of a resolution which redesignates the name of the approved representative from “Chico Police Officers’ Association - Unit B” to “Chico Police Officers’ Association - Non-sworn Unit” and adopts an amendment to the Memorandum of Understanding between the City and CPOA-Unit B (Non-sworn) which will add the categories of permanent part-time, permanent seasonal and permanent intermittent employees to the bargaining group. There is no additional cost for this amendment. The City Manager and Personnel Director recommend adoption of this resolution.
2.4. RESOLUTION NO. 154 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIUE OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1554 E. 8th Street / A.P. NO. 002-010-050

By memorandum dated 5/8/00, the Director of Public Works reports that in accordance with a petition from the property owner, Christopher R. Angeloni, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.5. RESOLUTION NO. 155 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIUE OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1152 FILBERT AVENUE / A.P. NO. 045-252-019

By memorandum dated 5/8/00, the Director of Public Works reports that in accordance with a petition from the property owner, Diane L. Lazos, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.6. RESOLUTION NO. 156 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIUE OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 814 RANCHERIA DRIVE / A.P. NO. 043-180-018

By memorandum dated 5/8/00, the Director of Public Works reports that in accordance with a petition from the property owners, Donald E. and Millicent F. Waits, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.7. RESOLUTION NO. 157 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIUE OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1411 SHERMAN AVENUE / A.P. NO. 003-433-006

By memorandum dated 5/9/00, the Director of Public Works reports that in accordance with a petition from the property owner, Lynette Terrill, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/9/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommends adoption of the resolution.

2.8. RESOLUTION NO. 158 99-00, A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (BICYCLE PATH EASEMENT BETWEEN EAST TWENTIETH STREET AND SPRINGFIELD DRIVE ALONG THE WEST LINE OF ASSESSOR’S PARCEL NO. 002-180-104)

By memorandum dated 5/18/00, the Assistant Director of Public Works reports that due to the building of a bicycle path through the United Health Care property, adjacent to the subject easement, this easement is no longer necessary. At the request of the Director of Public Works, this resolution will initiate the abandonment process for a 20 foot wide bicycle path easement between East Twentieth...
Street and Springfield Drive. The Assistant Director of Public Works recommends adoption of this resolution which will schedule a public hearing at Council’s 7/18/00 meeting.

2.9. MINUTE ORDER NO. 16-00 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT TO CALIFORNIA WATER SERVICE COMPANY AT 1445 FORTRESS STREET

The Community Development Director reports that California Water Service Company has requested an easement to extend water service from Ryan Avenue to serve the airport flight line and the City-owned property leased to and under development by Transfer Flow Inc. at 1445 Fortress Street. The Airport Commission considered this request at its meeting of 6/6/00 and recommends Council approval.

2.11. APPROVAL OF MINUTES FOR MEETINGS HELD ON MAY 16, 2000, AND MAY 22, 2000

The Council has been provided with copies of minutes for its meetings held on 5/16/00 and 5/22/00.

Item added by an Addendum that was posted on 6/16/00:


At its 6/6/00 meeting, the City Council approved the Finance Committee’s recommendation to amend the City’s Park Facility Fees to reduce the Basic Park Facility Fee for single family dwellings from $1,940 per dwelling unit to $1,426 per dwelling unit, and the fee for multi-family dwellings from $1,682 to $1,205 per unit as discussed at the Committee’s 5/24/00 meeting. In accordance with the Chico Municipal Code, the City Council must approve a resolution to amend the City’s Fee Schedule to include this proposed reduction in Basic Park Facility Fees. Pursuant to Section 15273 (a) (4) of the California Environmental Quality Act (CEQA) Guidelines, this amendment is statutorily exempt from the provisions of CEQA. Since this proposed amendment is a reduction in fees, the public noticing and hearing requirements in Government Code Sections 66016-66018 also do not apply. This resolution will implement the Council’s action of 6/6/00.

Councilmember Keene moved to adopt each ordinance and resolution and approve all other items on the Consent Agenda, except item 2.10 (which was removed from the Consent Agenda).

The motion was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti

A motion by Councilmember Kirk to move item 4.2 and 4.3 ahead of Noticed Public Hearings was seconded and unanimously carried, with Councilmember Guzzetti absent.

4.2. DISCUSSION CONCERNING ACCESS TO CHICO CEMETERY

Councilmember Herbert requested discussion regarding the recent Chico Cemetery gate closures at Camellia Way and Washington Avenue. The Council was again provided with copies of the memorandum dated 4/21/00 from the Community Development Director providing background on this matter.

The Council received letters from Chico Cemetery Association explaining the reason for closure, letters in support of closure from Robert Race and Arnold Teftt, and letters in opposition to closure from Mary Anne Houx and Evelyn Smith (with petition attached.)

Mayor Bertagna informed the audience that the Council did not have any regulatory authority over the Chico Cemetery and the decision to close the gate at Camellia Way. Council concurred to allow
comments to be made regarding this issue. Janis Brusie spoke on behalf of the Chico Cemetery regarding the reason why the Camellia Way gate was closed. Jud Carter, Elva Boone and Peter Ramirez voiced their support for the gate closure. Evelyn Smith, Russell Jones, Bobbie Jean Booth, Lois Bailey, Anthony Nicosia, Sid Kagel, Carolyn Edwards, Edward Booth and Paula Kanner all spoke against the closure.

The City Manager indicated to Councilmember Jarvis that staff would provide a report to Council regarding vehicle turning restrictions at the Mangrove entrance.

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

4.3. INITIAL CONSIDERATION OF AN APPEAL BY BARBARA JEAN BLACK OF THE APPROVAL OF PLANNED DEVELOPMENT PERMIT 00-7 (WEBB HOMES) TO ALLOW DEVELOPMENT OF A 169 UNIT APARTMENT COMPLEX ON A 12 + ACRE PARCEL LOCATED ON THE NORTH SIDE OF MISSION RANCH BOULEVARD IMMEDIATELY EAST OF HOLLY AVENUE

By memorandum dated 6/5/00, Planning Division Staff reports that at its 5/18/00 meeting, the Planning Commission approved a planned development permit, with conditions, to allow a 169 unit apartment complex on a 12 + acre parcel of land located on the north side of Mission Ranch Boulevard, immediately east of Holly Avenue, Assessor's Parcel Nos. 006-150-096, 097, and 098, in an R3 Medium-High Density zoning district and designated on the General Plan Diagram as Medium High Density Residential. The planned development permit was approved by a vote of 5-0-2. This decision has been appealed by Barbara Jean Black on the grounds that the project does not include a perimeter masonry wall, tile roofing, or additional trees similar to the existing street trees, and that it was based on a five year old traffic study. The City Council has the option of taking no action and thereby upholding the Planning Commission decision, or scheduling the appeal for a public hearing at a subsequent meeting. The Planning Director recommends that the Council not hear the appeal.

Citizens speaking in favor of scheduling the appeal for a public hearing regarding the 169 unit apartment complex were Ron Coleman, Bruce Yokem, Jennifer Andrews, Pennisue Hignell, Stan Felber, Shirley J. Payne, Barbara Jean Black, Bertille Kerndt and Merrilie Anzalone. Greg Webb addressed the Council regarding his project.


Councilmember Jarvis requested that the Internal Affairs Committee review code provisions for giving public notice of matters coming before the Architectural Review Board (ARB), and whether the Planning Commission can change ARB decisions.

A motion by Councilmember Keene to hear the appeal regarding only the issue of the solid wall, tile roof and trees at the 7/25/00 meeting was seconded, and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti

3. NOTICED PUBLIC HEARINGS
3.1. HEARING ON APPEAL BY DAN HAYS OF DECISION MADE BY THE ARCHITECTURAL REVIEW BOARD

By memorandum dated 5/3/00, the Planning Director reported that at its 4/6/00 meeting, the Architectural Review Board denied the use of vinyl siding on a proposed warehouse building in an industrial area on property located at the north terminus of Ivy Street in south Chico, by including a condition requiring staff approval of a siding material other than vinyl. Staff recommended that Council uphold the appeal.

The Mayor opened the public hearing. Sandy Moran explained how the Architectural Review Board came to its conclusion to deny the use of vinyl siding on the building in question. John Linhart, also a member of the Architectural Review Board, spoke in opposition to the appeal as the board did not have any siding standards to go by and he, along with Sandy Moran, did not want to repeat past mistakes. Dan Hays, the project proponent, spoke in favor of the appeal. No one else spoke from the audience and the Mayor declared the hearing closed.

The Mayor asked if staff could provide the Council and Architectural Review Board with any information on vinyl siding standards.

A motion by Councilmember Keene to grant the appeal was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti

3.2. INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 90 - (AMBER GROVE/GREENFIELD SUBDIVISION)

By memorandum dated 4/5/00, the Director of Public Works forwarded the Engineer’s Report for Maintenance District No. 90 (Amber Grove/Greenfield Subdivision), generally located west of the Esplanade just south of the Esplanade/Eaton Road intersection. The purpose of forming the proposed maintenance district was to levy annual assessments against the parcels within the District to fund the operation and maintenance of public improvements that are of special benefit to the subdivisions. The Engineer’s Report described the boundaries of the proposed district, the public improvements to be funded, how the amount of the annual assessment was calculated and how it was apportioned among the parcels. Proposition 218 requires a vote of the property owners to establish the assessment. Ballots, copies of the Engineer’s Report, and a notice of the two hearings were mailed to all affected property owners.

The purpose of the initial hearing was for the Council to receive and consider the Engineer’s Report as well as all comments on the report or any other matter relevant to the establishment of the proposed district. The final protest hearing on the district had been scheduled for Council’s meeting of 7/18/00, at the conclusion of which the ballots received either supporting or opposing formation of the district will be tabulated. If the majority of votes received are in favor of the proposed Maintenance District, the Council may order its formation, and if the majority of votes received are opposed, District formation proceedings will be abandoned. At the conclusion of this evening’s hearing the Council may adopt a motion to either approve the Engineer’s Report as presented, modify the Report and approve it as modified, or abandon proceedings on the proposed district.

The Mayor opened the hearing to the public and comments were received from Norma Gilleland in opposition to the formation of the maintenance district, and from Judy Hansel in support of the district.

No one else spoke from the audience and the Mayor declared the hearing closed. A motion by Councilmember Lange to approve the Engineer’s Report as presented was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti
3.3. HEARING ON MITIGATED NEGATIVE DECLARATION AND REZONE NO. 00-2 (ACTION PROPERTIES)

By memorandum dated 05/01/00, Associate Planner Sigona reported that the Planning Commission voted 7-0 at its meeting of 04/20/00 to recommend City Council adoption of a proposed Mitigated Negative Declaration and approval of Rezone No. 00-2 which would rezone the westerly half of an 8,712 square foot parcel located at the northwest corner of W. 7th and Cherry Streets, Assessor’s Parcel No. 004-208-005, from R3 Medium-High Density Residential to ML Light Manufacturing/Warehousing. Planning staff recommended that the City Council follow the Planning Commission’s recommendation to adopt the Mitigated Negative Declaration and Ordinance approving Rezone No. 00-2.

The Mayor opened the hearing to the public for comments. No one spoke from the audience and the Mayor declared the hearing closed.

ORDINANCE NO. 2201, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA -- REZONE NO. 00-2 (ACTION PROPERTIES) — FINAL READING & ADOPTION. After reading the title of the Ordinance, a motion by Councilmember Kirk to adopt Ordinance No. 2201, was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti

3.4 HEARING ON ABANDONMENT OF A PORTION OF MONTECITO AVENUE

By memorandum dated 5/26/00, the Director of Public Works reported that S&S Enterprises had petitioned the City to abandon the portion of Montecito Avenue between East Avenue and Mission Ranch Boulevard, in conjunction with a boundary line modification on the adjacent parcel, to allow for future development. An easement will be reserved over the entirety of the proposed abandonment for public utilities, public services, and bicycle/pedestrian access. At its 5/23/00 meeting, the City Council adopted a resolution of intention to abandon this portion of Montecito Avenue and set a public hearing for 6/20/00. The Director of Public Works recommended adoption of the below resolution.

The Mayor opened the hearing to the public. No comments were received and the hearing was closed.

RESOLUTION 160-99-00 OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MONTECITO AVENUE, BETWEEN EAST AVENUE AND MISSION RANCH BOULEVARD) After reading the title, a motion by Councilmember Jarvis to adopt Resolution No. 160-99-00, was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti.

3.5. HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING THEIR ABATEMENT AND REMOVAL

By memorandum dated 6/7/00, Management Analyst Wood reports that the purpose of this evening’s hearing is to consider all objections to the removal of weeds, rubbish, refuse and/or debris. Notice of the hearing was mailed to all property owners on the list attached to the resolution as Exhibit “A”. This resolution will establish Friday, June 30, 2000 as the last day for abatement and removal of weeds. Management Analyst Wood recommends adoption of the resolution.

The Mayor opened the hearing to the public. No comments were received and the hearing was closed.

RESOLUTION NO. 161-99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING OBJECTIONS TO RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR
DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT AND REMOVAL OF THE
WEEDS, RUBBISH, REFUSE AND/OR DEBRIS, AND PROVIDING FOR AN ASSESSMENT OF THE
COST OF SUCH ABATEMENT AND REMOVAL.

After reading by title, a motion by Councilmember Kirk to adopt the Resolution was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.10. (Removed from the Consent Agenda at the request of Councilmember Jarvis.)
APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR
NECESSITY - 1090 E. 20TH STREET

By memorandum dated 05/31/00 from the Community Development Director, staff recommended the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of an on-sale beer license for Off The Wall Concessions, a concession business located in the Off The Wall Indoor Soccer Arena at 1090 E. 20th Street.

Councilmember Jarvis asked if the applicant would agree to not sell or have adults consume alcoholic beverages while children were playing. The applicant was not present at the meeting to respond.

Councilmember Keene made a motion to continue this item to the 7/18/00 City Council meeting. The motion was seconded and unanimously carried with Councilmember Guzzetti absent.

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The Council recessed for 5 minutes and reconvened at 10:50 p.m.

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4.5 CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS
MEETING HELD JUNE 5, 2000

By memorandum dated 6/8/00, the Finance Committee provided a report on its meeting held on 6/5/00. All Committee members were present: Councilmembers Herbert, Lange, and Keene, Chair. The matter considered by the Committee which requires Council action at this meeting is listed below.

REQUEST FROM CHICO COMMUNITY SHELTER PARTNERSHIP FOR AN ALLOCATION OF
ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A HOMELESS SERVICES
FACILITY. The Committee recommended (3-0) that up to $50,000 of available Program Income from the 1999-2000 Community Development Block Grant Program be set aside for a future homeless services facility, with the understanding that allocation of the funds will require further Council action.

Andy Holcombe urged the Council to consider the set-aside request.

Councilmember Kirk made a motion to approve the 6/5/00 Finance Committee report and recommendations. The motion was seconded and carried by the following votes:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna
NOES: None
ABSENT: Guzzetti
4.4. CONSIDERATION OF FINDINGS OVERRULING THE BUTTE COUNTY AIRPORT LAND USE COMMISSION REGARDING INCONSISTENCIES BETWEEN THE GENERAL PLAN AND THE AIRPORT ENVIRONS PLAN

By memorandum dated 6/9/00, Senior Planner Hayes forwarded a report on amendments to the Airport Comprehensive Land Use Plan that were adopted by the Airport Land Use Commission in December 1999. State law requires the City to bring its General Plan into conformance with these amendments unless it overrules the action of the Airport Land Use Commission. The report explains why the City should not amend its General Plan to conform with the 1999 amendments, and attaches a proposed Council resolution listing the recommended overruling findings. The Assistant City Attorney and Planning Director recommended adoption of the resolution.

During the meeting, Council received a memorandum from Assistant City Attorney Barker dated 6/16/00 regarding corrections to typographical errors in the paragraph numbering of the resolution.

Letters were also received regarding land use around the Airport from Dan Fregin, Frederick Watson, John Mendoza, and a letter from George Kammerer was handed out at the meeting.

Norm Rosene, Bob Hennigan and Gary Brune spoke against the override in order to protect the airport from surrounding development. John Gillander spoke in favor of the override due to the need to provide affordable housing. All were in favor of updating the Airport Master Plan and the General Plan as soon as possible.

Councilmember Kirk requested a report from staff on the status of the Airport Master Plan.

RESOLUTION NO. 162 99-00, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING SPECIFIC FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 65302.3 AND PUBLIC UTILITIES CODE SECTION 21676 OVERRULING THE BUTTE COUNTY AIRPORT LAND USE COMMISSION WITH RESPECT TO INCONSISTENCIES BETWEEN THE CITY OF CHICO GENERAL PLAN AND AMENDMENTS TO THE CHICO MUNICIPAL AIRPORT ENVIRONS PLAN ADOPTED BY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION ON DECEMBER 29, 1999. After reading the title, Councilmember Kirk made a motion to adopt Resolution No. 162-99-00. The motion was seconded and carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange and Bertagna.
NOES: None
ABSENT: Guzzetti.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA

Internal Affairs Committee - It was agreed that the staff agenda meeting with Chair Jarvis would be held on 6/29/00 at 3:00 p.m.

Finance Committee - It was agreed that staff would call committee members to reschedule the 7/3/00 meeting to another date.

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.

6.1. Kevin Gutierrez, letter, dated 5/25/00, regarding a facility for freestyle bike riders (The City Manager recommends referring to Park Commission & CARD).

6.2. Memorandum dated 6/7/00 from the Building Official transmitting the annual report which summarizes the Building Division’s efforts to secure Housing Code compliance on rental units for the calendar year 1999, as required by the Revenue and Taxation Code. There were no substandard rental units reported to the Franchise Tax Board during 1999.
6.3. State Department of Alcoholic Beverage Control - application dated 6/1/00 for license at La Familia Restaurant No. 2, 880 East Avenue.

7. **ADJOURNMENT.** The meeting was adjourned at 11:40 p.m. to 7/5/00 at 6:30 p.m. for a meeting regarding adoption of 2000-01 Budget, and consideration of the Otterson Drive EIR.
NOTE: Dinner was made available at 6:00 p.m. for Councilmembers

1. CALL TO ORDER The Mayor called the meeting to order at 6:15 p.m.

1.1. Roll Call -- Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Absent - Councilmember Guzzetti

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

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

The Council reconvened to open session at 6:30 p.m.

3. ADJOURNMENT
The meeting was adjourned at 6:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER**

The Mayor called the meeting to order at 6:32 p.m.

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

1.2. Invocation — Pastor Neal Neuenburg, from Aldersgate United Methodist Church delivered the invocation.

1.3. Roll Call — Present - Bertagna, Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange.
Absent - None

1.4. Introduction of City Staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Fire Chief Brown, Airport Manager Grierson, Budget Officer Pierce, Management Analyst Halldorson, and Community Development Assistant Sellers.

1.5. Closed Session Announcement - None

2. **CONSENT AGENDA** - None

3. **NOTICED PUBLIC HEARINGS** - None

4. **REGULAR AGENDA**

4.1. **ADOPTION OF 2000-01 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS**

To consider this item, the City Council convened as both the City Council and the Chico Redevelopment Agency.

By memorandum dated 06/21/00, the City Manager submits the Final Budget resolutions for the 2000-01 City of Chico and Chico Redevelopment Agency Annual Budgets together with a summary of budget adjustments which include those approved by the City Council and the Chico Redevelopment Agency at the 06/06/00 budget review meeting, and those additional requests and corrections that were discovered by staff following adoption of the Tentative Budget on 06/06/00. The Council also has been provided with reference copies of the Additive List and Supplemental Additive List which were considered on 06/06/00, and a reference copy of the City Manager's memorandum dated 06/16/00, summarizing the 06/06/00 budget actions. The Budget adjustments adopted by the below resolutions will be incorporated into the Final Budget.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt:


**RESOLUTION NO. RDA 6-00 — RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2000-01 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY**

The motion was carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, and Bertagna.

**NOES:** None

**ABSENT:** None

4.2. **ITEMS REMOVED FROM THE CONSENT AGENDA** - None
5. **ITEMS ADDED AFTER POSTING OF THE AGENDA** - None

6. **ADJOURNMENT**

   The Mayor adjourned the Redevelopment Agency Meeting at 6:40 p.m. to a City Council meeting.
1. **CALL TO ORDER**

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

2. **CONSENT AGENDA**

Items 2.1 and 2.3 were removed from the Consent Agenda and were considered under 4.1.

2.2. A. **RESOLUTION NO. 02 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 7, 2000, FOR THE PURPOSE OF ELECTING FOUR MEMBERS TO THE CITY COUNCIL AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2000**

B. **RESOLUTION NO. 03 00-01, A RESOLUTION OF CITY COUNCIL OF THE CITY OF CHICO DIRECTING THE SUBMISSION OF A MEASURE REGARDING AFFORDABLE RENTAL HOUSING TO THE VOTERS AT A CONSOLIDATED GENERAL MUNICIPAL ELECTION AND STATEWIDE ELECTION TO BE HELD NOVEMBER 7, 2000**

C. **RESOLUTION NO. 04 00-01 RESOLUTION OF CITY COUNCIL OF THE CITY OF CHICO DIRECTING THE SUBMISSION OF MEASURES REGARDING AMENDMENTS TO SECTIONS 611 AND 700 OF THE CHICO CITY CHARTER TO THE VOTERS AT A CONSOLIDATED GENERAL MUNICIPAL ELECTION AND STATEWIDE ELECTION TO BE HELD NOVEMBER 7, 2000**

Resolution (A) above calls the General Municipal Election on 11/7/00 for the purpose of electing four members to the City Council, and requested consolidation with the Statewide General Election to be held that date.

Resolution (B) above implemented the direction of the City Council at its meeting of 6/6/00 to submit a measure to the voters at the 11/7/00 election requesting approval for authorization of development of additional units of Article 34 multi-family low-rent housing projects (authorization for such units shall be limited annually to an amount not to exceed 1% of the existing housing units in the City of Chico).

Resolution (C) above implemented the direction of the City Council at its meeting of 5/16/00 to submit measures to the voters at the 11/7/00 election requesting approval of amendments to the City’s Charter which: (1) amended Section 611 to conform it to State law, which allows publishing a summary as an alternative to publishing an ordinance in its entirety; and (2) amended Section 700 to delete the reference to gender in one section which was overlooked when such changes were approved throughout the Charter by voters a number of years ago.

2.4. **APPROVAL OF MINUTES FOR MEETING HELD ON MAY 23, 2000**

The Council was provided with copies of minutes for its meeting held on 5/23/00.

A motion to approve the Consent Agenda, with the exception of Items 2.1 and 2.3, was made by Councilmember Keene, seconded by Councilmember Jarvis, and carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, and Bertagna.

**NOES:** None

**ABSENT:** None
3. NOTICED PUBLIC HEARINGS

3.1. OTTERSON DRIVE EXTENSION: CONSIDERATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND HEARING ON GENERAL PLAN CIRCULATION ELEMENT AMENDMENT

Final Environmental Impact Report
A Final Environmental Impact Report (EIR) was prepared for the Otterson Drive Extension project pursuant to the California Environmental Quality Act (CEQA). The Council was required to certify the adequacy of the EIR. Should Council approve the project, Council must also adopt additional findings verifying consideration of the EIR in making the decision and identifying potential environmental impacts and mitigations, and adopt a statement of overriding considerations.

The City of Chico Planning Commission and staff recommended City Council certification of the Final Environmental Impact Report.

Circulation Element Amendment - Hearing
A proposal to amend the City of Chico General Plan Circulation Element to designate roadways in the circulation system for south Chico, consisting of the following components:

- **Eastern Link** - Connecting roadway between Park Avenue/The Midway and the current northerly terminus of Otterson Drive. Three alternative alignments have been identified for this “link,” two of which include a bridge crossing Comanche Creek;

- **Northern Link** - Connecting roadway and bridge between the Meyers Street/Ivy Street intersection and the current northerly terminus of Otterson Drive, crossing Comanche Creek; and

- **Western Link** - Roadway between the southeast corner of the Diamond Match site at Estes Road and the current northerly terminus of Otterson Drive, crossing Comanche Creek.

The City of Chico Planning Commission recommended City Council approval of a General Plan amendment to designate only the “Northern Link.”

In the addendum packet, the Council was provided with copies of letters regarding the Otterson Drive Extension from Eric Murray, Tile City; Dave Perres, Multi-Image Network; and Peter Laughton in support of the project. Supporting letters from Jim Goodwin, Chico Chamber of Commerce and Dave White, United Parcel Service were received. Petitions with 161 signatures were submitted in favor of the project.

Also included in the addendum packet were letters opposing the Otterson Drive Extension from Kevin Durkin, Terri Gallion, the Gray Family, Robert Speer, Anthony Nicosia, Emily Alma, Sheldon Praisner, Christine E. Nelson, Guthrie Smith, Michael Pike, Jeff Mott, Patricia Donohu, and Michael Smith, Sierra Club.

Council recessed at 7:45 p.m. in order to allow set up time for video and slide presentations.

The Mayor opened the hearing to the public at 8:00 p.m.

Richard Roth presented a video of Comanche Creek in opposition to the Otterson Drive Extension. Chris Nelson presented aerial slides also in opposition to the project. Steve Gonsalves and Bob Linscheid, both representing CEPCO, made presentations in support of the project.

Those speaking in opposition to the project were Michael Pike, John Hollister, Jim Dwyer, Gerald Rogan, Dianne Gaumer, Tom Leonardi, Dan Floyd, Luke Juhasz-Adams (comments also received in writing), Trish Puterbaugh, Steven Schuman, Ann Bykerk-Kauffman, Emily Alma, Bill Helmer, Alan Chamberlain, Paul Maslin, and Randy Larsen.
Council was in recess for 10 minutes and reconvened at 9:35 p.m.

Nancy Park, Elizabeth Devereaux, Jenny Brown, Rolland Berger, Tim Bousquet, Helen Ost, Dave Murray, Suzanne Gibbs, Bill Brouhard, Liz Mosher, Rachel Oriand, Greg Tropea, Guthrie Smith, Bruce Balgooyen, John Merz, Michael Benson, and Ernest Witt also spoke in opposition to the project.

Council concurred to continue the meeting to 11:30 p.m.

Comments in favor of the “Eastern Link” were heard from Larry Armes, Darlene Thomasson (who submitted pictures for the record), Lamia Alger, Jim Stevens, Mark Francis, Tod Kimmelshue, Eric Murray, Marv Davidson, Jolene Dietle, Dave Perras, Robb Cheal, and Jim Estes.

Council concurred to continue the meeting to 12:00 a.m.

Council concurred to continue the meeting to 12:30 a.m.

The Mayor closed the hearing to the public. A motion was made by Councilmember Keene, and seconded by Councilmember Lange to:

1. A. Certify the adequacy of the EIR and the conditions contained within the document; and
   B. Approve the “Eastern Link - mid-creek crossing”; and
   C. Adopt a motion of intent to approve a General Plan amendment; and
   D. Use a combination of street, park fees and redevelopment funds for funding the project; and
   E. Direct staff to work with the landowners in order to include their participation in the funding of the project.

2. Direct staff to prepare a Statement of Overriding Considerations in connection with approval of the EIR, to be brought back for Council adoption, based on the following:
   A. Traffic impact on the roads; and
   B. Environmental preservation of the riparian corridor; and
   C. Ability to draw new employers to Chico.

The motion carried by the following vote:

AYES: Herbert, Keene, Lange, and Bertagna.
NOES: Guzetti, Jarvis, and Kirk.
ABSENT: None

3. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

2.1. **RESOLUTION NO. 05 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 5 TO THE “MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit A)”**
RESOLUTION NO. 06 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 3 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit B)"

RESOLUTION NO. 07 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 1 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

RESOLUTION NO. 08 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 3 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION UNIT B (NON-SWORN) REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

RESOLUTION NO. 09 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT EMPLOYEES OF THE CITY

RESOLUTION NO. 10 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 60 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL EMPLOYEES OF THE CITY

MINUTE ORDER NO 18-00 -- APPROVAL OF INCREASE IN CITY PAYMENT OF HEALTH/DENTAL PLAN PREMIUM FOR CITY COUNCILMEMBERS UPON IMPLEMENTATION OF INCREASE IN CITY PAYMENT OF SUCH PREMIUM FOR CITY EMPLOYEES

By memorandum dated 6/21/00, the Personnel Director recommended adoption of the proposed resolutions and minute order which would increase the City’s contribution to health and dental insurance coverage for all employee groups, including the City Council, except Chico Police Officers’ Association - Sworn Unit, which has alternative coverage. The increase in City contribution was agreed to through the bargaining process with the specified employee groups. The cost for the increase is included as an additive item in the 2000-2001 Final Annual Budget.

A motion to adopt the above Resolutions and Minute Order was made by Councilmember Kirk, seconded by Councilmember Keene, and carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, and Bertagna.
NOES: None
ABSENT: None

2.3. MINUTE ORDER NO. 17-00 - AUTHORIZATION FOR THE AIRPORT MANAGER TO EXECUTE A LEASE WITH CHICO AVIATION SERVICES LIMITED PARTNERSHIP FOR A PORTION OF PAD ‘E’ IN THE HANGAR AREA AT THE CHICO MUNICIPAL AIRPORT

Chico Aviation Services Limited Partnership (CAS) proposed constructing 17 (43 x 40 ft) T-Hangars on pad E of the hangar area at the Chico Municipal Airport. CAS proposed to build permanent hangars with concrete floors and electrical service in each bay. The initial lease term would be 35 years, with the option for one 5-year extension. The initial lease rate of $0.24 per square foot represents an annual figure of $8,791.20, and would be adjusted at 5-year intervals at a rate established by the Consumer Price Index in accordance with Federal Aviation Administration policy. Because the lease term exceeds 15 years, City Council approval was required. This proposed lease was approved by the Airport Commission at its 6/6/00 meeting.

A motion made by Councilmember Kirk and seconded by Councilmember Jarvis to adopt Minute Order No. 17-00, carried by the following vote:
4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA - NONE

4. BUSINESS FROM THE FLOOR

Tim Bousquet asked the Council to consider removing Jolene Dietle from the Planning Commission due to her conflict with her position on the Planning Commission and her new position as President of CEPCO.

5. 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.

6. Patti LeBaron Ransdell, Outreach Coordinator, letter dated 6/9/00 offering to provide a slide presentation regarding the Sacramento Watershed Program.

6.2. Chief of Police memorandum submitting the Citizen’s Option for Public Safety Grant Summary Report for the period of 1/00 thru 4/00, which is required by the Butte County SLEOC Oversight Committee.

6.3 Finance Director memorandum submitting a list of claims paid during the month of May 2000, copies of which are available in the Finance, City Clerk, and Council offices.

7. ADJOURNMENT

The meeting was adjourned at 12:38 a.m. to Tuesday, 7/18/00 at 7:00 p.m. for a Closed Session, if needed, followed by a regular adjourned meeting in the Council Chamber at 7:30 p.m.

Date Approved: September 5, 2000

City Clerk

Mayor
1. **CALL TO ORDER**

1.1. Flag Salute — Those in attendance recited the Pledge of Allegiance.

1.2. Invocation — Reverend Robert Roberts, Redeemer Lutheran Church, delivered the invocation.

1.3. Roll Call — Present: Bertagna, Jarvis, Kirk and Lange

Present: Bertagna, Jarvis, Kirk and Lange

Absent: Guzzetti, Herbert, Keene

1.4. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Administrative Analyst Wallick, Principal Planner Figge

2. **CONSENT AGENDA** - Items 2.3 and 2.4 were removed from the Consent Agenda and heard under 4.1.

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT PARKING IN POLICE PARKING ZONES - INTRODUCTORY READING**

By memorandum dated 6/29/00, the Assistant Director of Public Works reports that when Title 10 of the Chico Municipal Code was modified several years ago, former sections pertaining to police parking zones were deleted. Since that time, the Police Department has had difficulty issuing citations when unauthorized vehicles park in police parking zones due to the lack of a code reference to cite. This ordinance adds a code section regarding the prohibition of parking in police parking zones. The Assistant Director of Public Works recommends adoption of the ordinance.

2.2. **MINUTE ORDER NO. 19-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE SETTLEMENT AGREEMENT WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION AND ENTER INTO AGREEMENT WITH STREAMINDERS FOR PERFORMANCE OF ONE-MILE RECREATION AREA, BIG CHICO CREEK PROJECT**

On 4/24/00 the City of Chico received Administrative Civil Liability Complaint No. 5-00-512 from California Regional Water Quality Control Board Central Valley Region (Water Board) for failure to complete the Industrial Pretreatment Program in a timely manner. This complaint levied a $100,000 fine on the City. Subsequently, the City waived its right to a formal hearing and negotiated a settlement with the Water Board to pay 50% of the fine and fund a water quality watershed project in the amount of $50,000. This Minute Order will authorize the City Manager to execute the settlement agreement with the Water Board and enter into the contract with Streaminders or another non-profit organization to perform the water quality project on Big Chico Creek. The Director of Public Works recommends approval of the Minute Order.

2.5. **APPROVAL OF MINUTES FOR MEETING HELD ON JUNE 6, 2000**

The Council was provided with copies of minutes for its meeting held on 6/6/00.

A motion was made by Councilmember Kirk and seconded by Councilmember Lange to adopt the Consent Agenda as read, with items 2.3 and 2.4 removed. The motion carried by the following vote:

**AYES:** Jarvis, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** Guzzetti, Herbert, Keene
3. **NOTICED PUBLIC HEARINGS**

3.1. **FINAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 90 (AMBER GROVE/GREENFIELD SUBDIVISION)**

By memorandum dated 6/28/00, the Director of Public Works reported that at the initial hearing on formation of this proposed district held on 6/20/00, the City Council heard public comments regarding the proposed assessments and accepted the Engineer’s Report. The Council was provided with copies of the Engineer’s Report, a spreadsheet showing the breakdown of the estimated costs of the public improvements to be funded by the proposed assessments, which include two storm drainage detention facilities, fencing, and landscaping and irrigation in front of the facilities, and a resolution ordering formation of the district.

The purpose of the final hearing was for the City Council to receive all ballots for and against the proposed assessment district and the City Clerk’s tabulation of such ballots. In addition, the Council would hear further comments from property owners within the proposed district on any matter bearing on the establishment of the district. At the conclusion of the final protest hearing, the ballots would be tabulated. If the votes in favor of the proposed assessment district exceed the votes in opposition to it, the Council may order formation of the district, and if the majority of votes submitted are in opposition to the proposed district, proceedings on the proposed assessment district would be abandoned.

No one was present to speak on this matter. Director of Public Works Ross reported that the ballots received by the City Clerk were 116 in favor and 34 opposed to the formation of the district.

A motion was made by Councilmember Jarvis, and seconded by Councilmember Kirk to adopt:

RESOLUTION NO. 11 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 90 (AMBER GROVE/GREENFIELD SUBDIVISION)

The motion carried by the following vote:

AYES:  Jarvis, Kirk, Lange, Bertagna
NOES:   None
ABSENT: Guzzetti, Herbert, Keene

3.2. **HEARING ON ABANDONMENT AND VACATION OF A PUBLIC EASEMENT (BICYCLE PATH EASEMENT BETWEEN EAST TWENTIETH STREET AND SPRINGFIELD DRIVE ALONG THE WEST LINE OF ASSESSOR’S PARCEL NO. 002-180-104)**

At its meeting of 6/20/00 the City Council adopted the Resolution of Intention initiating this abandonment and setting today’s public hearing. By memorandum dated 5/18/00, the Assistant Director of Public Works reported that due to the building of a bicycle path through the United Health Care property, adjacent to the subject easement, this easement is no longer necessary. At the request of the Director of Public Works, this proposed action would abandon the 20 foot wide Bicycle Path Easement Between East Twentieth Street and Springfield Drive. The Assistant Director of Public Works recommends adoption of this resolution.

There was no one present to speak on this matter.

A motion was made by Councilmember Kirk, and seconded by Councilmember Lange to adopt:
RESOLUTION NO. 12 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (BICYCLE PATH EASEMENT BETWEEN EAST TWENTIETH STREET AND SPRINGFIELD DRIVE ALONG THE WEST LINE OF ASSESSOR’S PARCEL NO. 002-180-104)

The motion carried by the following vote:

AYES: Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti, Herbert, Keene

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 93, UNITED HEALTH CARE

By memorandum dated 6/28/00, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 93. As a condition of development of this property, located in southeast Chico on East 20th Street just east of Forest Avenue, the developers, United Health Care (A & L, LLC) (Parcel 1), Springfield Properties, Mr. and Mrs. Thomasson and Mr. and Mrs. Gliedt (Parcels 2 and 3) and Fogarty Investments (Parcel 4), have consented to the formation of this district for the operation and maintenance of landscaping and irrigation within the East 20th Street median adjacent to their properties. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. The district is referred to as United Health Care because it was the first facility to be built on the site. Future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommends adoption of the Resolution.

A motion was made by Councilmember Lange, and seconded by Councilmember Kirk to adopt:

RESOLUTION NO. 13 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 93 -- UNITED HEALTH CARE)

The motion carried by the following vote:

AYES: Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti, Herbert, Keene

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.3. A. RESOLUTION NO. 14 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO MODIFYING PLANNED DEVELOPMENT PERMIT 00-7 (WEBB HOMES) APPROVED BY THE PLANNING COMMISSION TO ADD A REQUIREMENT FOR A LANDSCAPED WALL ALONG THE PROJECT’S STREET FRONTAGE

B. CANCELLATION OF APPEAL HEARING SET FOR JULY 25, 2000

By memorandum dated 7/7/00, the Planning Director reported that the project applicant (Webb Homes) and the appellant (Barbara Jean Black) have agreed on a withdrawal of the appeal of Planned Development Permit 00-7 (Webb Homes) contingent on the addition of a condition of approval requiring that a six-foot-high landscaped stucco wall be constructed along the property’s Mission Ranch Boulevard frontage. If the City Council agreed with this approach, staff recommended that it (a) adopt the above resolution approving the additional condition, and (b) cancel the appeal hearing scheduled for 7/25/00.
Comments were heard from Barbara Jean Black, Greg Webb and Ron Coleman in support of canceling the 7/25/00 appeal hearing due to the agreement reached between Webb Homes and the neighbors on the addition of a condition that a six-foot-high landscaped stucco wall be constructed along Mission Ranch Boulevard.

A motion was made by Councilmember Kirk, seconded by Councilmember Lange to adopt the Resolution as read and to cancel the appeal hearing set for July 25, 2000.

The motion carried by the following vote:

AYES: Kirk, Lange, Bertagna
NOES: Jarvis
ABSENT: Guzzetti, Herbert, Keene

2.4. MINUTE ORDER NO. 20-00 — APPROVAL OF MERIT SALARY INCREASES FOR THE CITY ATTORNEY AND THE CITY MANAGER

This Minute Order formalized the action of the City Council at its meeting of 7/5/00 approving a 5.8% merit increase for City Attorney David Frank, and a 4.0% merit increase for City Manager Tom Lando, effective 7/1/00.

Caryn Jones addressed the Council about her concerns with the salary increase being given to the City Attorney.

A motion was made by Councilmember Jarvis, and seconded by Councilmember Kirk to approve the Minute Order.

The motion carried by the following vote:

AYES: Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti, Herbert, Keene

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. BUSINESS FROM THE FLOOR

Barbie Boeger spoke to the Council about the Smoking Ordinance and whether it was being enforced fairly. She also had concerns about the Jesus Center adding showers to its facility.

6. REPORTS AND COMMUNICATIONS — No Items

7. ADJOURNMENT

The meeting was adjourned at 8:10 p.m. to Tuesday, 7/25/00 at 7:15 p.m. in Conference Room No. 2 for a closed session, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: September 5, 2000

________________________________________  ______________________________
City Clerk                                          Mayor
1. **CALL TO ORDER**

1.1. Roll Call — Present: Bertagna, Jarvis, Kirk and Lange  
Absent: Guzzetti, Herbert, Keene

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**: Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

3. **ADJOURNMENT**

At 7:30 p.m. Council adjourned to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER**

1.1. Flag Salute

1.2. Invocation — Police Chaplain Dale Rash

1.3. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

    Absent: None

1.4. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Community Development Assistant Sellers, Senior Planner Jolliffe and Principal Planner Figge

1.5. Closed Session Announcement - None

2. **CONSENT AGENDA**

2.1. **AUTHORIZATION TO EXPEND BUDGETED FUNDS FOR DEVELOPMENT OF A REVISED DRAFT RESOURCES MANAGEMENT PLAN, ENVIRONMENTAL REVIEW AND PERMIT APPLICATIONS FOR THE TEICHERT PONDS STORM DRAINAGE FACILITY**

At its meeting of 6/6/00, the City Council included $150,000 in the 2000-01 Annual Budget for a management study, environmental review and permitting for the Teichert Ponds storm drainage facility, but directed that funds not be expended until staff presented Council with additional information regarding the proposed use of the funds and potential grant funding. By memorandum dated 7/13/00, Senior Planner Jolliffe provides background on the Teichert Ponds acquisition and the resource management plan for the Ponds. Attached as Attachment 6 to the memorandum is a memorandum dated 7/11/00 from Park Director Beardsley regarding potential funding from Proposition 13 (Safe Drinking Water bonds). Planning staff and the City Manager recommend that the Council authorize expenditure of up to $60,000 of the budgeted funds for the professional services and staff costs to pursue grant funds, develop water quality improvement options and cost estimates, evaluate and prioritize those options, develop a revised draft resource management plan, prepare the environmental review document and permit applications and coordinate the public review process prior to Council consideration. Once this process is completed, additional Redevelopment Agency or grant funding would be requested.

A motion by Councilmember Jarvis, and seconded by Councilmember Kirk to approve the:

**AUTHORIZATION TO EXPEND BUDGETED FUNDS FOR DEVELOPMENT OF A REVISED DRAFT RESOURCES MANAGEMENT PLAN, ENVIRONMENTAL REVIEW AND PERMIT APPLICATIONS FOR THE TEICHERT PONDS STORM DRAINAGE FACILITY**, in the amount of $85,000 (per staff’s revised agenda information),

Carried by the following vote:

- **AYES:** Guzzetti, Jarvis, Kirk, Lange
- **NOES:** Herbert, Keene, Bertagna
- **ABSENT:** None

3. **NOTICED PUBLIC HEARINGS** — No Items
4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

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

6. **ADJOURNMENT**

Adjourned at 7:36 p.m. to a City Council meeting.
1. CALL TO ORDER - The Mayor called the 7/25/00 City Council meeting to order at 7:37 p.m.

1.1. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: None

2. CONSENT AGENDA Items 2.2 and 2.3 were pulled from the Consent Agenda and considered under 4.1.

2.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A FLEXIBLE BENEFITS PLAN PURSUANT TO SECTION 125 OF THE INTERNAL REVENUE CODE

By memorandum dated 7/7/00, the Personnel Director reported that an Internal Revenue Code Section 125 Flexible Benefits Plan had been developed for use by City employees. The Flexible Benefits Plan would allow City employees to take advantage of certain tax benefits available under that section of the Internal Revenue Code. The cost for the plan would be shared by the City and participating employees, and the establishment of the Plan was agreed to as part of the recent changes in health insurance benefits. The City’s portion of those costs ($4,750) has been budgeted as part of the 2000-01 Annual Budget. The Personnel Director recommended adoption of the resolution.

A motion was made by Councilmember Jarvis, seconded by Councilmember Kirk to adopt the Consent Agenda as read, with items 2.2 and 2.3 removed.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

NOES: None

ABSENT: None

2.2. MINUTE ORDER NO. 21-00 - AUTHORIZATION FOR CITY MANAGER TO GIVE NOTICE OF TERMINATION OF LEASE WITH THE COUNTY OF BUTTE, AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT EXTENDING THE TERMS OF THE LEASE AGREEMENT - this item was pulled by Mayor Bertagna for further discussion and heard under 4.1.

2.3. MINUTE ORDER - AUTHORIZATION FOR CITY MANAGER TO EXECUTE COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF BUTTE AND THE CITY OF CHICO FOR THE CONSTRUCTION AND INSTALLATION OF CERTAIN-improvements AND THE EXTENSION AND FUNDING OF CERTAIN SERVICES WITHIN THE CHICO URBAN AREA - this item was pulled by Councilmember Jarvis for further clarification and heard under 4.1.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL BY BARBARA JEAN BLACK OF THE APPROVAL OF PLANNED DEVELOPMENT PERMIT 00-7 (WEBB HOMES) TO ALLOW DEVELOPMENT OF A 169 UNIT APARTMENT COMPLEX ON A 12+ ACRE PARCEL LOCATED ON THE NORTH SIDE OF MISSION RANCH BOULEVARD IMMEDIATELY EAST OF HOLLY AVENUE

(NOTE: On 7/18/00, subsequent to the printing of this agenda, the City Council approved a modification of conditions to the Planned Development Permit and accepted withdrawal of this appeal. Therefore, this appeal hearing was canceled.)
4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

2.2. **MINUTE ORDER NO. 21-00 - AUTHORIZATION FOR CITY MANAGER TO GIVE NOTICE OF TERMINATION OF LEASE WITH THE COUNTY OF BUTTE, AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT EXTENDING THE TERMS OF THE LEASE AGREEMENT**

The City of Chico and the County of Butte entered into a lease agreement effective 7/01/96 for the lease of a portion of the first floor of the City’s Municipal Building for the purpose of maintaining offices for the County Building Department and the County Environmental Health Department. The original term of the lease was for a period of five years and expires on 6/30/01. Because of continued growth within City departments, and the need for additional office, training, and conference space, it was recommended that the City have the ability to reclaim the area upon the expiration of the current lease. In order to provide adequate time for the County to locate replacement office space, it would be beneficial for the County to receive notice now rather than waiting until December 2000. If the City does not need the space immediately, and the County is interested in extending the lease on a short term basis, the lease agreement could be continued for up to six month periods. The City Manager recommended approval of the Minute Order.

At the request of the Mayor, the City Manager provided further clarification on what would actually happen with the approval of the Minute Order. When the building was constructed, the City had a five-year agreement with the County for the use of 1/2 of the first floor. After that first agreement, the term was year-to-year with automatic renewal and a 12-month termination notice. This Minute Order would give the City and County a six-month termination notice period and eliminate the year-to-year automatic renewal ability. The County was notified of the possible changes.

A motion was made by Councilmember Herbert, and seconded by Councilmember Kirk to approve the Minute Order.

The motion carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
**NOES:** None
**ABSENT:** None

2.3. **MINUTE ORDER - AUTHORIZATION FOR CITY MANAGER TO EXECUTE COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF BUTTE AND THE CITY OF CHICO FOR THE CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS AND THE EXTENSION AND FUNDING OF CERTAIN SERVICES WITHIN THE CHICO URBAN AREA** - removed from the Consent Agenda by Councilmember Jarvis for further discussion

By memorandum of July 18, 2000, the City Attorney transmitted the above agreement. An outline of this agreement was approved by Council on 6/6/00. This agreement:

1) Authorized extension of City sewer service into three unincorporated areas, commonly known as the Lassen Avenue Corridor, the Avenues and the Chapman-Mulberry Area, to serve properties currently disposing of sewage through individual septic systems. Annexation would not be required as a condition of extending the service. The sewer facilities would be designed, constructed, operated and maintained by the City and funded from sources obtained by the County.

2) Provided for sewage disposal system support services to be provided by the County for all properties in the Urban Area remaining on septic systems instead of connecting to the City’s sewer system.

3) Committed the City and County to fund and complete $11 million in road improvement projects over the next 20 years to improve traffic-carrying capability of streets and roads in the Urban Area.

The agreement was reviewed by the City Manager and the City’s ad hoc committee (Mayor Bertagna, Councilmember Keene and Councilmember Kirk) established to address this subject. The City Manager and City Attorney recommended approval of the Minute Order.
A motion by Councilmember Jarvis, seconded by Councilmember Guzzetti to send the agreement back to the Committee and have the committee meet with the County to go over the changes and come back with a document that truly reflects an agreement that has been reached, failed by the following vote:

AYES: Guzzetti, Jarvis  
NOES: Herbert, Keene, Kirk, Lange, Bertagna  
ABSENT: None

A motion was made by Councilmember Keene and seconded by Council Member Herbert to allow the County to be able to respond and that after they have had a chance to respond and Regional Water Quality to bring their concerns to the City, then we would bring it (the agreement) back for Council action.

The motions carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
NOES: None  
ABSENT: None

4.2. INITIAL CONSIDERATION OF AN APPEAL BY GARY LEWIS OF THE DENIAL OF USE PERMIT 00-14 (LEWIS) TO ALLOW CONSTRUCTION AND OPERATION OF A 24-HOUR CONVENIENCE STORE WITH GASOLINE PUMPS AND A CAR WASH AT 392 THROUGH 396 VALLOMBROSA AVENUE AND 601 MANGROVE AVENUE (NORTHWEST CORNER OF VALLOMBROSA AND MANGROVE AVENUES)

By memorandum dated 7/29/00, Planning Division Staff reported that at its 6/1/00 meeting, the Planning Commission denied a use permit to allow a 24-hour convenience store with gasoline pumps and a car wash at 392 through 396 Vallombrosa Avenue and 601 Mangrove Avenue, Assessor’s Parcel Nos. 003-210-017 and 006, in a CC Community Commercial zoning district and designated on the General Plan Diagram as Community Commercial. The use permit was denied on a motion passed 4-2-1. This decision was being appealed by the applicant, Gary Lewis.

The Council was provided with copies of a letter dated 7/6/00 from Don Ball, owner of the property at 631 Mangrove, adjacent to the proposed project, supporting the Planning Commission decision.

The City Council had the option of taking no action, thereby upholding the Planning Commission decision or scheduling the appeal for a public hearing at a subsequent date. The Planning Director recommended the City Council not hear the appeal, thereby upholding the decision of the Planning Commission.

Comments supporting the appeal were heard from Gary Lewis and John Gillander. Individuals against hearing the appeal were Kirk Monfurt and Caryn Jones.

A motion by Councilmember Herbert, seconded by Councilmember Keene to uphold the decision of the Planning Commission, deny the appeal and allow reconsideration of the project within one year.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
NOES: None  
ABSENT: None

4.3. INITIAL CONSIDERATION OF AN APPEAL BY THE CITY MANAGER OF A MODIFICATION OF CONDITIONS OF APPROVAL FOR USE PERMIT 99-28 (AT&T WIRELESS SERVICES) ALLOWING A TELECOMMUNICATIONS FACILITY AT 215 ORANGE STREET

By memorandum dated 7/12/00 Planning Division Staff reported that at its 7/6/00, meeting, the Planning Commission approved a modification to the conditions of approval for Use Permit 99-28 (AT&T Wireless Services) by deleting Conditions 5 and 6 relating to power levels and annual monitoring of a telecommunications facility at 215 Orange Street, Assessor’s Parcel No. 004-038-003, in a ML Light Manufacturing/Industrial zoning district and designated on the General Plan Diagram as Manufacturing and Warehousing. The use permit
modification was approved on a motion passed 4-0-3. The decision was appealed by the City Manager on the basis that the modification was inconsistent with the City Council’s direction of 2/1/00. The City Council had the option of taking no action and thereby upholding the Planning Commission decision, or scheduling the appeal for a public hearing at a subsequent date. If a hearing was scheduled, it was recommended that it be held after the City Council has considered the ordinance regulating telecommunications facilities. Based on the Planning Director’s tentative schedule, it was suggested that the public hearing be scheduled for 10/3/00.

Mayor Bertagna excused himself from the discussion and left the Chamber. A motion was made by Councilmember Jarvis, and seconded by Councilmember Kirk to hear the appeal on November 7, 2000.

The motion carried by the following vote:

AYES: Guzzetti, Jarvis, Kirk, Lange
NOES: Keene, Herbert
ABSENT: None
ABSTAIN: Bertagna

4.4. CONSIDERATION OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - OFF THE WALL CONCESSIONS - 1090 E. 20TH STREET

By memorandum dated 7/14/00 the Community Development Director reported that at its meeting of 6/20/00, the City Council considered this request and continued the matter for more information from the applicant, due to Council concerns with the sale of alcoholic beverages at a facility for youth soccer programs. By letter dated 7/6/00 the applicant, Doug Roberts indicated a willingness to limit alcohol sales to after 3:30 p.m. Subject to clarification of Council concerns, it was recommended that the Council make a determination of Public Convenience or Necessity, pursuant to Business and Professions Code 23958.4 concerning the issuance of an Alcoholic Beverage Control License for on-sale beer for Off the Wall Concessions.

A motion was made by Councilmember Jarvis, and seconded by Councilmember Kirk to make a determination of Public Convenience or Necessity for Off the Wall Concessions.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 6/13/00

By memorandum dated 6/22/00 the Internal Affairs Committee provided a report on its meeting held on 6/13/00, at which time Councilmembers present were: Herbert (substituting for Committee member Bertagna), Lange (substituting for Committee member Kirk), and Jarvis, Chair of the Committee. The matters that were considered which require City Council action at this meeting are listed below. (Other matters considered by the Committee are discussed in the Committee report.)

E. (Council action required to approve recommendation)

CONSIDERATION OF COMMERCIAL USE OF ANNUAL LEAF COLLECTION PROGRAM. The Committee recommended (3-0):

1. That the problem of excessive piles of leaves deposited in the bike lanes and commercial use of the leaf pick-up program be re-evaluated after the upcoming season, when the impact of the City’s expanded leaf pick-up program could be determined; and

2. That staff be directed to notify commercial users of the leaf pick-up program regarding the Code provisions which prohibit the depositing of leaves in the street except by contiguous property owners, and which prohibit the depositing of anything other than leaves in the street
F. **(Council action required to approve recommendation)**

**CONSIDERATION OF MULTI-FAMILY RECYCLING PROGRAM.** The Committee recommended (3-0) that the North Valley Property Owners Association be requested to develop a proposal to address minimum recycling requirements for multi-family complexes, that the Association endeavor to contact other multi-family complex property owners who were not members to invite their involvement in this process, and that the proposal be submitted to the Committee for review.

H. **(Council action required to approve recommendation)**

**CONSIDERATION OF REQUEST FOR A CODE AMENDMENT TO ALLOW PARKING OF OWNERS’ VEHICLES IN FRONT OF THEIR RESIDENCES FOR 30 DAYS.** The Committee recommended that the Code not be revised to extend the parking limitation on public streets, and that the Chief of Police initiate mediation between the neighbors that were having the problem.

A motion made by Councilmember Keene, seconded by Councilmember Herbert to approve the Internal Committee recommendations, carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** None

4.6. **DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

By letter dated June 2000, the League of California Cities requested that the Council designate a voting representative and an alternate who will be present for the business meeting (Saturday, 9/9/00) during the League’s Annual Conference to be held September 7th through 9th in Anaheim. Council concurred to designate Maureen Kirk as the representative.

4.7. **FUTURE MEETINGS**

The City Council scheduled a meeting on 9/26/00, from 11:00 - 1:00 in Conference Room 1 to consider nitrate issues in relation to the Water Quality Control Board’s prohibition order. The City Manager will contact both the County of Butte and the Regional Water Quality Control Board for their participation in the meeting.

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

5. **BUSINESS FROM THE FLOOR**

Kirk Monfort spoke to the Council regarding the Planning Commission’s decision making process.

Susan La Grande from Sam Aanestad’s office introduced herself to the Council.

6. **REPORTS AND COMMUNICATIONS**

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

6.1 Memorandum dated 7/10/00 from the Finance Director reporting that the list of claims paid during the month of June 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.2 Memorandum dated 7/10/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
7. **ADJOURNMENT**

The meeting adjourned at 9:14 p.m. to Tuesday, 8/1/00, at 7:00 p.m. in Conference Room No. Two if a closed session is scheduled, followed by a regular meeting in the Chamber at 7:30 p.m.

Date Approved: **November 7, 2000**

_____________________________   ______________________________
City Clerk                    Mayor
REGULAR CHICO REDEVELOPMENT AGENCY MEETING  
AUGUST 1, 2000  
Minutes

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

1. CALL TO ORDER - The Mayor called the meeting to order at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation — Jeff Gephart, Bidwell Memorial Presbyterian Church

1.3. Roll Call — Present: Bertagna, Guzzetti, Herbert, Keene, Jarvis, Kirk and Lange
   Absent: None

1.4. Introduction of City Staff: City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson,
   Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park
   Director Beardsley, Chief of Police Efford, Sr. Development Engineer Varga, Senior Planner Jolliffe and
   Principal Planner Figge

2. CONSENT AGENDA — No Items

3. NOTICED PUBLIC HEARINGS — No Items

4. REGULAR AGENDA

4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD JULY 10, 2000

By memorandum dated 7/17/00, the Finance Committee provided a report on its meeting held on 7/10/00.
Committee members present were: Councilmembers Bertagna (substituting for Herbert), Lange, and Keene (arrived after approval of the Consent Agenda items), Chair. The matters considered by the Committee which required Council action at the meeting are listed below.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to approve the following Finance Committee Consent Agenda:

Consent Agenda

A. APPROVAL OF ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) NO. 27-13, ENTITLED “DISPOSITION OF RESIDENTIAL PROPERTY ACQUIRED BY THE CITY OF CHICO OR CHICO REDEVELOPMENT AGENCY”. The Committee recommended (2-0, Keene absent) approval of Administrative Procedure & Policy No. 27-13 regarding disposition of residential property acquired by the City or Agency.

B. APPROVAL OF CHICO HOUSING AND CREDIT COUNSELING CENTER (CHCCC) FUNDING REQUEST FOR ITS 2000-2001 PROGRAM YEAR. The Committee recommended (2-0, Keene absent) approval of an allocation of $26,780 from the Agency’s Low & Moderate Income Housing Fund to the Chico Housing and Credit Counseling Center for its 2000-2001 program year.

CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. 3-00 — AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE COMMUNITY HOUSING AND CREDIT COUNSELING CENTER (CHCCC) FOR USE OF LOW AND MODERATE INCOME HOUSING FUNDS

SUPPLEMENTAL APPROPRIATION ALLOCATING $26,780 FROM THE LOW AND MODERATE INCOME HOUSING FUND OF THE MERGED REDEVELOPMENT PROJECT AREA TO THE COMMUNITY HOUSING AND CREDIT COUNSELING CENTER

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

4.1. **Regular Agenda**

C. **CONSIDERATION OF APPLICATION OF PARK FEE CREDITS FOR DEDICATION OF PARK LAND TO THE CITY (CONTINUED FROM 6/5/00 MEETING).** The Committee recommended (3-0), and a motion by Councilmember Jarvis, seconded by Councilmember Kirk to approve the following:

1. That the Chico Municipal Code be amended to allow for reimbursement to developers who constructed neighborhood parks from existing Park Funds upon completion and acceptance of the park facilities as long as the proposed parks were consistent with those set forth in the General Plan; and
2. That reimbursement agreements from Park Fund revenues be prepared for Drake Homes and Webb Homes for the neighborhood parks proposed for installation in the Foothill park East and Peterson subdivisions.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

E. **CONSIDERATION OF REQUEST FROM SPECIAL EVENTS STEERING COMMITTEE FOR FUNDING FOR OUTREACH MATERIAL.** The Committee recommended (3-0) that $2,000 be allocated to the Special Events Steering Committee for promotional activities for unsponsored Special Events such as Halloween and St. Patrick’s Day, with the understanding that this would be back-up funding in the event enough donations were not received.

Subsequent to the Finance Committee’s discussion of this item, the Chief of Police requested the opportunity to review the Steering Committee's proposal to ensure coordination with Police Department efforts. *The City Manager recommends that action on the funding recommendation be delayed for consideration along with the Steering Committee’s recommendations for Halloween, which are expected to be submitted to Council by early September.*

A motion was made by Councilmember Kirk, and seconded by Councilmember Herbert to delay consideration of the funding request for the Special Events Steering Committee.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

F. **CONSIDERATION OF REQUEST FROM THE COMMUNITY ACTION AGENCY OF BUTTE COUNTY (CAA) FOR ALLOCATION OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS.** The Committee recommended (3-0) approval of an additional allocation of CHDO funds in the amount of $75,000, bringing the total to $145,000, to the Community Action Agency of Butte County (CAA) to expand its transitional housing program currently operated at the Esplanade House, with the condition that CAA not include the sale of the existing Esplanade House in future development plans.

A motion was made by Councilmember Kirk and seconded by Councilmember Guzzetti to approve the following Minute Order:

**MINUTE ORDER NO. 22-00 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION AGREEMENT BETWEEN THE COMMUNITY ACTION AGENCY OF BUTTE COUNTY (CAA) AND THE CITY OF CHICO**
The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

G. PROPOSED ACQUISITION OF CREEKSIDE PROPERTY - 1371 HUMBOLDT AVENUE - APN 004-374-027.
The Committee recommended (3-0) that staff be directed to proceed with acquisition of the parcel at 1371 Humboldt Avenue for a Creekside Greenway.

A motion was made by Councilmember Jarvis and seconded by Councilmember Herbert to direct staff to proceed with the acquisition of the parcel at 1371 Humboldt Avenue.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

H. CONSIDERATION OF CITY SPONSORSHIP OF THE ANNIES ART AWARDS CELEBRATION IN FALL 2000. The Committee recommended (3-0) that a non-profit organization be found to use the $5,000 that had been allocated from the 2000-01 Transient Occupancy Tax arts funding for the Fall 2000 Annies Arts Awards celebration, and that City staff not be involved.

A motion was made by Councilmember Keene and seconded by Councilmember Guzzetti to accept the Finance Committee’s recommendation of the City’s sponsorship of the Annies Art Awards.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

I. CONSIDERATION OF CHANGING FUNDING SOURCE FOR ARTS COMMISSION CONFERENCE AND TRAINING EXPENSES. The Committee recommended (3-0) that the funding source for Arts Commission Conference and Training expenses not be changed, and that it continue to be funded from the Transient Occupancy Tax funds allocated to the arts.

A motion was made by Councilmember Jarvis and seconded by Councilmember Guzzetti to change the policy to use the General Fund to fund the Arts Commission Conference and Training.

The motion failed due to the following vote:

AYES: Guzzetti, Jarvis, Kirk,
NOES: Herbert, Keene, Lange, Bertagna
ABSENT: None

J. CONSIDERATION OF EXPANDING THE “RESIDENTIAL NEIGHBORHOOD INFILL PROGRAM” TO OTHER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE AREAS. The Committee recommended (3-0) that the Neighborhood Infill Program be expanded to other CDBG eligible neighborhoods, and that a requirement for connection to the City’s sewer system be added for use of these funds, with the understanding that applicants could come before the Committee to request waiver of this requirement if appropriate.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to accept the Finance Committee’s recommendation.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

5. **ITEMS ADDED AFTER POSTING OF THE AGENDA** - none

6. **ADJOURNMENT**

   The meeting adjourned at 7:57 p.m. to a Chico City Council meeting.
Chico Municipal Center, Council Chamber, 421 Main Street

1. **CALL TO ORDER** - The Mayor called the Chico City Council meeting to order at 7:58 p.m.

1.1. Roll Call — Present: Bertagna, Guzzetti, Herbert, Keene, Jarvis, Kirk and Lange
    Absent: None

2. **CONSENT AGENDA** Item 2.5 was removed from the Consent Agenda by Councilmember Keene. Item 2.6 was removed by Councilmember Kirk. Both items were heard under 4.1.

A motion was made by Councilmember Kirk and seconded by Councilmember Herbert to approve the following Consent Agenda:

2.1. **ORDINANCE NO. 2202 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT PARKING IN POLICE PARKING ZONES - FINAL READING AND ADOPTION**

By memorandum dated 6/29/00, the Assistant Director of Public Works reported that when Title 10 of the Chico Municipal Code was modified several years ago, former sections pertaining to police parking zones were inadvertently deleted. Since that time, the Police Department has had difficulty issuing citations when unauthorized vehicles park in police parking zones due to the lack of a code reference to cite. This ordinance adds a code section regarding the prohibition of parking in police parking zones. *The Assistant Director of Public Works recommended adoption of the ordinance.*

2.2. **RESOLUTION NO. 16 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2804 THE ESPLANADE / A.P. NO. 006-230-049**

By memorandum dated 6/8/00, the Director of Public Works reported that in accordance with a petition from the property owners, Howard Lee and Yee Ying Fong, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 6/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. *The Director of Public Works recommended adoption of the resolution.*

2.3. **RESOLUTION NO. 17 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2819 NORTH AVENUE / A.P. NO. 048-310-024**

By memorandum dated 6/8/00, the Director of Public Works reported that in accordance with a petition from the property owners, Michael F. and Karen L. O’Neill, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 6/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. *The Director of Public Works recommended adoption of the resolution.*

2.4. **RESOLUTION NO. 18 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 720 RANCHERIA DRIVE / A.P. NO. 043-180-022**

By memorandum dated 6/8/00, the Director of Public Works reported that in accordance with a petition from the property owners, William L. Payne, Valerie L. Payne, Patrick J. Conroy, and Suzanne Conroy, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 6/8/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. *The Director of Public Works recommended adoption of the resolution.*
2.5. **RESOLUTION NO. 19 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ADD THE POSITION OF SENIOR INFORMATION SYSTEMS ANALYST TO THE MANAGEMENT TEAM AND ESTABLISH THE SALARY RANGES FOR THE POSITION** - this item was pulled for further clarification and considered under 4.1.

2.6. **ACKNOWLEDGE RECEIPT AND REFER TO FINANCE COMMITTEE: AMENDMENT TO THE CITY’S FEE SCHEDULE (AMENDMENT NO. 247 - COPY FEES, BUSINESS LICENSE TAX INFORMATION, DOG LICENSE FEES, PARKING FEES AND RATES, FIRE DEPARTMENT FEES, UNIFORM FIRE CODE PERMIT FEES, TRANSPORTATION FACILITY FEES, SEWER FEES, PUBLIC WORKS FEES, VACATION AND/OR ABANDONMENT FEES, PUBLIC RIGHT OF WAY CAFE LICENSE FEE, AND AIRPORT FEES)** - this item was pulled for further clarification and considered under 4.1.

A motion was made by Councilmember Kirk and seconded by Councilmember Herbert to approve the Consent Agenda with Items 2.5 and 2.6 removed and considered under 4.1.

The motion carried by the following vote:

**AYES:** Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)**

By memorandum dated 7/19/00, the Director of Public Works forwarded the Engineer’s Report for Maintenance District No. 73 (Walnut Park Subdivision, generally located at the intersection of Bruce Road, E. 8th Street, and Centennial Avenue). The purpose of forming the proposed maintenance district was to levy annual assessments against the parcels within the district to fund the operation and maintenance of public improvements that are of special benefit to the subdivision, namely fencing/soundwall, storm drainage galleries, and landscaping and irrigation along E. 8th Street and Centennial Avenue. The Engineer’s Report described the boundaries of the proposed district, the public improvements to be funded, how the amount of the annual assessment was calculated, and how it was apportioned among the parcels. Proposition 218 requires a vote of the property owners to establish the assessment. Ballots, copies of the Engineer’s Report, and a notice of the two hearings were mailed to all affected property owners.

The purpose of the initial hearing was for the Council to receive and consider the Engineer’s Report as well as all comments on the report or any other matters relevant to the establishment of the proposed district. The Final Protest Hearing on the district has been scheduled for Council’s meeting of 8/15/00, at the conclusion of which all ballots received either supporting or opposing formation of the district will be tabulated. If the majority of votes received are in favor of the proposed district, the Council may order its formation, and if the majority of votes received are opposed, district formation proceedings will be abandoned. **At the conclusion of this evening’s hearing, the Council may adopt a motion to either approve the Engineer’s Report as presented, modify the Report and approve it as modified, or abandon proceedings on the proposed district.**

The Mayor opened the hearing to the public. No one spoke and the Mayor closed the Public Hearing. The Council requested a sample of the ballot to be provided to Council prior to the August 15, 2000 Council meeting.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve the Engineer’s Report as presented.

The motion carried by the following vote:

**AYES:** Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** None
3.2. HEARING ON IMPLEMENTATION OF LIFT STATION CAPACITY FEES - HOLLY AVENUE SEWER LIFT STATION AND ESPLANADE/LASSEN SEWER LIFT STATION

By memorandum dated 7/13/00, the Assistant Director of Public Works explained that this resolution would: (a) designate the areas to be served by the Holly Avenue Sewer Lift Station and Esplanade/Lassen Sewer Lift Station; and (b) provide for lift station capacity fees to be assessed upon connection to the City sewer system by properties within the areas served by the Holly Avenue Sewer Lift Station and Esplanade/Lassen Sewer Lift Station. Since the fees are Development Impact Fees, they must be established pursuant to nexus reports, which are attached to the memorandum.

The California Government Code required that a public hearing on establishment of Development Impact Fees be held and that public notices be mailed to any party who has filed a written request for such mailed notice. The required notice was mailed to those parties who filed such a request. The Assistant Director of Public Works recommended adoption of the resolution.

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

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 2000-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 249 - SEWER LIFT STATION CAPACITY FEES)

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

3.3. HEARING ON GENERAL PLAN AMENDMENT (GPA 002) AND REZONE (PZ 00-2)

By memorandum dated 7/14/00, Assistant Planner Hanson reported that at the Planning Commission meeting of 6/15/00, the Commission voted unanimously (5-0-2) to recommend approval of an amendment to the General Plan Diagram from Medium Density Residential to Manufacturing/Warehousing (Grossman) and a consistent rezone from CS Commercial Services to ML Light Manufacturing (2031 Franklin) for property located at 2031 Franklin Street and 1075 East 20th Street.

State law limits the number of times a general plan may be amended annually; therefore, several amendments will be brought forward for City Council consideration as one action and resolution in early fall. Planning staff recommends that the Council hold a public hearing on this General Plan amendment and rezone and adopt the resolution of intent to approve the amendment to the City of Chico General Plan. Final reading and adoption of the rezone ordinance will be brought forward with the General Plan amendment on a future consent agenda for City Council adoption. The Planning Commission and Planning Director recommended adoption of the resolution of intention and introduction of the ordinance. Councilmember Guzzetti excused himself from this item and left the Chamber.

The Mayor opened the hearing to the public. No one spoke on this item and the Mayor closed the hearing.

A motion was made by Councilmember Keene and was seconded by Councilmember Herbert to adopt:

RESOLUTION NO. 21 00-01 -- A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO AMEND THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO MANUFACTURING/WAREHOUSING (2031 FRANKLIN STREET AND 1075 EAST 20TH STREET, ASSESSOR'S PARCEL NO. 005-450-036, 037 AND 029)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM CS COMMERCIAL SERVICES TO ML LIGHT MANUFACTURING (2031 FRANKLIN STREET, ASSESSOR'S PARCEL NO. 005-450-
The motion carried by the following vote:

AYES: Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: Guzzetti

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

2.5. **RESOLUTION NO. 19 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ADD THE POSITION OF SENIOR INFORMATION SYSTEMS ANALYST TO THE MANAGEMENT TEAM AND ESTABLISH THE SALARY RANGES FOR THE POSITION**

By memorandum dated 7/24/00, the Personnel Director forwarded this proposed resolution which modifies the Management Team Pay and Benefits Resolution to add the job title Senior Information Systems Analyst, and set the salary level for the position. The reclassification of an Information Systems Analyst to Senior Information Systems Analyst was approved as part of the 2000-01 Annual Budget. Funding for the additional cost of the reclassification was included in the final budget. *The Personnel Director recommended adoption of this resolution.*

A motion was made by Councilmember Kirk and seconded by Councilmember Herbert to adopt Resolution No. 19 00-01.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: Keene

2.6. **ACKNOWLEDGE RECEIPT AND REFER TO FINANCE COMMITTEE: AMENDMENT TO THE CITY’S FEE SCHEDULE (AMENDMENT NO. 247 - COPY FEES, BUSINESS LICENSE TAX INFORMATION, DOG LICENSE FEES, PARKING FEES AND RATES, FIRE DEPARTMENT FEES, UNIFORM FIRE CODE PERMIT FEES, TRANSPORTATION FACILITY FEES, SEWER FEES, PUBLIC WORKS FEES, VACATION AND/OR ABANDONMENT FEES, PUBLIC RIGHT OF WAY CAFE LICENSE FEE, AND AIRPORT FEES)**

By memorandum dated 7/17/00, Management Analyst Herman reported that an annual review of the City’s Fee Schedule has been conducted by various City Departments resulting in the recommendations listed in her memorandum. *Staff recommended that the proposed fee schedule revisions be referred to the Finance Committee for consideration.*

A motion was made by Councilmember Guzzetti and seconded by Councilmember Herbert to refer the proposed fee schedule revisions to the Finance Committee for consideration.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

4.2. **INITIAL CONSIDERATION OF APPEAL BY JEFF GOOLSBY OF APPROVAL OF PLANNED DEVELOPMENT PERMIT 99-46 (LAND DESIGN PROPERTIES, INC.) FOR 14 SINGLE FAMILY HOMES LOCATED ON 6.5 ACRES**
**AT 40 CENTENNIAL AVENUE**

By memorandum dated 7/18/00, Planning Division Staff reported that at its 6/15/00, meeting, the Planning Commission approved a planned development permit to allow 14 single family homes on 6.5 acres at 40 Centennial Avenue, approximately 225+ feet north of the intersection of E. 8th Street and Centennial Avenue, Assessor’s Parcel No. 011-010-119, in a (P)RS-20 zoning district and designated on the General Plan Diagram as Low Density Residential. The planned development permit was approved on a 5-0-2 motion. The decision was being appealed by Jeff Goolsby. *The City Council had the option of taking no action and thereby upholding the Planning Commission decision or scheduling the appeal for a public hearing at a subsequent date. The Planning Director recommended the City Council not hear the appeal thereby upholding the decision of the Planning Commission.*

Jeff Goolsby spoke in favor of holding an appeal. John Gillander and Robb Brown spoke against the request.

A motion by Councilmember Guzzetti, seconded by Councilmember Kirk to schedule a hearing on the appeal failed by the following vote:

**AYES:** Guzzetti, Kirk

**NOES:** Herbert, Keene, Jarvis, Lange, Bertagna

**ABSENT:** None

Council recessed at 8:55 p.m. for 10 minutes

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**4.3. APPROVAL OF A STORM DRAINAGE MASTER PLAN; ADOPTION OF ENVIRONMENTAL FINDINGS AND A MITIGATION AND MONITORING PROGRAM; AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

(Councilmembers received advance copies of the staff reports for this item, the proposed Storm Drainage Master Plan, the Draft Environmental Impact Report, and the Final Environmental Impact Report, which should be brought to the meeting.)

By memorandum dated 7/13/00 Assistant Director of Public Works Hislop submitted the Storm Drainage Master Plan for Council’s consideration. This master plan evaluates the public storm drain improvements necessary to serve a major portion of the Chico Urban Area at full build out and establishes associated peak flow attenuation, channel stabilization and water quality enhancement facilities necessary to mitigate the impact of storm water discharges on the major waterways passing through the City.

By memorandum dated 7/20/00, Senior Planner Jolliffe reported on the environmental effects evaluated in an accompanying Environmental Impact Report . With mitigation recommended in the Mitigation and Monitoring Program, all impacts of the project can be reduced to a less-than-significant level.

*The Planning Director and Director of Public Works recommended adoption of the below resolutions.*

Suzanne Gibbs asked the Council to consider some changes to the mitigation contained in the EIR: 1) Mitigation 4.3.1 (a) should be applicable to all native trees 6” or larger in diameter with replacements at a ten to one ratio; Mitigation 4.3.6 should reflect all migratory birds not just raptors; and 3) Mitigation 4.3.8 should add Lindo, Sycamore and Mudd Creeks.

Roger Cole stated that page 2 of 6 in the first paragraph of the Final EIR was misleading because management goals had been established for salmon runs on Big Chico Creek even though numeric targets had not been set. He added that estimating salmon runs was very imprecise. He wanted monitoring of re-vegetation for a two year period. In addition, he suggested that the City acquire property along Little Chico Creek.

Ray Murdoch passed out maps to the Council regarding the boundaries for the FEMA Flood Plain and expressed his concern regarding the flood insurance requirement estimated by FEMA. Robb Cheal stated that FEMA would reconsider the boundaries of the flood plain if the City could show that it had appropriate drainage in place. Mike
Campos expressed his concern that there was no place for inflow into Little Chico Creek.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene for staff to bring back the following resolutions with staff incorporating into the Environmental Impact Report tree replacement of all native trees over 6" in diameter, a two year monitoring requirement on tree replacement, a tree replacement ratio of ten to one, the addition of “all migratory birds’” in mitigation 4.3.1(a), and the addition of Lindo, Sycamore and Mud Creeks in mitigation 4.3.8.

**A Resolution of the City Council of the City of Chico Making Environmental Findings, Adopting a Mitigation and Monitoring Program, and Certifying as Adequate the Final Environmental Impact Report for the Storm Drainage Master Plan**


The motion carried by the following vote:

AYES: Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, Bertagna

NOES: None

ABSENT: None

In addition the following items were referred to the Internal Affairs Committee for further review and discussion:

1. “Floatables” reduction;
2. Riparian vegetation mitigation - 1:1 or 2:1; and
3. Flow control on Little Chico Creek.

Also, staff was directed to (1) Contact FEMA regarding process to change FEMA maps; (2) contact Department of Water Resources regarding why gates were not installed on Little Chico Creek to allow diversion to Butte Creek; and (3) investigate how levee maintenance is handled.

4.4. **Items Added After Posting of the Agenda**

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.

6.1. Memorandum dated 7/14/00 from Finance Director transmitting the Financial Audit of the Downtown Chico Business Association for Fiscal Year ending 6/30/99. *Staff recommended this be referred to the Finance Committee for review and recommendation.*

6.2. Memorandum dated 7/20/00 from the Internal Affairs Committee providing a report on its meeting held on 7/11/00, at which time no action was taken. Both matters on the Committee’s agenda (consideration of removal of stop signs on Mission Ranch Boulevard at Montecito, and initial review of a draft Neighborhood Traffic Management Plan) were continued to future Committee meetings. The documents provided to the Committee for its 7/11/00 meeting are available for review in the City Clerk’s office.

7. **Adjournment**

The meeting was adjourned at 10:53 p.m. to Tuesday, 8/15/00 at 7:00 p.m. in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.
1. **CALL TO ORDER**

1.1. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Bertagna
    Absent: Guzzetti, Lange

2. **CLOSED SESSION** The Mayor called the meeting to order at 7:02 P.M.

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

2.2. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson. The name of the employee organization that represents employees is Service Employees International Union (Units A and B). (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

The meeting was adjourned at 7:30 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
AUGUST 15, 2000
Minutes

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

1. CALL TO ORDER The Mayor called the meeting to order at 7:32 p.m.

1.1. Flag Salute

1.2. Invocation — Ms. Carol Caspary, Board Member, Christian Science Church

1.3. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Bertagna
   Absent: Guzzetti, Lange

1.4. Introduction of City Staff: City Manager Lando, Assistant City Attorney Barker, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Park Director Beardsley, Community Development Director Baptiste, Planning Director Siedler, Director of Public Works Ross, Chief of Police Efford, Fire Chief Brown, Community Development Assistant Sellers, Senior Planner Jolliffe and Principal Planner Figge, Project Manager Wood, Arts Coordinator Gardner, Traffic Engineer Johnson, Sr. Development Engineer Varga

1.5. Closed Session Announcement - No action was taken.

2. CONSENT AGENDA - Agenda Item 2.8 was removed by Councilmember Keene for further discussion and heard under Agenda Item 4.1.

   A motion was made by Councilmember Keene and seconded by Councilmember Kirk to approve the following Consent Agenda:

2.1. RESOLUTION NO. 24 00-01, 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 - CACTUS AVENUE ANNEXATION DISTRICT NO. 1

   By memorandum dated 7/24/00, the Community Development Assistant provided a report on initiation of the annexation of 2655 Cactus Avenue and adjacent vacant land totaling 4.606 acres. The properties contain an existing single family residence and are proposed for further single family residential development at rural densities. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with single family residences. The Community Development Assistant recommended adoption of the resolution.

2.2. RESOLUTION NO. 25 00-01, 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 - HOOKER OAK AVENUE ANNEXATION DISTRICT NO. 18

   By memorandum dated 7/24/00, the Community Development Assistant provided a report on initiation of the annexation of 1985 and 2059 Hooker Oak Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with single family residences. The Community Development Assistant recommended adoption of the resolution.

2.3. RESOLUTION NO. 26 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO

8/15/00 Page 2 of 8
By memorandum dated 7/31/00, the Director of Public Works reported that Fleetwood Enterprises, Inc. requested a grant of license to install power and communication conduits from the existing Fleetwood facility at 300 Ryan Street to the proposed scale house across Marauder Street, at the Chico Municipal Airport, to provide power and communication between the commonly-owned properties. The Airport Commission considered this request at its meeting of 7/25/00 and adopted a resolution recommending approval of the grant of license. The Airport Commission and Director of Public Works recommended adoption of the resolution which would authorize a revocable grant of license.

2.4. RESOLUTION NO. 27 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO SIERRA NEVADA BREWING COMPANY FOR ENCROACHMENT ON PUBLIC RIGHT-OF-WAY, 1075 EAST 20TH STREET, ASSESSOR’S PARCEL NO.005-450-029

By memorandum dated 8/1/00 the Director of Public Works reported that Sierra Nevada Brewing Company requested a grant of license to install a 6-inch diameter pressure sewer line under Sierra Nevada Court. The 6-inch sewer line would transport processed wastewater from the brewery to the water purification plant currently being constructed on the east side of Sierra Nevada Court. The Director of Public Works recommended adoption of the resolution which would authorize a revocable grant of license.

2.5. RESOLUTION NO. 28 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO CHICO MRI PARTNERS FOR ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY AT EAST 7TH AVENUE, EAST OF THE ESPLANADE, ASSESSOR’S PARCEL NOS. 003-401-023, 003-401-024, 003-401-025, 003-401-026

By memorandum dated 8/3/00, the Director of Public Works reported that Chico MRI Partners has requested a grant of license to install a fiber optics and communication conduit crossing under East 7th Avenue, east of the Esplanade, to provide communication between the new Northstate Radiology office, the Esplanade Imaging facility, and North Valley MRI and CT Center and allow the three facilities to relay imaging information to Enloe Hospital. The Director of Public Works recommended adoption of the resolution which would authorize a revocable grant of license.

2.6. MINUTE ORDER NO. 23-00 -- AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SACRAMENTO VALLEY HI-TECH CRIMES UNIT

The Police Department was invited to participate in the Sacramento Valley Hi-Tech Crime Unit’s High Technology Crimes Assistance Program. This program, part of the Sacramento County Sheriff’s Department’s Hi-Tech Crimes Task Force, provides valuable assistance to other law enforcement agencies confronted with high technology crimes. The Task Force is a multi-jurisdictional program formed to identify and prosecute those responsible for high technology crimes. This Minute Order authorized the City Manager to execute at no cost an Operating Agreement with the Sacramento County Sheriff’s Department. The Chief of Police recommended approval of the Minute Order.

2.7. MINUTE ORDER NO. 24-00 -- AUTHORIZING CITY MANAGER TO ENTER INTO JOINT POWERS AGREEMENT WITH BUTTE COUNTY FOR WATER DROPPING FIRE FIGHTING SERVICES

This minute order authorized the City Manager to enter into a Joint Powers Agreement with the County of Butte for water dropping fire fighting services which will be provided by the Butte County Sheriff’s Aviation Unit. The Council authorized the Park Department to purchase a 108 gallon water bucket to be used by a helicopter to suppress vegetation fires. The Sheriff’s Office Aviation Unit has agreed to fly the bucket on City vegetation fires during wildland fire season when the services are requested by the Fire Department. There will be no cost to the City for this service. The Sheriff’s Office Aviation Unit will also be able to use the bucket on fires elsewhere in Butte County when it is not needed for City vegetation fires. The Fire Chief recommended adoption of the minute order.

2.8. APPROVAL OF ARTS COMMISSION RECOMMENDATION REGARDING ESTABLISHMENT OF AD HOC
2.9. **APPROVAL OF MINUTES FOR MEETING HELD ON JUNE 20, 2000**

The Council was provided with copies of minutes for its meeting held on 6/20/00.

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

**AYES:** Herbert, Jarvis, Keene, Kirk, Bertagna
**NOES:** None
**ABSENT:** Guzzetti, Lange

### 3. NOTICED PUBLIC HEARINGS

#### 3.1. **FINAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)**

By memorandum dated 8/2/00, the Director of Public Works reported that at the initial hearing on formation of this proposed district held on 8/1/00, the City Council heard public comments regarding the proposed assessments and accepted the Engineer’s Report. The Council was provided with copies of the Engineer’s Report, a spreadsheet showing the breakdown of the estimated cost of the public improvements to be funded by the proposed assessments, which include fencing, landscaping and irrigation, and storm drainage galleries, a copy of the ballot packet mailed to all homeowners, and a resolution ordering formation of the District.

The purpose of the final hearing was for the City Council to receive all ballots for and against the proposed assessment district and the City Clerk’s tabulation of such ballots. In addition, the Council would hear further comments from property owners within the proposed district on any matter bearing on the establishment of the district. The Mayor opened up the Public Hearing and no comments were received. At the conclusion of the final protest hearing, the ballots were tabulated. The final count was 17 against and 3 votes for the formation. The majority of votes submitted were in opposition to the proposed district, so proceedings on the proposed assessment district were abandoned. No resolution was adopted by Council.

A motion was made by Councilmember Keene, and seconded by Councilmember Kirk to send the formation of a maintenance district for the Walnut Park Subdivision back to staff to redraft, in addition to holding neighborhood meetings and bring the information back to Council in the next 30 - 60 days.

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Bertagna
**NOES:** None
**ABSENT:** Guzzetti, Lange

#### 3.2. **HEARING ON CITY OF CHICO 2000 LOT CLEANING / WEED ABATEMENT PROGRAM AND COST REPORT PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY**

By memorandum dated 7/31/00, Project Manager Wood reported on the costs incurred by the City in connection with the 2000 Lot Cleaning / Weed Abatement Program. In accordance with Section 39575 of the Government Code the cost report attached to the memorandum was posted three days prior to its submission to the Council for consideration. Each property owner will be billed for costs incurred in cleaning the lot. The Council will consider establishing assessments for any unpaid bills at future meetings. The Project Manager recommended that the City Council either confirm the cost report as submitted, or confirm the report after making any modifications it deems appropriate.

The Mayor opened the hearing to the Public. No comments were received on this issue.

A motion was made by Councilmember Kirk to confirm the report as submitted and seconded by Councilmember Keene.

The motion carried by the following vote:
4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.8. APPROVAL OF ARTS COMMISSION RECOMMENDATION REGARDING ESTABLISHMENT OF AD HOC ADVISORY COMMITTEES FOR ARTS COMMISSION PROJECT AND PROGRAMS

By memorandum dated 7/20/00 from Commission Chair Paula Busch, the Arts Commission recommended that it be authorized, from time to time, to establish community based ad hoc advisory committees to advise the Commission on various art projects and programs. The committees would be limited term committees, established for specific purposes, which would be initially organized by the Commission, but then left to function on their own until ready to report to one of the two existing standing committees of the Commission. Committee membership would be open to all community members desiring to participate. Participation on the committees would be generated from press releases, display advertising and direct mailing to community organizations. Three such committees are initially proposed to advise on integrating art into City capital projects, the establishment of a non-profit “Friends of the Arts” organization, and potential arts-related uses for the Old Municipal Building. Since the committees would not be formally established committees of the Commission, agenda posting, minute taking and the like would not be required, nor would the attendance of City staff. The Arts Commission recommended approval of this recommendation.

Councilmember Keene had asked that this item be removed from the Consent Agenda for further discussion. His concern was with the proposed art-related use(s) of the Old Municipal Building and wanted the subcommittee to understand that any recommendation from the committee in regards to this building was advisory only and would need to come before Council for final determination. He wanted the members to know that the Council may not want to go in that direction. Mary Gardner indicated that the committee was aware of the recommendations being advisory. However, she would reiterate the Council’s view on this issue.

A motion was made by Councilmember Keene, seconded by Councilmember Kirk to have staff go back to the committee for more information.

The motion carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Bertagna
NOES: None
ABSENT: Guzzetti, Lange

4.2. CONSIDERATION OF RECOMMENDATION FROM THE INTERNAL AFFAIRS COMMITTEE REGARDING A PROPOSED REALIGNMENT OF THE SOUTH END OF YOSEMITE DRIVE

On 8/8/00 the Internal Affairs Committee considered (along with other traffic calming measures to reduce speeding on Yosemite Drive) a proposed realignment of the south end of Yosemite Drive in conjunction with development of the Lake Vista Subdivision to the east of Yosemite Drive. A verbal report on the Committee’s action on this matter will be provided at tonight’s meeting. The Council is being provided with a memorandum dated 7/19/00 from the assistant Director of Public Works describing the proposed realignment. The Committee also requested for the 8/15/00 meeting (1) a report from the Chief of Police regarding enforcement of the speed limit on Yosemite Drive, and (2) a report from the Fire Chief regarding the impact of traffic calming devices, such as speed undulations, on fire equipment response time. The Council was requested to consider conceptual approval of the realignment tonight, after which a neighborhood meeting regarding this matter and other traffic calming measures has been scheduled for 9/11/00. The Committee recommended (2-0, Bertagna voting no), conceptual approval of the realignment of the south end of Yosemite Drive, including conceptual approval of funding for the project, estimated at $215,000.

Council was provided with copies of staff reports from the Chief of Police - Michael Efford; Fire Chief - Steve Brown; Director of Public Works - E.C. Ross; and a letter from Gary Salberg.
Citizens in the audience spoke on the issue. Don Chambers spoke in favor of the realignment especially since radar enforcement cannot be used due to the speed being posted at 25 mph. Mark Maidenburg indicated that the dollars being considered should be used to address the whole problem. He was concerned that the traffic on Idyllwild would increase. Sean Farrel was concerned about the speeding problem on Idyllwild if the realignment goes through. He felt that the City would just be transferring the problem from one area to another. John Stall was in support of the realignment. He felt that a traffic jam was being created with the addition of 177 units going into the area.

Dan McManus was concerned that the realignment wouldn’t fix all the problems but would be a start. Catherine Himberg couldn’t understand why the police couldn’t ticket someone going over 25 mph. Joakim Roussell asked the Council to do something so it would be safe to ride his bicycle. Ken Brownell spoke about Mildred Avenue also experiencing traffic problems.

Council discussed the issue with Councilmember Jarvis supporting the realignment and Councilmember Keene opposing it because he felt the realignment was just diverting the problem to another area. Councilmember Kirk suggested consideration of stop signs at the October Internal Affairs Committee Meeting and for staff to conduct a neighborhood meeting on 9/11/00 between 6:00 - 8:00 p.m. In addition, Councilmember Herbert asked about the status of the speed limit signs and striping that Council had previously directed staff to complete. He felt that we should encourage the traffic circle to be completed and that staff should work with the Lake Vista developer in regards to possible assistance with the traffic issues on Yosemite. He also felt that the City should start today what we can do today. Council requested a staff report with an update on the speed limit signs and striping.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM SPECIAL EVENTS STEERING COMMITTEE ON ITS MEETING HELD AUGUST 10, 2000

The Special Events Steering Committee met on 8/10/00 to finalize its recommendations to the Council related to Halloween. If approved by Council, the Committee would begin to implement some of the recommendations during CSUC fall orientation later this month. In order to accommodate these time constraints, Councilmember Jarvis requested that these recommendations be considered at tonight’s meeting instead of waiting until September. Since the Committee’s meeting date is subsequent to the distribution of this agenda, copies of the Committee’s report and recommendations will be provided in Councilmembers’ mailboxes prior to tonight’s meeting. (Copies of the report were available at the meeting.) By memorandum dated 8/7/00 Project Manager Wood transmitted background information concerning the formation of the Special Events Task Force and Special Events Steering Committee and the direction given to the Committee by the Council.

At its meeting of 8/1/00 the City Council delayed action on the Special Events Steering Committee request for funding for outreach material so that it could be considered along with the recommendations, and to ensure coordination with the Police Department. The below supplemental appropriation would allocate $2000 for these materials.

Council was provided with copies of various reports and letters from Lisa Michels, SESC Chair; the Chief of Police; Bob Ray, Task Force Member; and Katrina Davis, Executive Director of DCBA. In addition, Council was provided with two maps with Street Closure Recommendations from the City of Chico Police Department and from the Special Events Steering Committee.

Lisa Michels, Chair of the Subcommittee, provided Council with an overview of the what was worked on by the Special Events Steering Committee. Comments were heard in support of the allocation of funds, food being provided by street vendors and street closures by Bob Ray, Charlie Prusser, Suzanne Gibbs, Dolly Brown and Richard Elsom.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to:

1. Education component that can be done without costs may proceed; and
2. That anything that incurs additional costs based on substance will come forward for approval at a later
time; and
3. Salem and Fifth would be closed and used as a taxicab drop off with volunteers used for monitoring; and
4. Conceptual approval of closing 5th & Ivy with cost analysis and comparison of the number of officers that were needed to keep it open versus the cost to close.

The motion failed by a 2-3 vote with Herbert, Keene and Bertagna voting against it.

A motion was made by Councilmember Keene and seconded by Councilmember Herbert to:

1. Approve the education component without any costs; and
2. Approve the $2,000 Supplemental Appropriation for additional expenses; and
3. City will decide who will provide clean up; and
4. No street food in any areas; and
5. Street closures would remain the same as last year, which included closing 5th Street between Salem and Broadway, plus the additional block on 5th.

The motion carried by the following vote:

AYES: Herbert, Keene, Kirk, Bertagna
NOES: Jarvis
ABSENT: Guzzetti, Lange

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA

4.4. AUTHORIZATION FOR UP TO FIVE COUNCILMEMBERS TO SIGN BALLOT ARGUMENTS IN FAVOR OF THE CITY ADVISORY MEASURES ON THE NOVEMBER 7, 2000 BALLOT

By memorandum dated 8/11/00, the City Clerk reported that the Elections Code authorizes members of the legislative body (City Council), who are authorized by that body, to file arguments for or against any city measure. At its meeting of 7/5/00 the Council unanimously adopted resolutions placing three advisory measures on the November 7th ballot, copies of which are attached to the memorandum. The Council may wish to consider designating staff to prepare any of the ballot arguments. Instructions and information regarding preparation and signing of ballot arguments is also provided with the memorandum. The Elections Code limits the number of signatures to five that will be printed in the sample ballot. The deadline for filing direct arguments is 8/21/00, and the deadline for filing rebuttal arguments is 8/31/00.

Council agreed that those who wanted to participate in the writing of ballot arguments could do so and then forward the argument to the City Clerk’s office.

5. BUSINESS FROM THE FLOOR

Tim Bousquet spoke to the Council regarding Public Information Requests and Closed Session votes needing to be made in public. Caryn Jones also spoke of her concern regarding how Chico handles its Closed Session actions and whether that procedure is in compliance with the Brown Act. She also suggested the City discuss how to handle litigation when it concerns major campaign donors.

6. REPORTS AND COMMUNICATIONS.

6.1. Memorandum dated 7/14/00 from Risk Manager transmitting a report on the tort claims filed against the City that were denied during the quarter ended 6/30/00.

6.2. Memorandum dated 7/31/00, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 7/21/00 for El Rey, 305 Nord Avenue.

7. ADJOURNMENT

The Mayor adjourned the meeting at 11:18 p.m. to Tuesday, 9/5/00 at 7:00 p.m., in Conference Room No. Two if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 7, 2000

______________________________________  ______________________________________
City Clerk                              Mayor
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:02 p.m.

1.1. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: Guzzetti

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson. The name of the employee organization that represents employees is Service Employees International Union (Units A and B). Gov. Code Sec. 54957.6

3. **ADJOURNMENT**

   The meeting was adjourned at 7:20 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:32 p.m.

1.1. Flag Salute

1.2. Invocation — Pastor Paul Rhodes, Neighborhood Church

   Moment of silence for Joseph Topping, Human Resources Commissioner who passed away 8/14/00.

1.3. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

   Absent: None

1.4. Introduction of City Staff: City Manager Lando, Attorney Frank, City Clerk Presson, Personnel Director Erlandson, Park Director Beardsley, Community Development Director Baptiste, Planning Director Siedler, Director of Public Works Ross, Chief of Police Efford, Fire Chief Brown, Community Development Assistant Sellers, Senior Planner Jolliffe, Principal Planner Figge, Project Manager Wood, Traffic Engineer Johnson, Sr. Development Engineer Varga, Management Analyst Herman, and Finance Director Martin

1.5. Proclamations:

   A. The Mayor presented Sam Kelly with a proclamation proclaiming September 2 - 10 as “California History Week” in honor of California’s 150th Birthday.
   
   B. The Mayor presented Marilyn Belmonte with a proclamation proclaiming Saturday, October 7, 2000 as “Senior Adult Day.”
   
   C. The Mayor presented Helen Carisle and Helen Kutz with a proclamation proclaiming the week of September 17 - 23 as “Constitution Week.”

1.6. Closed Session Announcement - No action taken.

2. **CONSENT AGENDA** - No Items

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO LARES RESEARCH**

By memorandum dated 8/21/00, the Executive Director of the Redevelopment Agency submitted the Summary Report and proposed Resolution relating to the sale of Chico Redevelopment Agency owned property on Lockheed Avenue, between Fortress Street and Marauder at the CMA to Lares Research. Lares Research is interested in expanding facilities in connection with its dental equipment manufacturing business at the Chico Municipal Airport (CMA). Lares Research is also seeking financial assistance for the property sale. The Executive Director requested Agency approval of 1) the sale of the approximate 3.48 acre parcel for $227,383 which is based on the 1998 appraised fair market value of $1.50 per sq. ft. for the proposed use; 2) a loan to Lares for 100% of the purchase price of the land at 6% interest per year for 30 years with interest and principal deferred for five years from the close of escrow, and 3) forgiveness of $5,000 of the deferred interest only for each $30,000/year new job created. The Airport Commission and the Economic Development Committee previously recommended at their meetings on 7/29/97 and 8/11/97 respectively that the Redevelopment Agency approve this property sale and proposed financing arrangement. The completion of this property sale was delayed by the removal of an underground storage tank that was found on the property subsequent to the Commission’s and Committee’s recommendations. The Airport Commission and the Economic Development recommended approval of the Resolution.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to adopt:
RESOLUTION NO. 7-00, A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AGREEMENT ENTITLED, "DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO/LARES RESEARCH)", WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO LARES RESEARCH

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA - none

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD AUGUST 7, 2000

By memorandum dated 8/10/00, the Finance Committee provided a report on its meeting held on 8/7/00. Committee members present were: Councilmembers Herbert, Keene, Chair, and Bertagna (substituting for Lange). The matters considered by the Committee which require Council action at this meeting are listed below.


The Council concurred to accept the audit report.

B. Consideration of Request From ARC of Butte County For Designation of the Longfellow Apartment Project as a Qualified Affordable Housing Preservation Housing Project. The Committee recommended (3-0) that the Longfellow Apartment Project be designated as a “Qualified Affordable Housing Preservation Project,” and that the existing regulatory agreement with the Agency be amended to incorporate the requirements of this designation.

A motion was made by Councilmember Jarvis and seconded by Councilmember Herbert to approve:

REDEVELOPMENT AGENCY MINUTE ORDER NO. 3-00 DESIGNATING THE ARC OF BUTTE COUNTY’S ACQUISITION OF THE LONGFELLOW APARTMENTS AT 2100 MARIPOSA AS A “QUALIFIED AFFORDABLE HOUSING PRESERVATION PROJECT” AND AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO THE AGENCY’S REGULATORY AGREEMENT TO INCORPORATE THE REQUIRED PROVISIONS RELATED TO THE DESIGNATION

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

C. Annual Review of Development Impact Fees; and Consideration of Sanitary Sewer Trunkline and Water Pollution Control Plant Capacity Fees, and Bidwell Park Improvement Fees.

1. Review of 2000 Update of Development Impact Fee Analysis and Recommendations (Nexus Study). The Committee continued consideration of whether or not a new development impact fee should be created for improvements within Bidwell Park to its next meeting for a report from the Park Director, and recommended (3-0):

A motion was made by Councilmember Jarvis and seconded by Councilmember Herbert to approve:

(a) That the major assumptions which directly affect the calculation of development impact fees be
accepted as set forth in the staff report dated 6/27/00 for the following: Street Facility and Street Maintenance Equipment Fee, Bikeway Improvement Fee, Basic Park Facility Fee, Bidwell Park Land Acquisition Fee, Administrative Building and Facilities Fee, Police Protection Building and Equipment Fee, Fire Protection Building and Equipment Fee, Water Pollution Control Plant Capacity Fee, and Sanitary Sewer Trunkline Capacity Fee.

(b) That staff be directed to review the need for sanitary sewer trunkline capacity expansion as currently planned in relation to future land use and provide the information to Councilmembers.

(c) That interest on positive and negative fund balances not be applied to the Park or Sewer development impact fees.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

NOES: None

ABSENT: None

2. Water Pollution Control Plant Capacity Fee; and Sanitary Sewer Trunkline Capacity Fee

The Committee recommended (3-0):

(a) That the Sanitary Sewer Trunkline Capacity Fees be amended using Alternative (A) as proposed by staff ($717 per residential unit and $567 per 1000 square feet of building space for “All Other”).

(b) That recycling incentives for commercial users to reduce flow to the sewer system be offered in exchange for credits against sewer capacity fees.

(c) That the Water Pollution Control Plant Capacity Fee category “All Other” be amended to $489 per 1000 square feet (instead of the current per acre fee).

(d) That the Water Pollution Control Plant and the Sanitary Sewer Trunkline Fee category “All Other” be subdivided into seven sub-categories: light industrial; heavy industrial; office; retail; restaurant; markets and bakers; and other.

(e) That staff be directed to develop a comparison of the current commercial fees with the proposed fees by category to accompany this report to Council.

After reviewing the follow-up analysis of the Water Pollution Control Plant and Sanitary Sewer Trunkline Capacity Fees with staff, the City Manager recommended that the Council refer this back to the Finance Committee for further study.

Council concurred to refer this item back to staff and Finance Committee for additional review.

D. Review of Annual Amendments to the City’s Fee Schedule. The Committee (2-0, Bertagna absent):

(a) Recommended that the Semester Fee for a Reduced Rate Limited Parking Permit for CSUC students in Municipal Parking Lot No. 5 be increased from $63 to $72 in order to be consistent with CSUC parking permit fees.

(b) Continued consideration of the remainder of the annual fee schedule adjustments to its September meeting.

A motion by was made by Councilmember Herbert and seconded by Councilmember Lange to approve:


The motion carried by the following vote:

AYES: Herbert, Jarvis, Keen, Kirk, Lange, Bertagna

NOES: Guzzetti

ABSENT None

3. ITEMS ADDED AFTER POSTING OF THE AGENDA

4. ADJOURNMENT. The meeting was adjourned at 8:05 p.m. to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
SEPTEMBER 5, 2000 - MINUTES
1. **CALL TO ORDER**

1.1. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: None

2. **CONSENT AGENDA**

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING CHAPTER 5.32 OF THE CHICO MUNICIPAL CODE, ENTITLED "CARDROOMS", AND REENACTING CHAPTER 5.32, TO BE ENTITLED "CARDROOMS"**

By memorandum dated 8/22/00, Assistant City Attorney Rock delineated the amendments that were made in the proposed ordinance which repeals and replaces Chapter 5.32 of the Chico Municipal Code. The amendments to this ordinance are required because of recent amendments to the State Gambling Control Act. Currently, the CMC provides that a City cardroom license will be issued after a State license is obtained, which conflicts with the requirements of the Gambling Control Act. The proposed ordinance provides that City's cardroom license will be issued prior to issuance of a State license. Additionally, City is now required to provide the State with the opportunity to object to the issuance of employee work permits, as provided in the Gambling Control Act. Finally, the State no longer allows for the exemption of nonprofit societies, clubs, fraternal, labor, or other organizations from cardroom licensing. Therefore, City's ordinance can no longer exempt such organizations and the current exemption must be deleted. The Division of Gambling Control has approved the proposed ordinance as being in compliance with the Gambling Control Act. The City Attorney recommended approval of the ordinance.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM OR-OFFICE RESIDENTIAL TO OC-OFFICE COMMERCIAL FOR PROPERTY AT 2550/2552 LAKEWEST DRIVE AND 901 BRUCE ROAD, ASSESSOR'S PARCEL NO. 011-480-001 AND 002** - this item was removed from the Consent Agenda in order to be heard as a Public Hearing under Item 3.5

2.3. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE OTTerson DRIVE EXTENSION PROJECT**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AN AMENDMENT TO THE CITY OF CHICO GENERAL PLAN TRANSPORTATION ELEMENT AND GENERAL PLAN DIAGRAM TO DESIGNATE THE OTTerson DRIVE EXTENSION AS A COLLECTOR ROUTE - this item was removed from the consent agenda by Councilmember Kirk for further discussion and heard under 4.1


RESOLUTION NO. 31 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE CITY OF CHICO STORM DRAINAGE MASTER PLAN COMPRISED OF THE PRELIMINARY STORM DRAINAGE MASTER PLAN DATED AUGUST 13, 1987 AND THE ADDENDUM THERETO DATED SEPTEMBER 15, 1997 - this items was removed from the consent agenda by Councilmember Keene for further clarification and heard under Item 4.1.

2.5. **RESOLUTION NO. 32 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO APPLY TO PARTICIPATE IN THE STATE DISABILITY INSURANCE PROGRAM PURSUANT TO SECTION 710.5 OF THE UNEMPLOYMENT INSURANCE CODE IN ORDER TO PROVIDE DISABILITY INSURANCE COVERAGE FOR HOURLY EXEMPT EMPLOYEES**

By memorandum dated 7/28/00, the Personnel Director reported that hourly exempt employees of the City are not
currently covered by disability insurance, and certain employees have requested such coverage. The City can participate in State Disability Insurance for this limited group of City employees at no cost, with the employee paying the premium. The proposed resolution authorized the City Manager to enter an agreement with the State Employment Development Department to provide such coverage. There is no direct cost to the City. The Personnel Director recommended approval of the proposed resolution.

2.6. RESOLUTION NO. 33 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 4 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit B)

By memorandum dated 8/18/00, the Personnel Director reported that it is necessary to amend the Memorandum of Understanding (MOU) between the City and Service Employees International Union (SEIU) Unit B to add the new job title of Senior Equipment Mechanic, which was created as part of the approval of the 2000-01 Annual budget. The additional costs for the positions were allocated in the budget. The Personnel Director recommended adoption of the proposed resolution.

2.7. MINUTE ORDER NO. 23-00 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE LEASE AGREEMENT WITH BUTTE COLLEGE FOR THE USE OF LIVE SCAN FINGERPRINTING EQUIPMENT

The Police Department has a Live Scan machine that is used to electronically scan fingerprints and transmit them to the Department of Justice and other agencies for further processing. This machine is located in the department’s temporary holding facility and is not convenient for use in providing fingerprinting services to the general public. Butte College has offered to lease its Live Scan machine to the City in exchange for waiver of the City’s fee for fingerprinting services to those members of the public referred by Butte College. The terms of the lease, as well as information regarding the estimated waived revenue and estimated maintenance and installation costs, are set forth in the minute order. The Police Chief recommended approval of the Minute Order.

2.8. APPROVAL OF A BUDGET MODIFICATION TO CONTINUE THE RECYCLING EDUCATION OUTREACH PROGRAM FOR THE 2000-01 SCHOOL YEAR

At its 8/2/00 meeting, the Solid Waste Committee recommended approval of a request from CSU, Chico and the Associated Students Recycling Program for funding assistance to continue the Recycling Education Outreach (REO) program during the 2000-01 school year. The REO program trains CSU, Chico Liberal Studies Program students to provide recycling and waste reduction curriculum and activities to 4th, 5th and 6th grade classes within the Chico Unified School District. The City/County Solid Waste Joint Powers Agreement (JPA) Committee previously recommended funding to implement this program last year and the funds were included in the 1999-00 Solid Waste Management operating budget. Since the JPA terminated on 6/30/00, CSU, Chico requested funding from the City to continue the program this year.

2.9. ACKNOWLEDGMENT OF VACANCY ON HUMAN RESOURCES COMMISSION

By memorandum dated 8/18/00, the City Clerk reported that a vacancy resulting from the untimely passing of Commissioner Joseph Topping on 8/14/00 exists on the Human Resources Commission. The vacancy has a term that expires 1/1/01.

2.10. APPROVAL OF MINUTES FOR MEETINGS HELD JULY 5 AND JULY 18, 2000 - this item was removed at the request of Councilmember Kirk for further discussion and heard under 4.1

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt the Consent Calendar as read, with items 2.3, 2.4, 2.5 and 2.10 removed for further clarification.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None
At the request of Councilmember Kirk and with concurrence of the Council, Item 4.3 was moved forward for Council consideration.

4.3. CONSIDERATION OF REQUEST FOR STREET CLOSURE (PORTION OF 19TH STREET) ON 9/15/00 IN CONNECTION WITH THE SILVER DOLLAR / GOLD CUP RACES - this item was moved and heard after the Consent Agenda at the request of Councilmember Kirk

Due to the timing of this matter, which would ordinarily go before the Internal Affairs Committee, Mayor Bertagna requested Council consideration of a request from J. P.’s Paint and Body Works for closure of a portion of 19th Street for the purpose of holding a barbeque adjacent to his business on Friday, 9/15/00, from 9:00 a.m. to 2:30 p.m. in honor of the Silver Dollar/Gold Cup races. The City Council was provided with copies of the letter of request. John Perry spoke to the Council about the need for the closure and the positive impact that the Gold Cup races has on the City. Comments were heard from Gerald N. Rogan and Anthony Nicosia in regards to the noise levels that the Silver Dollar Raceway causes for neighbors.

A motion was made by Councilmember Kirk and seconded by Councilmember Guzzetti to approve the street closure on 19th Street on September 15, 2000.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL BY ALBERT J. LENZI, JR. OF THE PLANNING COMMISSION APPROVAL OF THE SHASTAN HOMES AT CHICO CANYON ROAD VESTING TENTATIVE SUBDIVISION MAP ON PROPERTY LOCATED ON THE SOUTH SIDE OF CHICO CANYON ROAD AND EAST OF VIA MORROW LANE

By memorandum dated 8/25/00, Planning Division Staff reported that at its 8/3/00 meeting, the Planning Commission approved the Shastan Homes at Chico Canyon Road Vesting Tentative Subdivision Map (S 00-1) for 23 single family lots on 13.3 acres with rural street design improvements. This appeal specifically concerns the following four issues identified in the appeal application: 1) incompatible aesthetics of a concrete curb and gutter; 2) incompatible project density with the existing neighborhood; 3) stormwater runoff impacts; and, 4) traffic impacts. The Planning Director recommended that the City Council uphold the first appeal issue regarding concrete curb and gutter with design modifications recommended in the staff report, and deny the remaining three appeal issues.

The Mayor opened the hearing to the public. Al Lenzi addressed the Council about his concerns addressed in his appeal of the Planning Commission’s approval of the Shastan Homes Subdivision. He felt that the drainage issues were not addressed and expressed concern about what this project would do to the existing neighborhood. He felt that the citizens were not given all the information on how many locations were used for the percolation tests. Flooding may happen with the buildout of this subdivision, causing adverse impact on property values.

Martin Sorenson, who lives down the street from where the subdivision would be built was concerned about the drainage, that the density doesn’t match up with existing residential and how the subdivision would affect the overall look of the scenic road. Martha Stratton, felt that there were already traffic issues to be considered, before more homes were built, especially the need for a left-hand turn lane. Gary Stiefvater was concerned about the watershed area.

Jim Stevens felt that compatibility with the surrounding area was considered with nine homes planned for each side of the street. Drainage was discussed at great length and soil studies were done at 15 different locations.

A motion was made by Councilmember Herbert to uphold the first appeal issue regarding concrete curb and
gutter with design modifications recommended in the staff report, and deny the remaining three appeal issues. It was seconded by Councilmember Keene.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Keene, Kirk, Lange, Bertagna
NOES: Jarvis
ABSENT: None
ABSTAIN: None

Council adjourned for a 10-minute break.

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 503 - NOB HILL SUBDIVISION

By memorandum dated 8/24/00, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 503. As a condition of approval of a subdivision map for this subdivision, generally located at the southwest corner of E. 8th Street and Bruce Road, the developer, Andrew Meghdadi, consented to the formation of this district for the operation, maintenance, and future replacement of the stamped/colored concrete, masonry wall, basketball court, concrete path, and the landscaping and irrigation of the median within Bruce Road and E. 8th Street, the Parkway and buffer along Bruce Road, the pathway strip around the storm water detention facility, and turf area within the storm water detention facility, and the entry along Lakewest Drive. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services that will be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the Resolution.

The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt:

RESOLUTION 34 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 503 — NOB HILL SUBDIVISION)

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

3.3. HEARING ON ANNEXATION OF LASSEN AVENUE ANNEXATION DISTRICT NO. 2

By memorandum dated 8/1/00, the Community Development Assistant forwarded a report on the annexation of 31 parcels totaling 200.84 acres, generally located along East Lassen Avenue between the freeway and Cohasset Road, including parcels on Posada Way, Morgan Drive, El Paso Way, Godman Avenue and Burnap Avenue, and one developed parcel west of the freeway. The annexation includes 688 multiple family and condominium residential units, two mobile home parks (with approximately 470 mobile homes), 1 single family residence and vacant land, all consistent with the General Plan designation of medium and high density residential and R-2 and R-3 prezoning. The annexation also includes the freeway right of way between East Avenue and Eaton Road. This annexation was initiated at the request of the owners of all of the parcels to facilitate sanitary sewer connection.

As this inhabited (more than 11 registered voters) annexation includes properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest is filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election
if the protest represents more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represents less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

The Mayor opened the hearing to the public. Frank Deshler, a police officer with the Chico Police Department addressed the Council regarding concerns about the need to address staffing issues within the Police Department as the City annexes additional areas into the City’s jurisdiction.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to adopt:


The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

3.4. HEARING ON ANNEXATION OF POMONA AVENUE ANNEXATION DISTRICT NO. 4

By memorandum dated 8/1/00, the Community Development Assistant forwarded a report on the annexation of 40 parcels totaling 9.219 acres, located along West 7th Street, Pomona Avenue, Hickory Street and Almond Street. The annexation included 6 multiple family residential units, 33 single family residences, 2 commercial uses and vacant land. The General Plan designates the area as medium high density residential and suburban residential with R-3 Medium High Density Residential and RS-20 Suburban Residential (20,000 square foot minimum lot size) pre zoning. This annexation was initiated at the request of the owners of two of the parcels to facilitate sanitary sewer connection.

As this inhabited (more than 11 registered voters) annexation includes properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest is filed by 50% or more of the registered voters. (2) Approve the annexation subject to confirmation at an election if the protest represents more than 25% of the assessed value of land or at least 25% but less than 50% of the registered voters in the area proposed for annexation. (3) Approve the annexation if the protest represents less than 25% of the assessed value of land and less than 25% of the registered voters in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution. It was noted that one (1) protest had been received at the meeting.

The Mayor opened the hearing to the public. No one spoke on this issue.

A motion was made by Councilmember Guzzetti and seconded by Councilmember Keene to adopt:


The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
3.5 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM OR-OFFICE RESIDENTIAL TO OC-OFFICE COMMERCIAL FOR PROPERTY AT 2550/2552 LAKEWEST DRIVE AND 901 BRUCE ROAD, ASSESSOR’S PARCEL NO. 011-480-001 AND 002- INTRODUCTORY READING -

By memorandum dated 8/2/00, Assistant Planner Hanson reported that at the Planning Commission meeting of 7/20/00, the Commission voted unanimously (6-0-1) to recommend approval of a rezone from OR-Office Residential to OC-Office Commercial for property located at 2550/2552 Lakewest Drive and 901 Bruce Road. The Planning Commission and Planning Director recommended introduction of the ordinance.

The Mayor opened the hearing to the public. No one spoke from the audience.

A motion was made by Councilmember Jarvis and seconded by Council member Keene to approve the introduction of the ordinance.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE OTTERSON DRIVE EXTENSION PROJECT

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AN AMENDMENT TO THE CITY OF CHICO GENERAL PLAN TRANSPORTATION ELEMENT AND GENERAL PLAN DIAGRAM TO DESIGNATE THE OTTERSON DRIVE EXTENSION AS A COLLECTOR ROUTE - this item was removed from the consent agenda by Councilmember Kirk for further discussion

Following the public hearing on 7/5/00, the City Council adopted a motion of intent to certify the adequacy of the Final Environmental Impact Report for the Otterson Drive Extension Project, making findings regarding environmental effects and project alternatives, and adopting a statement of overriding considerations; and to approve the General Plan Transportation Element and Diagram to designate the Otterson Drive Extension Eastern Link - Mid Creek Crossing as a two-lane collector route. By report dated 8/22/00, the Community Development Assistant transmits two resolutions that will formally implement Council’s motion. The memorandum also transmitted an Addendum to the Final EIR that contains minor corrections to the text and responds to comments related to environmental issues presented during the public hearing.

The City Council was also provided with copies of a memorandum dated 8/29/00 from the City Manager transmitting a memorandum from Guillon Industrial Properties offering to contribute towards funding for the project. If the Council adopted the resolutions implementing the project, staff would work with Guillon Industrial Properties to develop terms and conditions for an agreement which would formalize its offer to contribute funding for the Otterson Drive Extension Project. Consistent with the earlier action of the City Council, the Community Development Assistant recommended adoption of the resolutions.

Comments were heard from Gerry Rogan, Helen Ost, Walter Cook, Patricia Peterbaugh, Barbara Vlamis, Tim Bousquet, Luisa Garcia, Steve Schuman, Emily Alma, John Merz, Jill Lacefield, Bill Helmer, Bruce Balguyen, Laurel Blankinship, and Roland Berger in opposition to the Otterson extension project and proposed General Plan Amendment.
Joleen Dietle, Bill Brouhard, Mike Smith and Tod Kimmelshue spoke on behalf of the project.

Councilmember Keene moved to adopt the resolution certifying the EIR in its entirety and the Resolution adopting the amendment of the General Plan. It was seconded by Councilmember Herbert.

Councilmember Herbert also added that quite a few of the speakers in opposition to this project have referred to this land as open space and park land. He wanted to remind people that the property in question as it sits currently is private property. With the approval of this project, it would be retained as open space and parkland.

Councilmember Guzzetti spoke in regards to the findings which he felt were weak and mostly about cosmetics with no job linkage to this project. Jobs will still come. He also felt that the Otterson Drive Extension was an issue of making the Industrial Park area more attractive at the expense of the neighbors.

Councilmember Lange spoke to the overriding conditions and how the EIR addressed the environmental issues. Regarding the General Plan amendment for that whole area, she felt it was a positive thing that a forward thinking government had set aside that land for light industry. In addition to being concerned with the neighbors, Council should also consider the 3,000 plus individuals that would someday work there at jobs that will make more than minimum wage. At the same time, by approving the project and the General Plan amendment, the City could set aside additional land for green space.

Councilmember Jarvis stated that this project was something that she could not support and asked for a roll-call vote so that her stand on this issue would be known. Councilmember Kirk said that she did not support the project and asked that Councilmember Keene consider limiting the General Plan amendment to just include the eastern link. Councilmember Keene accepted the friendly amendment.

Council directed staff to make those modifications and bring the Resolutions back at the next meeting scheduled for 9/19/00 on the Consent Agenda.

The amendment to the original motion staff bring back changes limiting the amendment to just the eastern link carried unanimously.

The original motion to approve the above stated Resolutions in concept and schedule it for final adoption at the 9/19/00 meeting on the Consent Agenda, carried by the following vote:

The motion carried by the following vote:
AYES: Herbert, Keene, Lange, Bertagna
NOES: Guzzetti, Jarvis, Kirk
ABSENT: None
ABSTAIN: None

2.4. RESOLUTION NO. 30-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING CERTAIN FINDINGS REGARDING ENVIRONMENTAL EFFECTS OF THE CITY OF CHICO STORM DRAINAGE MASTER PLAN, ADOPTING A MITIGATION AND MONITORING PROGRAM, AND CERTIFYING AS ADEQUATE THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF CHICO STORM DRAINAGE MASTER PLAN

RESOLUTION NO. 31-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE CITY OF CHICO STORM DRAINAGE MASTER PLAN COMPRISED OF THE PRELIMINARY STORM DRAINAGE MASTER PLAN DATED AUGUST 13, 1987 AND THE ADDENDUM THERETO DATED SEPTEMBER 15, 1997 - this item was removed from the consent agenda by Councilmember Keene for further clarification

By memorandum dated 8/21/00, Senior Planner Jolliffe submitted revisions to the above resolutions as directed by Council at its 08/01/00 meeting. The Planning Director and Director of Public Works recommend adoption of these resolutions. Councilmember Keene pointed out that “migratory birds” still needed to be inserted on page 34, line 12.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt Resolution No. 30-
00 and 31-00 with the noted change.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

2.10. APPROVAL OF MINUTES FOR MEETINGS HELD JULY 5 AND JULY 18, 2000

The Council was provided with copies of minutes for its meetings held 7/5/00 and 7/18/00. Councilmember Kirk requested that this item be removed from the Consent Agenda and asked Council to allow her to work with the Clerk on the correct spellings of speakers names. Council concurred to approve the minutes with changes worked out between Councilmember Kirk and the Clerk on the spellings.

4.2. APPOINTMENT TO HUMAN RESOURCES COMMISSION

Council acknowledged that a vacancy now exists on the Human Resources Commission, with a term to expire 1/01/01. By memorandum dated 8/18/00, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment. Council concurred to wait for applications to be received during the biennial recruitment for all Boards and Commissions.

4.3. CONSIDERATION OF REQUEST FOR STREET CLOSURE (PORTION OF 19TH STREET) ON 9/15/00 IN CONNECTION WITH THE SILVERDOLLAR / GOLD CUP RACES - this item was moved and heard after the Consent Agenda at the request of Councilmember Kirk

4.4. FUTURE MEETINGS

The Council has been requested to reschedule its meeting of 9/26/00 at 11:00 a.m. with the Water Quality Control Board regarding nitrate issues to a date after 10/3/00. This item did not need to be rescheduled, as the Water Quality Control Board could make the 9/26/00 meeting.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA - none

5. BUSINESS FROM THE FLOOR - none

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on these items:

6.1. By memorandum dated 8/9/00, the Internal Affairs Committee provided a report on its meeting of 8/8/00. None of the matters considered by the Committee at that meeting require Council action.

6.2. Memorandum dated 8/21/00 from the Finance Director reporting that the list of claims paid during the month of July 2000 had been produced and was available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. ADJOURNMENT

The meeting was adjourned at 11:50 p.m. to Tuesday 9/19/00 at 7:00 p.m. in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 21, 2000
City Clerk

Mayor
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
SEPTEMBER 19, 2000 - MINUTES

Chico Municipal Center, Conference Room #2, 421 Main Street, 7:15 p.m.

1. CALL TO ORDER The Mayor called the meeting to order at 7:00 p.m.

1.1. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
   Absent: Guzzetti

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organization that represents employees is Chico Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. The subject property is located on the northeast corner of Humboldt Road and Bruce Road (Assessors Parcel No. 011-030-111). The negotiating parties are City Manager Tom Lando on behalf of the City of Chico, and Earl and Barbara Dunn for the subject property. The items under negotiation are price, and terms and conditions. (Gov. Code Section 54954.5(b).)

2.3. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Initiation of litigation: Two Cases. (Gov. Code Sec. 54956.9(c).) This item was referred to the Finance Committee meeting to be held October 2, 2000.

2.4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

   If the Council is unable to conclude its discussion of closed session items by 7:30 p.m., it will meet again in closed session at the end of this evening’s meeting.

3. ADJOURNMENT

The meeting was adjourned at 7:35 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** - The Mayor called the meeting to order at 7:37 p.m.

1.1. Flag Salute

1.2. Invocation — Police Chaplain Dale Rash

1.3. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

               Absent: Guzzetti

1.4. Introduction of City Staff — City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, City Clerk Presson, Finance Director Martin, Airport Manager Grierson, Personnel Director Erlandson, Fire Marshall Myers, Park Director Beardsley, Sr. Planner Jolliffe, Chief of Police Efford, Director of Public Works Ross and Community Development Director Baptiste

1.5. Proclamation proclaiming October 2000 as “Domestic Violence Awareness Month”, and October 12, 2000 as “Teen Relationship Abuse Awareness Day”

1.6. Closed Session Announcement —

2. **CONSENT AGENDA** Item 2.7 was removed by Councilmember Jarvis for further discussion and heard under item 4.1.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to approve the following Consent Agenda:

2.1. **ORDINANCE NO. 2203** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING CHAPTER 5.32 OF THE CHICO MUNICIPAL CODE, ENTITLED "CARDROOMS", AND REENACTING CHAPTER 5.32, TO BE ENTITLED "CARDROOMS" — FINAL READING & ADOPTION

By memorandum dated 8/22/00, Assistant City Attorney Rock delineated the amendments that were made in the proposed ordinance which repeals and replaces Chapter 5.32 of the Chico Municipal Code. The amendments to this ordinance were required because of recent amendments to the State Gambling Control Act. Currently, the CMC provides that a City cardroom license will be issued after a State license is obtained, which conflicts with the requirements of the Gambling Control Act. The proposed ordinance provides that City's cardroom license will be issued prior to issuance of a State license. Additionally, City is now required to provide the State with the opportunity to object to the issuance of employee work permits, as provided in the Gambling Control Act. Finally, the State no longer allows for the exemption of nonprofit societies, clubs, fraternal, labor, or other organizations from cardroom licensing. Therefore, City's ordinance can no longer exempt such organizations and the current exemption must be deleted. The Division of Gambling Control approved the proposed ordinance as being in compliance with the Gambling Control Act. The City Attorney recommended approval of the ordinance.

2.2. **ORDINANCE NO. 2204** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM OR-OFFICE RESIDENTIAL TO OC-OFFICE COMMERCIAL 2550/2552 LAKEWEST DRIVE AND 901 BRUCE ROAD, ASSESSOR'S PARCEL NOS. 011-480-001 AND 002 - FINAL READING & ADOPTION

By memorandum dated 8/2/00, Assistant Planner Hanson reported that at the Planning Commission meeting of 7/20/00, the Commission voted unanimously (6-0-1) to recommend approval of a rezone from OR-Office Residential to OC-Office Commercial for property located at 2550/2552 Lakewest Drive and 901 Bruce Road. An initial study was conducted for this project and a Negative Declaration was recommended for adoption pursuant to the California Environmental Quality Act. At the City Council meeting of 9/5/00 a hearing was held regarding this Rezone and the ordinance received introductory reading. The Planning Commission and Planning Director recommended adoption of the Negative Declaration and the Ordinance.
2.3. RESOLUTION NO. 37 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ADD THE POSITION OF PUBLIC WORKS ADMINISTRATIVE MANAGER TO THE MANAGEMENT TEAM AND ESTABLISH THE SALARY RANGE FOR THE POSITION

By memorandum dated 8/29/00, the Personnel Director recommended adoption of the proposed resolution which modifies the Management Team Pay and Benefits Resolution to add the job title of Public Works Administrative Manager and set the salary level for the position. The reclassification of a Management Analyst to Public Works Administrative Manager was approved as part of the 2000-01 Annual Budget. Funding for the additional cost of the reclassification was included in the final budget. The Personnel Director recommended adoption of this resolution.

2.4. RESOLUTION NO. 38 00-01 — 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 - CHICO CANYON ROAD ANNEXATION DISTRICT NO. 2

By memorandum dated 8/29/00, the Community Development Assistant forwarded a report on initiation of the annexation of a 19.3 acre parcel on the south side of Chico Canyon Road, approximately 1,000 feet east of Bruce Road - Manzanita Avenue. The subject property was proposed for a 23 lot single family residential subdivision. In accordance with adopted LAFCo policy, the City Council adopted a resolution to initiate the annexation of property to the City. The Community Development Assistant recommended adoption of the resolution.

2.5. RESOLUTION NO. 39 00-01 — 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 - PANAMA AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated 09/01/00, the Community Development Assistant forwarded a report on initiation of the annexation of parcels at 193 and 259 Panama Avenue. The subject properties were developed with two single family residences, storage buildings and two businesses. The annexation was proposed to facilitate the expansion of an existing auto dealership already within the City limits. In accordance with adopted LAFCo policy, the City Council adopted a resolution to initiate the annexation of property to the City. The Community Development Assistant recommended adoption of the resolution.

2.6. RESOLUTION NO. 40 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE)

By memorandum dated 8/24/00, the Community Development Assistant reported that City approval of the Pleasant Valley Estates Subdivision requires the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This 24-lot single-family residential subdivision was located on the east side of Marigold Avenue, 1,000 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, the City Council consented to such annexation. The Community Development Assistant recommended City Council adoption of the resolution.

2.7. RESOLUTION NO. 41 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE OTTERTON DRIVE EXTENSION PROJECT CONSISTING EXCLUSIVELY OF THE EASTERN LINK - MID CREEK CROSSING (State Clearinghouse Number 99032036)

RESOLUTION NO. 42 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AN AMENDMENT TO THE CITY OF CHICO GENERAL PLAN TRANSPORTATION ELEMENT AND GENERAL PLAN DIAGRAM TO DESIGNATE THE OTTERTON DRIVE EASTERN LINK - MID CREEK CROSSING ALIGNMENT AS A COLLECTOR ROUTE AND REQUIRING COMPLIANCE WITH ALL APPLICABLE MITIGATION MEASURES AT TIME OF PROJECT DESIGN AND CONSTRUCTION - this item was pulled by Councilmember Jarvis so a letter could be read into the record

2.8. RESOLUTION NO. 43 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 6 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND
OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit A)”

By memorandum dated 9/7/00 the Personnel Director reported that it is necessary to amend the Memorandum of Understanding (MOU) between the City and Service Employees International Union (SEIU) Unit A to add the new job title of Senior Park Ranger, which was created as part of the approval of the 2000-01 Annual Budget. The additional cost for the position was allocated in the Budget. The Personnel Director recommended adoption of the proposed resolution which approved the amendment to the MOU between the City and SEIU Unit A.

2.9. MINUTE ORDER NO. 25-00 — AUTHORIZATION FOR THE AIRPORT MANAGER TO EXECUTE A LEASE WITH CHICO AVIATION SERVICES LIMITED PARTNERSHIP FOR A PORTION OF PAD ‘F’ IN THE HANGAR AREA AT THE CHICO MUNICIPAL AIRPORT

The Airport Commission and the City Council previously approved a lease agreement for a portion of pad E of lease area C of the hangar area at the Chico Municipal Airport to Chico Aviation Services (CAS) to construct 17 (43 x 40 ft) permanent T-Hangars. Based on further negotiations, the developers requested to lease pad F of lease area A for the purpose of this lease agreement. All other terms of the agreement would remain the same as previously approved. The initial lease rate of $0.24 per square foot represents an annual figure of $5,683.20, and would be adjusted at 5-year intervals in accordance with the Consumer Price Index. The lease term would be for 35 years, with the option for one 5-year extension. This proposed lease was recommended for approval by the Airport Commission at its 8/29/00 meeting. Adoption of this Minute Order repealed and replaced City Council Minute Order 17-00, approved by the Council at its 7/5/00 meeting.

2.10. MINUTE ORDER NO. 26-00 — AUTHORIZING DONATION OF SURPLUS RADIO EQUIPMENT TO THE SACRAMENTO COUNTY SHERIFF’S DEPARTMENT

By memorandum dated 8/17/00, the Chief of Police reported that due to the recent upgrade of radio equipment in the Police Department’s Communications Center there are various control panels, CPU’s, video monitors and miscellaneous parts manufactured by Motorola that were no longer usable by the City. The Sacramento County Sheriff’s Department has such a system and has requested that the City donate the parts to their agency. Section 3.08.090 of the Chico Municipal Code provides authority for the Purchasing Officer to sell surplus property based on competitive bids without further Council action, and this type of request normally would be handled under those provisions. However, due to the minimal value of the items and the fact that the equipment is only of practical use to another public safety entity, staff requested that the City Council declare the equipment to be surplus property and authorize the City Manager to donate it to the Sacramento County Sheriff’s Department. The Chief of Police recommended approval of the Minute Order.

2.11. A. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR REHABILITATION OF PLANTERS IN THE DOWNTOWN PARKING & BUSINESS IMPROVEMENT AREA

B. MINUTE ORDER NO. 27-00 — DIRECTING CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) TO REHABILITATE PLANTERS WITHIN THE DOWNTOWN PARKING & BUSINESS IMPROVEMENT AREA

By memorandum dated 8/23/00, the Park Director forwarded this Supplemental Appropriation in the amount of $3,000 for rehabilitation of 43 planters in the Downtown Parking & Business Improvement Area, and Minute Order No. 27-00 authorizing an agreement with the DCBA to perform the work. At its meeting of 9/7/00 the Finance Committee recommended approval of the Supplemental Appropriation, and the Park Director recommended approval of the Minute Order.

2.12. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR GABION REPAIR ON LITTLE CHICO CREEK

The Director of Public Works reported that the gabions along Little Chico Creek opposite the Hignell development east of Fir Street have failed. Although the 2000-01 budget includes funding to replace the failed gabions, it was determined during the design phase of the project that it was necessary to install another row of gabions at a greater depth to prevent further erosion, thereby requiring considerably more excavation and backfill of earth. The estimated construction costs for the additional work would exceed the amount budgeted by $17,500. The proposed supplemental appropriation would allocate $17,500 from the General Fund (001). At its meeting of 9/7/00 the Finance Committee recommended approval of the supplemental appropriation.
The motion to approve the Consent Agenda as read, carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti
ABSTAIN: None

3. NOTIFIED PUBLIC HEARINGS

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 89, HERITAGE OAK - PHASE 2

By memorandum dated 8/23/00, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 89. As a condition of approval of a subdivision map for this subdivision, generally located east of SHR 99 on the west side of Springfield Drive, the developer, Epick Homes/Pete Giampaoli, consented to the formation of this district for the operation, maintenance, and future replacement of the stamped concrete entry, landscaping and irrigation of the median within Springfield Drive and along Springfield Drive adjacent to the subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which will be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke on this issue.

A motion was made by Councilmember Keene and seconded by Councilmember Herbert to adopt:

RESOLUTION NO. 44 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 89 — HERITAGE OAK - PHASE 2)

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti
ABSTAIN: None

3.2. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING AND APPROVAL OF SUPPLEMENTAL APPROPRIATION FROM THE (COPS) PROGRAM FOR MINOR CAPITAL PROJECTS

By memorandum dated 8/17/00, the Chief of Police reported that for the fifth consecutive year the State of California has appropriated funds for the Citizens Option for Public Safety (COPS) program. The COPS program provides funding for local law enforcement and public safety purposes to be distributed to counties throughout the state based on population. This year the Legislature approved funding for this program through the 2003-04 fiscal year and this hearing is required by State law prior to receiving COPS funds. Funding for two police officers was included in the 2000-01 budget subject to tonight’s hearing. In addition, by memorandum dated 8/24/00, the Chief of Police transmitted a supplemental appropriation in the amount of $12,500 to fund minor capital projects from the Supplemental Law Enforcement Services Fund (099). At its meeting of 9/7/00 the Finance Committee recommended approval of the supplemental appropriation. At the conclusion of tonight’s hearing, the City Council approved, by motion, the proposed use for the COPS funding by confirming the funding request for the two police officers as budgeted and by approving the supplemental appropriation for the minor capital projects. The Mayor opened the hearing to the public. No one spoke on this issue.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the program.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti
ABSTAIN: None
4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.7. RESOLUTION NO. 41 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE OTTERTON DRIVE EXTENSION PROJECT CONSISTING EXCLUSIVELY OF THE EASTERN LINK - MID CREEK CROSSING (State Clearinghouse Number 99032036)

RESOLUTION NO. 42 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AN AMENDMENT TO THE CITY OF CHICO GENERAL PLAN TRANSPORTATION ELEMENT AND GENERAL PLAN DIAGRAM TO DESIGNATE THE OTTERTON DRIVE EASTERN LINK - MID CREEK CROSSING ALIGNMENT AS A COLLECTOR ROUTE AND REQUIRING COMPLIANCE WITH ALL APPLICABLE MITIGATION MEASURES AT TIME OF PROJECT DESIGN AND CONSTRUCTION

This item was pulled by Councilmember Jarvis so a letter from Gary Williams, Butte County Air Quality Management District addressed to Community Development Assistant Sellers regarding potential remediation actions regarding ground water contamination in the area of the proposed Otterson Drive Extension project, could be read into the record.

City Manager Lando stated that there is contamination along the Midway caused by underground leaks from petroleum businesses. Staff does not believe the contamination would impact the proposed Otterson Drive Extension.

Following the public hearing on 7/5/00, the City Council adopted a motion of intent to certify the adequacy of the Final Environmental Impact Report (EIR) for the Otterson Drive Extension Project, making findings regarding environmental effects and project alternatives, and adopting a statement of overriding considerations; and approved the General Plan Transportation Element and Diagram to designate the Otterson Drive Extension Eastern Link - Mid Creek Crossing as a two lane collector route. Two resolutions to formally implement Council’s motion were presented at the 9/5/00 meeting. Following Council discussion at that meeting, a motion was adopted directing staff to further revise the resolutions to clarify that only the Eastern Link - Mid Creek Crossing was the subject of Council action, including EIR certification. By memorandum dated 9/11/00, the Community Development Assistant transmitted the revised resolutions and explanation of the revisions. Consistent with the most recent action of the City Council, the Community Development Assistant recommended adoption of the resolutions.

A motion was made by Councilmember Keene and seconded by Councilmember Lange to adopt Resolution No. 41 00-01 and Resolution No. 42 00-01 as amended by the Community Development’s staff report.

The motion carried by the following vote:
YES: Herbert, Keene, Lange, Bertagna
NOES: Jarvis, Kirk
ABSENT: Guzzetti
ABSTAIN: None

4.3. CONSIDERATION OF POTENTIAL USE OF THE BIDWELL RANCH PROPERTY - this item was moved up on the agenda and heard before item 4.2 at the request of Councilmember Jarvis

Councilmembers Jarvis and Kirk requested a discussion of the City Manager’s memorandum dated 8/21/00 regarding the potential use of the Bidwell Ranch property. Councilmember Jarvis also asked this matter to be scheduled for consideration pursuant to the request of the Stop Bidwell Ranch Committee in its letter to her dated 8/3/00, copies of which were provided to the City Council.

In the spring of 1999, the City Council discussed a recommendation from the City Manager to set aside the Bidwell Ranch property for wetland mitigation, airport overflight area, and other designated non-residential uses.
In discussing this recommendation, the City Council requested additional information regarding the following points:

a) Cost estimates to develop the property and potential revenue from development uses.
b) The suitability and appropriateness of using the property for wetland mitigation and estimated revenue from such a use.
c) Appropriateness and funding sources for designating the property as an overflight area and all clear zone.
d) Total anticipated revenue which could be derived from the property versus the acquisition cost.

The 8/21/00 memorandum addressed these issues. Council received letters from Betty Volker and Susan Borzage in support of designating the property as “open space.”

Comments were heard from Gloria Bettencourt in support of making this land part of Bidwell Park. John Gillander indicated that if Council determined to designate this land as parkland, he felt that the Council should identify where other housing developments could be built in order to meet current and future affordable housing needs within the community.

Council recessed at 9:35 p.m. for a ten minute break

Shelly Jensen requested Council to consider renaming the Bidwell Ranch. Carl Johnson spoke about his concern of a clear zone for aviation in order to protect our airport and in the interest of public safety. Neil Farrell also felt that there should not be any development on this land, and if need be, a referendum or zoning initiative process would be explored. Norman Rosene, Chair of the County Airport Land Use Commission (ALUC) encouraged the Council to protect the land for a departure corridor for air tankers during fire season. John Luvaas addressed Council about the cost of a referendum or initiative and how those dollars could be utilized for roadway improvements. Walter Cook, John Merz and Belva Dean commented that this land was open space and should be retained as such. Darrel Wilson, Past President from the upper Ridge area expressed concern over maintaining the land as open space for fire protection for the Ridge. Charles Eisley also spoke in support of leaving a clear zone for air tankers. Jerry Olio encouraged staff to look for a discretionary grant for wetland preservation.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to direct staff to apply for a discretionary grant from FAA and to determine whether such a grant, if received, would restrict public access to the land. Staff was also directed to continue to explore at the wetland mitigation.

Councilmember Keene expressed his concern over keeping the land as open space after paying millions for the property. The housing units that were planned for that land would have to be found somewhere else and removing this land from the available inventory may encourage urban sprawl. He added that he was willing to support Councilmember Jarvis’ motion. However, he believed that there was a series of concerns that would need to be addressed at a later date.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti
ABSTAIN: None

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA - this item was moved forward to be heard after 4.3 at the request of Councilmember Jarvis

FUTURE MEETING TO BE SCHEDULED -- A request was received on 9/18/00 for the Chico City Council to be in attendance at an ALUC Meeting to be held on October 19, 2000 at 6:00 p.m. to discuss the draft Comprehensive Land Use Plan (CLUP).

Council concurred that they would attend this meeting.
Council recessed at 10:27 p.m. for a five minute break. Councilmember Jarvis left the meeting.

4.2. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATIONS FROM ITS MEETING HELD 8/28/00 REGARDING COMMUNITY ORGANIZATION FUNDING LEVELS AND POLICIES - at the request of Councilmember Jarvis, this item was heard after item 4.3.

By memorandum dated 8/31/00, the Finance Committee provided a report on its meeting held 8/28/00 at which time the Committee made the below recommendations regarding Community Organization funding levels and policies. The Council was also provided with copies of the memorandum dated 8/18/00 from the City Manager which the Committee and community organizations received for the 8/28/00 meeting.

Finance Committee recommendations:

1. For those organizations funded with general/CDBG funds, the Committee recommended:
   
   a. That the FY 2001-02 general fund/CDBG funding applications be used by the Committee to make recommendations to the Council which would identify those organizations which are considered to provide essential City services and should be eligible for ongoing funding commitments from the City, and identifying those applicants which would be eligible for one-time funding for seed money or capital costs. Council concurred with the Committee recommendation with both Councilmember Jarvis and Guzzetti absent.
   
   b. That a $20,000 maximum funding limit be set for future general fund/CDBG applications to discourage operational dependency on City funding, except for those organizations which already exceed $20,000; no required minimum application amount was recommended by the Committee. Council concurred that $20,000 would be used as a guideline and those agencies that go above that amount would have to justify the higher request. It was also requested by Council that guidelines should be included with the application for funding.

2. That those organizations which are Transit Occupancy Tax (TOT)-funded and provide essential City services (such as economic development services) be eligible for a two-year funding commitment, and allowed to enter into two-year non-exclusive service contracts, with Council reviewing the funding level and continuation of the service contract every two years.

   Judy White from the Nature Center urged Council to consider the automatic funding. Council concurred, with Councilmembers Jarvis and Guzzetti absent, that those agencies that provide essential City services would be allowed to enter into two-year non-exclusive service contracts,

3. That organizations be limited to submitting one application per program. Council agreed that the committee’s recommendation should be accepted. Both Councilmembers Jarvis and Guzzetti were absent from the meeting.

4. That any policy changes be phased in over time, with implementation in the FY 2002-03 funding cycle so that any organizations historically funded by the City may have adequate time to make any necessary adjustments.

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.

6.1. Memorandum dated 8/31/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 8/22/00 for Burger Hut, 2451 Forest Avenue.

7. **ADJOURNMENT**

Meeting was adjourned at 11:05 p.m. to Tuesday 9/26/00 for an adjourned meeting at 11:00 a.m. in Conference Room No. 1 for a meeting with the Regional Water Quality Control Board regarding nitrate issues.

Date Approved: **November 21, 2000**

______________________________________  ______________________________________
City Clerk  Mayor
ADJOINED REGULAR CHICO CITY COUNCIL MEETING
SEPTEMBER 26, 2000 - MINUTES

Chico Municipal Center, Conference Room No. 1, 421 Main Street, 11:00 A.M.

1. CALL TO ORDER The Mayor called the meeting to order at 11:00 a.m.

1.1. Flag Salute

1.2. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna

1.3. Introduction of City Staff - City Manager Lando, City Attorney Frank, City Clerk Presson, Director of Public Works Ross

2. CONSENT AGENDA — No items

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1. JOINT MEETING WITH THE REGIONAL WATER QUALITY CONTROL BOARD REGARDING NITRATE ISSUES

Ron Dykstra of the Regional Water Quality Control Board had requested for the 9/26/00 meeting, discussion of the following:

A. The Chico Area septic prohibition: City Manager Lando presented a summary of the nitrate issue(s) that were being addressed by both the City of Chico and the County. Originally, the City and County worked to resolve these issues through annexation of the properties needing sewer hookup. Now the two entities were working on a more comprehensive plan. It was estimated that 3600 homes located in the County were still on septic, 2100 of those in hot spots. City staff had been in constant communication with the Water Board (Ron Dykstra.)

The City Manager introduced Ron Dykstra and Gary Carlton from the Regional Water Quality Board. Ron Dykstra brought the Council up to date on the nitrate issue from their perspective. According to Ron Dykstra, the City and County were many years past the prohibition date. There is a very serious groundwater nitrate contamination problem, with many of the Cal Water wells showing traces of nitrate. One well was taken out due to the contamination. He stated that the Water Board was very concerned with the overall groundwater situation.

B. City and County responsibility for compliance: Ron Dykstra indicated to the Council that a definitive plan from the City and County was needed by February 2001. The plan also needed to provide for a program to oversee the units that are not going to hook up to the sewer. They would prefer that the City and County give them a plan instead of having to look at two different ones. City Attorney Frank indicated that there was not a firm commitment from the county to monitor the rest of the septic tanks that are allowed to remain.

City Manager Lando asked Ron Dykstra for an explanation as to what the Regional Water Board viewed the City’s role to be in this process. Ron Dykstra responded that the Water Board was working with staff counsel on the authority that makes it the responsibility of the City. However, it is part of the Water Code that an agency may have the responsibility if it is permitting the discharge of waste. He also said that while this was a broad interpretation, they do believe the City is permitting this discharge because the City does have some control over it.

Councilmember Guzzetti indicated that there may be some members of the Council who thought that the City does have a responsibility and commented that even prior Councils had tried to coordinate this very issue. He was distressed that the City was still asking “Why us?”. It was the same question that was asked 10-20 years ago. He asked the City Manager why staff wanted to be selective. When someone annexes into the City, why does the City press every other environmental law, every jurisdictional law, and penal code? These people are part of the City and face the same responsibilities everyone else does. This was a situation where there might be a contamination problem.
City Manager Lando expressed that the City wanted to cooperate and in fact, currently, when allowing people to annex in, they do not have to come up to City standards and are allowed to keep whichever nonconforming uses they have at the time of annexation. The City Manager was concerned about fines being assessed against the City when landowners do not want to sewer. He did not want to minimize the seriousness of the issue.

As far as the plan, City staff has been meeting with the County. There are only a couple of points where agreement hadn’t yet been reached. It should be possible to finalize the work with staff by the end of October and schedule a meeting with the committee in November.

Councilmember Jarvis asked if the City had to adopt the County’s plan. Ron Dykstra said the City does not have to adopt that plan. However, some type of plan, along with a definitive time schedule for the work to be completed needed to be adopted and in place by the February 2001 date. Ron Dykstra stated that the County plan doesn’t go far enough, because it doesn’t include specifics and time lines regarding the oversight monitoring plan. In addition wells, additional pumping, and community outreach all need to be addressed.

Eric Miller, Butte County, stated that they were working on a state revolving loan fund, engineering design, and preparing an environmental impact report. Staff was also working on the development of a revenue plan for onsite and offsite costs and hoping to submit their loan package early next year. They need to get to a point where it is sequenced and then meet with the Council. He stated that they were definitely making progress working with City staff and they anticipate that they will be able to meet the Regional Water Board’s February deadline.

City Manager Lando stated that a bigger concern is how to communicate to the public that they have to pay for it. Does this take a Proposition 218 vote and if so, what if it is voted down? He felt that an intensive public information campaign would be needed in order to get everyone involved. City Manager Lando expressed concern over the households that were included in the hot spot areas and that most of them do not believe that they have a problem. The major question was how would we help them pay for the hook up. There is a recognition that some will not be able to afford it. There would be some guarantee of payment with an assessment district. Another option could be a lien against the property. Councilmember Guzzetti expressed his oppositions to placing a lien against property.

C. The proposed draft Regional Board/City/County agreement

The City Manager advised that there is no draft agreement among the three agencies at this point. Staff would try to set up another meeting in mid-October to meet with the County on these issues.

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA - none

5. BUSINESS FROM THE FLOOR

Melvin Smith addressed the Council with his concern that there really wasn’t a nitrate problem in the Chico area. He also stated that both the City and County were polluting the Sacramento River so why was it an issue for people to pollute the ground water.

6. REPORTS AND COMMUNICATIONS — No items

7. ADJOURNMENT

Meeting was adjourned at 12:34 p.m. to Tuesday, October 3, 2000 at 7:00 p.m. in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 21, 2000

__________________________________________________________
City Clerk Mayor
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
OCTOBER 3, 2000 - MINUTES

Chico Municipal Center, Conference Room #2, 421 Main Street

1. **CALL TO ORDER** - The Mayor called the meeting to order at 7:02 p.m.

1.1. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: Guzzetti

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson. The name of the employee organization that represents employees is Chico Service Employees International Union (Units A and B). (Gov. Code Sec. 54957.6.)

2.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR:** The subject property is located on the northeast corner of Humboldt Road and Bruce Road (Assessors Parcel No. 011-030-111). The negotiating parties are City Manager Tom Lando on behalf of the City of Chico, and Earl and Barbara Dunn for the subject property. The items under negotiation are price, and terms and conditions. (Gov. Code Section 54954.5(b).)

2.3. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

3. **ADJOURNMENT**

Meeting was adjourned at 7:18 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation — Chaplain Bob Vilcone, Grace Community Church

1.3. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: None

1.4. Introduction of City Staff: City Manager Lando, City Attorney Frank, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Assistant Director of Public Works McKinley, Park Director Beardsley, Chief of Police Efford, Budget Officer Pierce, Arts Project Coordinator Gardner

1.5. Proclamation proclaiming the month of October 2000 as “National Arts and Humanities Month”

1.6. Closed Session Announcement - No action taken

2. **CONSENT AGENDA** — No items

3. **NOTICED PUBLIC HEARINGS** - No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ART SELECTION PANEL RECOMMENDATION REGARDING THE ART PROPOSAL FOR THE PARK AVENUE GATEWAY ART PROJECT**

By memorandum dated 9/19/00, Art Projects Coordinator Gardner forwarded the recommendation of the Park Avenue Gateway Art Project Selection Panel regarding the artist and proposed art piece to be installed on Park Avenue in the median immediately north of the Meyers Street intersection. The Selection Panel reviewed 32 applications and reduced the number to six finalists. The finalists were required to prepare scale models of their proposals and present them to the Panel. The models were then placed on display in the lobby of the Municipal Center building for two weeks, and public comment solicited. A summary of the public comments received was provided to the Selection Panel for consideration. At its meeting of 8/30/00, the Panel unanimously selected the proposal of artist John T. Young of Seattle for this project. At its meeting of 9/13/00, the Arts Commission reviewed the recommendation of the Panel.

Artist John Young was present to present his proposal to the Council and to answer questions. A short slide presentation was included showing samples of the artist’s work and the textures used in his projects. The design created for Chico represents Chico’s history with farming and most of the materials to be used will be gathered locally. The Arts Commission recommended approval of the Selection Panel’s recommendation.

Comments were received from Jeff Goolsby, Director of Mountain Valley Arts with regards to his reservations about this project. This project was a $150,000 commission and it was apparent that there needed to be some consensus on how public art would be executed in Chico. Local artists were interested in playing a role in the process but they felt excluded. He felt that smaller commissions would allow more projects, even a whole series of sculptures. Regional artists should be used since local RDA funds are being used to fund these projects.

Dan Hays, a property owner north of the Myers Street questioned whether the project was on the agenda for approval. He also wanted to know if the businesses were notified. He couldn’t recall a notification. He had concern as to the type of sculpture as the planned location is the gateway into the Chico business area.

Arts Project Coordinator Gardner informed Council that staff notified business owners about six months ago.
Mike Davis, a business owner in the Park Avenue area and Art Commissioner explained that the Arts Commission worked diligently on the selection of an art project and was looking forward to the sculpture being built. Richard Frey said he was on the selection panel and the project was well publicized, with 30 applicants responding. The selection was a difficult choice and represented a lot of work.

Mayor Bertagna stated that it was difficult for him to make the connection between being a purchaser of art and how that promotes art. Councilmember Lange said she supported this project and wanted it known that the selection panel set aside their own feelings during the selection process. She reminded those in attendance that while this was a very unique project, it would not be the only one in this City.

Councilmember Keene stated that the greatest success he had seen was the COBA project because that particular project was community initiated. The City should highlight local artists. While he didn’t originally support it, he would now. He felt that the current Park Avenue project doesn’t represent Chico and he would oppose the project based on that.

Councilmember Kirk stated that she felt that with this project the City would participate in world class art and it would help to make Park Avenue attractive.

Councilmember Herbert stated that while Park Avenue was under construction, comments he heard was that the Esplanade was so beautiful and couldn’t the Park Avenue project be treated with the same tree canopy. He felt that the COBA program was effective. He originally didn’t vote for it due to the funding mechanism. However, he watched, read the articles and in the future would support COBA programs.

Councilmember Guzzetti stated that there was more interest and input now from the people regarding art in this community due to the City’s projects and that this was a learning process for local artists. In the future, there will be a variety of types of projects with a variety of artists participating.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to approve the Selection Panel’s recommendation regarding the art proposal for the Park Avenue Gateway Art Project.

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Kirk, Lange
NOES: Herbert, Keene, Bertagna
ABSENT: None
ABSTAIN: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

Meeting was adjourned at 8:15 p.m. to a City Council meeting.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
OCTOBER 3, 2000 - MINUTES

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER The Mayor called the meeting to order at 8:15 p.m.

1.1. Roll Call — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
Absent: None

2. CONSENT AGENDA Item 2.6 was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Herbert to approve the following Consent Agenda items:

2.1. MINUTE ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTH VALLEY IRON WORKS, INC. TO ACQUIRE A BICYCLE PATH EASEMENT ALONG THE MIDWAY, EAST OF HEGAN LANE, FOR THE CONSTRUCTION OF THE MIDWAY BICYCLE PATH (040-320-012)

At its meeting held 1/25/00, the City Council authorized the City Manager to negotiate the acquisition of a bicycle path easement along The Midway, east of Hegan Lane, for the construction of the bicycle path along The Midway between East Park Avenue and Hegan Lane. This minute order authorized the City Manager to enter into an agreement with North Valley Iron Works, Inc., to acquire approximately 2,686 square feet of bicycle path easement. Funds for the acquisition have been included in the 2000-01 annual Budget. The Assistant City Manager recommended approval of the Minute Order.

2.2. MINUTE ORDER AUTHORIZING CITY MANAGER TO ENTER INTO LEASE AGREEMENTS TO ALLOW CATTLE GRAZING ON THE FOOTHILL EAST PRESERVE PROPERTY

By memorandum dated 9/21/00 the Community Development Director recommended Council approval of a minute order authorizing the City Manager to enter into lease agreements to allow cattle grazing, consistent with the Preserve Management Plan, for the Foothill East Preserve, and recommended Council direct staff to pursue approval from the Fish and Wildlife Service to allow guided tours to observe spring wildflowers on the preserve. This minute order authorized the City Manager to enter into lease agreements to allow cattle grazing on the Foothill Preserve property consistent with the Preserve Management Plan. The Community Development Director recommended approval of the Minute Order.

2.3. ACCEPTANCE OF RESIGNATION OF GLENN FRY FROM PLANNING COMMISSION

By letter dated 8/4/00, Glenn Fry resigned from the Planning Commission effective 9/8/00. The position vacated carries a term that expires on 1/1/03.

2.4. ACCEPTANCE OF RESIGNATION OF JANE TAYLOR FROM ARCHITECTURAL REVIEW BOARD

By letter dated 9/7/00, Jane Taylor resigned from the Architectural Review Board effective 9/30/00. The position vacated carries a term that expires on 1/1/03.

2.5. PUBLIC MEETING ON 2000 LOT CLEANING/WEED ABATEMENT ASSESSMENTS

By memorandum dated 9/18/00, Project Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City was required to hold a public meeting (10/3/00) and public hearing (10/17/00) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 2000-01 tax roll. Affected property owners were provided with written notice of the public meeting and public hearing, and a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 9/18/00, was attached to the Project Manager’s memorandum. The Project Manager recommended approval of the assessments. The City Council approved the costs for various parcels as recommended in the staff memorandum.
2.6. APPROVAL OF MINUTES FOR MEETINGS HELD JULY 25 AND AUGUST 1, 2000 - this Item was removed from Consent and heard under Item 4.1

The motion to approve the Consent Agenda as read, carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON PROPOSED WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE - Mayor Bertagna announced that he was disqualified from participating in this matter and left the Chamber at 8:17 p.m.

By memorandum dated 9/26/00, the Planning Director reported that, at its meeting of 9/21/00, the Planning Commission recommended adoption of a wireless telecommunications facilities ordinance modifying permitting procedures and development standards for wireless telecommunications facilities. The Planning Commission recommended that the Council adopt the proposed mitigated negative declaration and adopt the wireless telecommunications facilities ordinance with changes as indicated in the memorandum.

Council discussed the possibility requiring all towers be setback 500 feet from residential zones. A setback was recommended by the Planning Director. Councilmember Keene stated that federal law would preempt what we do. Assistant City Attorney Barker stated that the ordinance doesn’t provide for annual monitoring for all permits, only those that would generate 80% or more of the permitted level of RF emissions. In the event that an applicant sought to locate a facility in a zone in which telecommunication facilities were not generally permitted, an outside consultant would be required to review the application and advise the city.

Both the Planning Commission and Airport Commission approved the draft ordinance. The Park Commission also considered the ordinance and recommended that facilities not be permitted in OS1 and OS2 zones. ALUC found it in conflict with their plan, but Council had already voted on an override. ALUC did come up with some suggestions which the Planning Commission addressed.

Vice Mayor Herbert opened the hearing to the public.

Harold Carlson addressed the Council with his concerns that were presented to both the Airport and Planning Commission. All wireless structures should require a use permit and require a public hearing. These decisions should not be left up to the Planning Director. Extended notice requirements should be put into place. Notice within a 1000 feet is required in the county ordinance and a 100 feet or 300 feet is inadequate. He felt that there should be setback requirements from residential zones. The standard height should be 60 - 65 feet. Environmental review should also include aesthetic reviews. An environmental review should take place with each tower request. Permits for towers located in the City that do not meet City requirements should be given a year to relocate, as well as annexations where a tower is included. Towers must all have a phase out period so eventually there would be no towers. He was opposed to any provisions for grandfathering a current tower. The City should require annual testing and certification by a third party. Citizens should be able to appeal all portions of a use permit and an analysis of technical information as to location in each permit should be required. No wireless facilities should be allowed in areas where dish antennas are in use.

Linnea Hanson wanted a condition in the permit so that the tower would be removed or phased out, especially in areas that are annexed from the County. There needs to be a scientific basis for why we need to place them where we place them. She urged the Council to go along with the Park Commission recommendation, not the one received from the Planning Commission. A consultant should be used and the 1,000 foot radius should be used. All people should be able to appeal the permit.

Marsha Dean expressed her concern over the Mariposa tower happening again under this new ordinance. She didn’t feel that the draft ordinance addressed existing towers and the eventual phasing out of misplaced towers. She would like to see a provision added for phasing out of towers and wanted to confirm that the reason for this ordinance was to keep towers out of residential areas.
Richard Harriman felt that there was a problem with the CEQA review and felt there was a need to redo the initial study. He also stated that staff needed to define, on page 5, “functionally required,” along with “geographical area”, “stealing requirements” and “technically required.” He also recommended the inclusion of a provision for a currently sited tower to move without a permit fee.

Maggie Vandame felt that there were good things in the ordinance, although disjointed in some places. She questioned where schools fall in the zoning of these towers. She thought that there shouldn’t be any towers on school grounds.

Ron Mauck, a contract planner for Pacific Bell, asked for clarification on location preference sites.

Arlan Nickle, AT&T, indicated that they support the ordinance and the committee process. Many other cities encourage it in open space and in park areas due to the revenue stream created by the location of facilities in park areas. He didn’t know if it would work in Chico, but thought they would raise the issue. He did mention that an automatic term limit of ten years is difficult. Carriers would have a problem relocating the towers and this may result in an interruption in service.

Chris Perske felt that the setbacks should be six times the height of the tower. The ordinance does not go far enough to protect the community. The higher the tower the further away it should be. Visual impacts are not defined as to what is considered significant. The right to appeal is limited. It should be made easier.

Doug Perske wanted to see something in the ordinance to address Mariposa. Something needs to be included that addresses relocation of existing towers. The setback from residential zones should be a minimum 1000 feet. One hundred feet in a neighborhood is not enough of a set back. He was told by Pac Bell and Kim Seidler that the tower on Mariposa was being worked on and he would like to know the status of it. The ordinance is not totally adequate until a public workshop is held to address the issues brought up tonight.

Janet Leslie agreed with the concerns that were raised, but was appreciative of all the work that staff and the Council put into the ordinance. Inclusion of the 1,000 ft setback, definition of “visual impact” and the comments made about the schools would help strengthen the ordinance.

Councilmember Jarvis asked staff how the grandfathering in of towers would be handled. Assistant City Attorney Barker indicated that there could be incentives to move the tower. However, amortization was not included in the ordinance and noted it could be difficult to draft amortization provisions. Councilmember Jarvis also questioned staff on the life of use permits. Staff informed Council that some use permits have a time frame for review. However, a use permit can be limited in duration.

A motion was made by Councilmember Guzzetti to approve the introduction of the ordinance with the inclusion of the following changes: no facilities permitted on school grounds, no towers permitted in OS1 or OS2 zones, a 1,000 feet notice requirement for all permits, a 500 feet setback from residential property for all new towers, no colocation on the Mariposa tower, 10-year limit on permits, and incentives for moving a tower

The motion was seconded by Councilmember Jarvis with a friendly amendment to make it a 500 feet setback requirement from schools as well as residential zones. The amendment was accepted.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS” OF THE CHICO MUNICIPAL CODE, IN RELATION TO WIRELESS TELECOMMUNICATIONS FACILITIES—INTRODUCTORY READING, as amended by Council, to be brought back at the 11/7/00 meeting with changes for final adoption.

Councilmember Kirk asked if staff had a map of all wireless facilities. Planning Director Siedler indicated that a detailed map could be created for Council.

Council took a ten-minute break at 9:55
4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

2.6. **APPROVAL OF MINUTES FOR MEETINGS HELD JULY 25 AND AUGUST 1, 2000**

The Council was provided with copies of minutes for its meetings held 7/25/00 and 8/1/00.

Councilmember Kirk asked that the Internal Affairs Committee discuss the type of minutes that Council wanted.

A motion by Councilmember Keene, seconded by Councilmember Kirk to approve the Minutes from July 25, 2000 and August 1, 2000 and to have the Internal Affairs Committee look at “action” versus “summary” types of minutes. Council concurred.

5. **BUSINESS FROM THE FLOOR** - this item was moved up at the request of the Mayor

Jennifer Hite-Smith, Thomas Crane and Katie Sarten wanted to know how students could get a permit to plant trees in the Park and to request permission to go in and clean them up.

4.2. **INITIAL CONSIDERATION OF APPEAL BY DAN HAYS OF DIRECTOR OF PUBLIC WORKS DETERMINATIONS IN CONNECTION WITH IVY STREET BUSINESS PARK AND FLORAL GARDEN SUBDIVISION:**

By memorandum dated 9/20/00, the Director of Public Works provided the background on his recommendation to not hear the appeal requested by Dan Hays. Specifically:

A. **Ivy Street Business Park.** Dan Hays appealed the required depth of the street cross section, which is calculated based upon use of an engineering traffic index. The Director of Public Works indicates that the Ivy Street business Park was designed using a traffic index of 7.5. Using the Institute of Traffic Engineers traffic generation manual for commercial property, a traffic index of 7.5 is calculated for the commercial property adjacent to his extension; therefore, no oversizing of the Ivy Street extension has occurred.

B. **Floral Garden Subdivision.** Dan Hays appealed the requirement that the developer pay for the relocation of utilities. As a condition of completing public improvements on Floral Avenue to accommodate ultimate four-lane facilities, he was required to widen Floral Avenue which was impacted by utility poles and a PG&E gas line. The City does, as a function of development, pay for the additional roadway width through street development impact fees (CMC 3.85) if the street is a part of the project list included in the Nexus Study. However, the formula by which the development impact fee is calculated does not include costs for the relocation of utilities due to construction.

Copies of the Director of Public Works’ letter dated 8/17/00, upon which the appeal is based, and the appeal from Mr. Hays were attached to the memorandum. The Director of Public Works recommended that his determinations be upheld and the appeal not be scheduled for hearing.

The Council referred these appeals to the Finance Committee for review and recommendation.

4.3. **CONSIDERATION OF REQUEST FROM CHICO COMMUNITY SHELTER PARTNERSHIP FOR ALLOCATION OF FUNDS THAT HAVE BEEN SET ASIDE FOR ACQUIRING A HOMELESS SHELTER OR A SITE FOR A HOMELESS SHELTER**

This matter was scheduled for consideration at the request of Councilmember Jarvis. By letter dated 9/22/00, the Chico Community Shelter Partnership (CCSP) requested that the Council allocate to CCSP the Community Development Block Grant (CDBG) Funds that have been set aside for the purpose of acquiring a homeless shelter or a site for a homeless shelter. Provided in the letter was information regarding the CCSP site selection process, potential sites for CCSP or the City to acquire, and projected financing for site acquisition and shelter construction. Pursuant to Council protocol, staff had not prepared a detailed report for this matter; however, by memorandum dated 9/20/00, the Housing Officer provided background on the Finance Committee recommendations and previous Council actions regarding allocation of the CDBG funds for a homeless services facility.
Councilmember Jarvis stated that this item is on the agenda for the funding of a shelter, not a specific site. The selection process is still not even completed.

Housing Officer Dennis McLaughlin provided an overview on the original funding process and indicated that $145,000 is now available.

Mary Flynn urged the Council to release the funds that had been set aside and that the money be committed to CCSP. She had spent time visiting other programs across the nation, looking for a community answer to a community issue. Greg Burton explained the process used for the selection of potential sites.

Andy Holcombe, President of the CCSP, was there not asking to purchase a specific site but to have the funds committed to the project. They want the public involved in the actual location. It is their long-term goal for a year round facility. Any offer they would make would be based on obtaining approval of a use permit. He thought that RDA funds could be used, if additional funds were needed for the acquisition. Building costs would be covered through local fund-raising and grant funds as available.

Councilmember Herbert stated that Council had originally discussed only a winter shelter program but now the request or desire was to go year round. He has a problem with the project, once it becomes year-round because it represents different elements of need. His concern was that with a year-round facility the motivation might be to stay homeless and at the shelter instead of perhaps going back to their families where there is a support mechanism.

Councilmember Lange stated that she served on the Finance Committee which approved the set aside of those funds as “winter shelter”. She asked Andy Holcombe if they would be willing to begin with a winter facility, and as they gain the funds, expand as needed.

Council concurred to continue the meeting to 11:30 p.m.

Councilmember Guzzetti indicated he was more concerned about channeling the homeless instead of being concerned about them being on the streets.

Ted Sandberg wanted to remind the Council that the temporary winter shelters at the churches were done on a temporary basis while a permanent solution was being sought.

Tod Kimmelshue agreed that there was a need in the community for such a facility.

Linda Huffman from Butte County Behavioral Health indicated they were working on a grant that could help provide services to those with mental health problems with a 24-hour crisis response.

David Ferrier supported the release of funds as it was time to finally do something.

A motion was made by Councilmember Jarvis to allocate up to $175,000 in the current funds with a requirement to secure Council approval of the site after obtaining a use permit. CCSP has returned money in the past when they didn’t expend it all. They are not asking for operating funds. The motion was seconded by Councilmember Kirk.

Councilmember Keene stated that we have never let our homeless people sleep on the street. We can do another year maybe with vouchers. His approach would be to go slow. The Council has set aside money for it. He was very concerned about the mentally ill.

Councilmember Guzzetti believed that the Council had proceeded slowly. The CDBG funds are federal dollars. It is less than half of one percent of what we have spent the last two years of approximately $50M.

Councilmember Jarvis requested a report on the HELP program from the Chief of Police in the next few weeks.

Mayor Bertagna had concerns about a year-round facility. There has been a good faith effort by the shelter people. He would support the motion, however, not the year-round shelter. The funds can be used for a winter
facility. The Mayor requested a friendly amendment to exclude Morrow Lane which is in a neighborhood and he had received comments from concerned citizens.

Councilmember Jarvis did not accept the friendly amendment as every site will have people opposing it.

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Kirk, Lange, Bertagna
NOES: Herbert and Keene
ABSENT: None
ABSTAIN: None

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 9/12/00

By memorandum dated 9/14/00, the Internal Affairs Committee provided a report on its meeting held on 9/12/00. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair. The matters considered by the Committee which require Council action (or acknowledgment) at this meeting are listed below. By memorandum dated 9/18/00 the City Clerk provides copies of the documents received by the Committee relating to these items.

A. Review of Draft Environmental Mitigation and Monitoring Manual. The Committee recommended (3-0) that the Planning Director be directed to hold meetings with interested parties to receive public input on the draft Mitigation Monitoring Manual, after which it will be submitted to the City Council for consideration. (This is Item “G” of the Committee report) Acceptance

B. Consideration of Recycling Requirements for Multi-Family Residences. The Committee recommended (3-0) that staff be directed to work with the North Valley Property Owners Association and to then draft an amendment to the Chico Municipal Code providing for minimum recycling requirements for multifamily complexes, including a ratio for the required number of containers. (This is Item “I” of the Committee Report)

A motion was made by Councilmember Keene, seconded by Councilmember Kirk to approve the Internal Affairs report from the 9/12/00 meeting and the actions requested.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON 9/7/00

By memorandum dated 9/13/00, the Finance Committee provided a report on its meeting held on 9/7/00. Committee members present were Councilmembers Herbert, Lange, and Keene, Chair. The matters considered by the Committee which require Council action (or acknowledgment) at this meeting were listed below. The Council was also being provided with copies of a memorandum dated 9/19/00 from Management Analyst Herman transmitting the Annual Fee Schedule Adjustments for Item A below, and a memorandum dated 8/31/00 from the Housing Officer for Item B.

A. Review of Annual Amendments to the City’s Fee Schedule (Amendment No. 247 - Copy Fees, Business License Tax Information, Dog License Fees, Parking Fees and Rates, Fire Department Fees, Uniform Fire Code Permit Fees, Transportation Facility Fees, Sewer Fees, Public Works Fees, Vacation and/or Abandonment Fees, Public Right of Way Cafe License Fee, and Airport Fees). The Committee recommended (3-0) that staff be directed to revise the proposed annual fee schedule adjustments to eliminate any fee increases that were based on employee salary increases, including those discussed by the Committee today; and that the annual fee schedule adjustments be submitted to the City Council for approval as revised. (This is Item “F” of the Committee Report)

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to adopt:
RESOLUTION NO. 45-00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 247 - COPY FEES, BUSINESS LICENSE TAX INFORMATION, DOG LICENSE FEES, PARKING FEES AND RATES, UNIFORM FIRE CODE PERMIT FEES, TRANSPORTATION FACILITY FEES, SEWER FEES, VACATION AND/OR ABANDONMENT FEES, AND AIRPORT FEES).

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

B. Discussion Regarding Alternative Methods To Fund Community Development Block Grant (CDBG) Program Eligible Public Improvements. The Committee recommended (3-0) that staff be directed to pursue the use of a Section 108 loan as alternative funding for large projects such as the Chico-Vecino storm drain, and bring this information back for consideration during the CDBG/HOME Annual Plan process next year. (This is Item “G” of the Committee Report)

A motion was made by Councilmember Keene and seconded by Councilmember Herbert to accept the Finance Committee recommendation.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

4.7. APPOINTMENT TO FILL VACANCY ON PLANNING COMMISSION

On the Consent Agenda, the Council was requested to accept Commissioner Glenn Fry's resignation, creating a vacant position with a term expiring 1/1/03. By memorandum dated 9/8/00, the City Clerk forwarded copies of applications on file in her office from individuals interested in being considered for appointment, and the Council considered making the appointment at this time. Council concurred to wait to fill the vacancy on the Planning Commission due to the Clerk’s office publishing advertisements in October to recruit for applications for all Boards and Commissions as part of the biennial recruitment (approximately half of the members’ terms will expire on 01/01/01).

4.8. APPOINTMENT TO FILL VACANCY ON ARCHITECTURAL REVIEW BOARD

On this evening’s Consent Agenda the Council was requested to accept Board Member Jane Taylor's resignation, creating a vacant position with a term expiring 1/1/03. By memorandum dated 9/18/00, the City Clerk forwarded copies of applications on file in her office from individuals interested in being considered for appointment. Council concurred to wait to fill the vacancy on the Architectural Review Board due to the Clerk’s office publishing advertisements in October to recruit for applications for all Boards and Commissions as part of the biennial recruitment process.

4.9. ITEMS ADDED AFTER POSTING OF THE AGENDA REPORT AND RECOMMENDATION FROM FINANCE COMMITTEE MEETING HELD ON 10/2/00 REGARDING AUTHORIZATION FOR STAFF TO REDUCE INTEREST ON DELINQUENT ASSESSMENTS

The Finance Committee recommended (3-0) adoption of the following policy authorizing staff to reduce interest on delinquent assessments:

Policy
The City Manager shall have the discretion to reduce interest on delinquent assessments up to the City’s rate of return plus 2% (the rate of return is to be based on the annualized rate on the City’s investment pool for the period of the delinquencies), subject to the condition that the property owner can provide evidence that he/she had no knowledge of the delinquent assessments, no control over the payment of the delinquent assessments, or could not pay because the County would not accept partial payment.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to accept the Finance Committee recommendation of the policy authorizing staff to reduce interest on delinquent assessments.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN 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.

6.1. Letter dated 9/12/00 from Hollie Vinson requesting the City Council to reconsider its decision of 6/6/00 to abandon the City’s television production studio/video equipment lending program.

6.2. Memorandum dated 9/18/00 from the Finance Director reporting that the list of claims paid during the month of August 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council

7. ADJOURNMENT

Meeting was adjourned at 12:04 a.m. to Tuesday 10/17/00, 7:00 p.m. in Conference Room No. 2, if closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: December 5, 2000

____________________________________  ______________________________________
City Clerk                                Mayor
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:15 p.m.

1.1. Roll Call: Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: None

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson. The name of the employee organization that represents employees is Chico Service Employees International Union (Units A and B). (Gov. Code Sec. 54957.6.)

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following: *Delgadillo v. Keeney, et al.* Butte County Superior Court No. 123209 (automobile collision) (Gov. Code Sec. 54956.9(a.).)

3. **ADJOURNMENT**

The meeting was adjourned at 7:30 p.m. to a City Council meeting in the Council Chamber.
1. CALL TO ORDER - The Mayor called the meeting to order at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation — Reverend Carolyn McKeown, Spiritual Enrichment Center Church of Religious Science

1.3. Roll Call — PRESENT: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

- ABSENT: None

1.4. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Community Development Assistant Sellers, Senior Planner Jolliffe and Principal Planner Figge.

1.5. Proclamations

- a. The Mayor presented a proclamation proclaiming the week of October 23 as "Red Ribbon Week" to Angela Andrade, Butte County Behavior Health - Prevention Unit.

- b. The Mayor presented a proclamation proclaiming the month of November as "Fly Your Flag Month" to Ed Reagan, Chico Elks Lodge, No. 143.

1.6. Closed Session Announcement - none

2. CONSENT AGENDA

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the following Consent Agenda:

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM R1 LOW DENSITY RESIDENTIAL TO OR OFFICE RESIDENTIAL A 0.32 ACRE EASTERLY PORTION OF THE PROPERTY AT 2580 FLORAL AVENUE, ASSESSOR’S PARCEL NUMBER 048-720-017 - INTRODUCTORY READING

By memorandum dated 9/27/00, Senior Planner Palmeri reported that at its meeting of 9/7/00, the Planning Commission voted unanimously to recommend Council approval of a negative declaration and rezone from R1 Low Density Residential to OR Office Residential for a 0.32 acre portion of a 0.60 acre parcel of land located at 2580 Floral Avenue (RZ 00-06 / Dan Hays, applicant). The property is identified as Assessor’s Parcel No. 048-720-017 and is designated Office on the General Plan Diagram. A public hearing on the rezone would be scheduled for Council’s meeting of 11/7/00. The Planning Director recommended that the ordinance receive introductory reading at tonight’s meeting.

2.2. ACKNOWLEDGE RECEIPT OF REPORT FROM CHAIR OF THE ARCHITECTURAL REVIEW BOARD REGARDING ABSENCES OF BOARD MEMBER MORAN

By memorandum dated 10/3/00, Architectural Review Board Chair John Linhart reported that Board member Sandy Moran missed two consecutive meetings in July due to other commitments, and so informed City staff prior to said absences. This report was made in compliance with Administrative Procedure and Policy No. 10-18 regarding attendance of Board and Commission members.

The motion carried by the following vote:

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

NOES: None

ABSENT: None

ABSTAIN: None.
3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON IMPLEMENTATION OF SEWER LIFT STATION CAPACITY FEES - LASSENAVENUE SEWER LIFT STATION**

By memorandum dated 9/22/00 the Director of Public Works recommended approval of the below resolution which will designate the area to be served by the Lassen Avenue Sewer Lift Station and establish the lift station capacity fees to be assessed upon connection to the City sewer system by properties within the designated areas served by the Lassen Avenue Sewer Lift Station. Section 66016 of the California Government Code requires that a public hearing on establishment of a Development Impact Fee be held and that a public notice be mailed to anyone who has requested such notice. In addition, such requests must be renewed annually on April 1. The required notice was mailed to those parties who have filed such a request. The Director of Public Works recommended approval of this resolution designating the area to be served by this lift station and establishing a connection fee for properties connecting thereto. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to adopt:

**RESOLUTION NO. 46 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 251 - SEWER LIFT STATION CAPACITY FEES)**

The motion carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagana

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

3.2. **HEARING ON GENERAL PLAN AMENDMENT (GPA 00-7) AND PREZONE (PZ 00-3)**

By memorandum dated 10/17/00, Assistant Planner Hanson reported that at the Planning Commission meeting of 9/7/00, the Commission voted unanimously (7-0) to recommend approval of an amendment to the General Plan Diagram from Low Density Residential to Community Commercial (Patterson) and a consistent prezone from R1 Low Density Residential to PD/CC Planned Development/Community Commercial for property located at 259 Panama Avenue. State law limits the number of times a general plan may be amended annually; therefore, several amendments will be brought forward for City Council consideration as one action and resolution this year. Planning staff recommended that the Council hold a public hearing on this General Plan amendment and rezone and adopt the resolution of intention to approve the amendment to the City of Chico General Plan. Final reading and adoption of the rezone ordinance will be brought forward with the General Plan amendment on a future consent agenda for City Council adoption. The Planning Commission and Planning Director recommended adoption of the resolution of intention and introduction of the ordinance. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Jarvis, seconded by Councilmember Kirk to adopt the following:

**RESOLUTION NO. 47 00-01 -- A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO AMEND THE GENERAL PLAN DESIGNATION IN AN UNINCORPORATED AREA, COUNTY OF BUTTE, STATE OF CALIFORNIA GENERAL PLAN AMENDMENT NO. 00-7 (CHUCK PATTERSON) PREZONING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA - PREZONE NO. 00-3 (CHUCK PATTERSON) — INTRODUCTORY READING**

The motion carried by the following vote:

**AYES:** Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagana

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

3.3. **HEARING ON PLACING ASSESSMENTS ON THE 2000-01 TAX ROLL TO RECOVER CITY COSTS ASSOCIATED WITH THE LOT CLEANING / WEED ABATEMENT PROGRAM**

**10/17/00**

*Page 3 of 9*
By memorandum dated 10/4/00, Project Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City was required to hold a public hearing (10/17/00) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 2000-01 tax roll. Affected property owners were provided with written notice of the public hearing, and a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 10/4/00, is attached to the memorandum. The Project Manager recommended that the City Council (1) Hear any public protests or comments; (2) Approve the costs for various parcels as recommended in his memorandum; (3) Make any changes or corrections it deems appropriate in the assessments based on any protests or comments it hears at the public hearing on 10/17/00, and (4) Approve the placement of the assessments on the 2000-01 tax roll. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Kirk, seconded by Councilmember Herbert to approve the costs as recommended, approve the placement of the assessments on the 2000-01 tax roll and waive the $80.00 filing fee for those properties recommended in the memorandum.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 505, WHITEHALL PARK SUBDIVISION

By memorandum dated 9/22/00, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 505. As a condition of approval of a subdivision map for this subdivision, generally located north of the intersection of Centennial Avenue and East 8th Street, the developer, Paul Leete, has consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage facilities within the subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to adopt the following:

RESOLUTION NO. 48 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 505 — WHITEHALL PARK SUBDIVISION)

AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

3.5. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 504, SCOUT COURT

By memorandum dated 9/26/00, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 504. As a condition of approval of a subdivision map for this subdivision, generally located on the west side of Marigold Avenue, 330 feet north of East Avenue, the developers, Lowell and Debbie Pierce and Kevin Pierce, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation within the future median on Marigold Avenue and the storm drainage leach trench interior to the subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke.
A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt:

**RESOLUTION NO. 49 00-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 504 — SCOUT COURT).**

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

**REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA - none**

4.2. **CONSIDERATION OF BANK EROSION STUDY - LINDO CHANNEL, MANZANITA TO MADRONE AVENUES**

By memorandum dated 9/28/00 the Park Director transmitted a study which examined the bank conditions along Lindo Channel from Manzanita to Madrone Avenues. The report confirmed that there were two sites in need of stabilization and presented preliminary recommendations that addressed those sites. The City Council requested this information prior to discussing what, if any, role the City would have addressing the erosion issues which are on private property.

Roger Cole presented an overview of his recommendations contained in the Bank Erosion Study Final Report prepared for the City by Interactive Design.

City Manager Lando stated that his residence was downstream from the area that Council was asking questions about and therefore did not feel comfortable in participating in the conversation. He left the Chamber at 7:45 p.m.

Comments were received from the public. Valarie Converse urged the Council to complete the repairs in this area. Her property is adjacent to one of the sites. John Merz felt that a comprehensive plan was needed to address these issues. Whatever repairs were done in one area would impact another. Lindo Channel, when it is flowing, is flowing on private property. The City needs a comprehensive plan that deals with everything including actual costs. He also felt that staff should first look at what the City’s responsibility is and then the property owners.

Councilmember Jarvis recommended that Council continue this item to the 11/21/00 meeting which would allow staff additional time to present additional information on the repair costs and a master management plan for the Channel. Councilmember Kirk questioned whether we would be doing a disservice addressing individual problems areas without an overall plan.

Councilmember Keene stated that one of the properties had already lost half of its backyard area. He didn’t think that the City should wait until more of the land was lost and then have to handle it under an emergency approach. He felt that the City should proceed with the repair. He did agree that the City needed to look at the shared responsibility for the costs of repairs.

Councilmember Jarvis said that she wanted consideration to proceed quickly. Her motion was to accept the report, send it to the 11/21/00 budget meeting at which time the matter could be agendized for both funding of the repairs and consideration of an overall Lindo Channel Management Plan. Councilmember Kirk seconded it.

The motion carried by the following vote:
AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS**
MEETING HELD ON 10/2/00

By memorandum dated 10/5/00, the Finance Committee provided a report on its meeting held on 10/2/00, at which time the matters listed below were considered. Committee members present were Councilmembers Herbert, Lange, and Keene, Chair.

A. *(No Council action required--this recommendation was approved by Council on 10/3/00)*

   Consideration of Policy Allowing City Manager to Negotiate and Reduce Interest and Penalties on Delinquent Assessments. The Committee recommended (3-0) adoption of the following policy authorizing staff to reduce interest on delinquent assessments: The City Manager shall have the discretion to reduce interest on delinquent assessments up to the City’s rate of return plus 2% (the rate of return is to be based on the annualized rate on the City’s investment pool for the period of the delinquencies), subject to the condition that the property owner can provide evidence that he/she had no knowledge of the delinquent assessments, no control over the payment of the delinquent assessments, or could not pay because the County would not accept partial payment.

B. *(No Council action required)*

   Approval of Loan Agreement Provisions for Loan to CSU, Chico Research Foundation for Property Acquisition in the College Park Area. The Committee approved (3-0) the provisions to be included in the loan agreements between the City and the CSU, Chico Research Foundation for the purchase of property in the College Park area as set forth in the memorandum dated 9/25/00 from Assistant City Attorney Barker, and that Item #1 in the Explanation attached to Minute Order No. 29-99 be corrected to delete the words, “...for a multi-purpose recreational facility in the area.” *(NOTE: After the meeting staff determined that this language was part of the explanation attached to the Minute Order which referred to a letter from CSUC, and, therefore, did not affect the action taken by the City Council in the Minute Order.)*

C. *(Council action required)*

   Consideration of Proposed Changes to the City’s Purchasing Rules. The Committee (3-0) recommended that staff be directed to expand the proposed revisions to the City’s purchasing policies to include purchase of major, specialized equipment, rather than being limited to public safety vehicles and equipment; to provide information on how the cost savings for such purchases could be evaluated and documented; and to develop draft Code amendments implementing the proposed policies for further Committee review and recommendation.

   A motion was made by Councilmember Kirk and seconded by Councilmember Guzzetti to adopt the proposed changes to the City’s purchasing rules.

   The motion carried by the following vote:

   AYES: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
   NOES: None
   ABSENT: None
   ABSTAIN: None

4.4. ITEMS ADDED AFTER PREPARATION OF THE AGENDA

4.4. CONSIDERATION OF REQUEST FROM COUNCILMEMBER LANGE

By memorandum dated 10/11/00, Councilmember Lange requested postponement of the below discussion (item 4.5) requested by Councilmember Guzzetti for the following reasons:

A. The Council should not discuss any Fair Political Practices Commission (FPPC) investigations before they are completed and the Commission has finalized its examination of circumstances; however, if Council chooses to discuss the investigation of Planning Commissioner Wahl’s activities; then all current investigations should be discussed, including the FPPC investigation of Councilmember Jarvis’ activities.

B. The issue of Planning Commissioner Bradford’s residency has already been reviewed by the City Attorney and found to be acceptable.

C. Discussion of campaign finance reform within two weeks of an election should be postponed until after the election, since the current candidates have all been conducting their campaigns under the same, existing rules and regulations for this year.

D. Discussion of the above issues at a City Council meeting during the heat of the political campaign would detract from accomplishing the City’s business.
Councilmember Lange stated that while this issue needed to be addressed, it shouldn’t take place in the middle of an election which was why she made the request to postpone discussion. Councilmember Guzzetti read his memo to the Council. He stated that he wished Councilmember Lange had read his memo before placing her item on the agenda instead of reacting to an article in the paper. He felt that he needed to respond to the numerous inquiries regarding conflicts of interest.

Councilmember Kirk felt that the memo from the Assistant City Attorney was confusing. She would like to make it specific that you have to live continuously within the city when on a commission. Councilmember Jarvis suggested that the issue should go to the Internal Affairs Committee along with additional issues such as absences on the various Commissions and Committees.

The Mayor opened up the discussion to the public. John Gillander didn’t feel that Council should only address one of the several individuals with potential problems with the FPPC. The only confirmation that he had received from FPPC on who was being investigated was Councilmember Jarvis.

Caryn Jones stated that Larry Wahl was the Chairman of the Planning Commission and appointed by the Council, not elected. She felt that Larry Wahl should be suspended until FPPC issues its ruling. Dan Drake has contributed $25,000 to help elect his candidates to the Council.

Mike Smith encouraged the Council to consider the letter from Councilmember Guzzetti.

Tim Bousquet felt there was a problem with Councilmember Lange’s request due to the fact that she had never been elected. The Council is a political body and should hear these type of issues. Councilmember Keene had a problem with Planning Commissioner Barry Belmonte several years ago. If there is a problem with Councilmember Jarvis, then yes, that should be looked at also. Larry Wahl said at a recent candidate’s forum that the city should grow to the east. Drake owns the property to the east. In addition, Tim felt there was a residency issue with Bradford. No matter what address that you look at in the directory, he didn’t believe that Bradford was living in the City.

Council took a ten minute break at 9:00 p.m.

The Mayor spoke and stated that since the Council was already hearing comments on 4.5., Council should consider discussing Councilmember Guzzetti’s memo. The Mayor also stated that as far as campaign reform goes, it should be looked at after the election. There are rules that are already in place that everyone has been following. If there were to be changes, they should occur after the election.

A motion was made by Mayor Bertagna and seconded by Councilmember Keene to discuss Councilmember Guzzetti’s memo. Council concurred.

**4.5. DISCUSSION OF ISSUES RAISED BY COUNCILMEMBER GUZZETTI**

By memorandum dated 10/8/00, Councilmember Guzzetti requests the Council to discuss the following:

A. Concern that Planning Commissioner Larry Wahl has received campaign funds from citizens that have business before the Commission. Pursuant to Councilmember Guzzetti’s request, the Council is being provided with copies of materials previously prepared by Assistant City Attorney Barker: (1) a memorandum dated 6/28/00 regarding potential conflicts based on campaign contributions, and (2) an outline entitled, “The Rules,” and copies of Government Code Sections 84306 through 85102, which were distributed to the Planning Commission for its meeting of 7/20/00.

B. Concern with whether Planning Commissioner Ross Bradford meets the residency requirement (registered to vote within the City of Chico) for Board and Commission members, and also whether he has any conflict of interest issues.

C. Additional campaign financing reform for both individuals and general purpose committees.

Councilmember Guzzetti stated that Dan Drake had contributed to four of the seven Planning Commission members and there was no longer a quorum on the Planning Commission that could hear his items.
Councilmember Keene expressed his concern over accusations so close to the election. He felt that it should be discussed after the election is over.

Councilmember Jarvis made a motion to send this item to the Internal Affairs Committee for clarification of absences, campaign reform, and residency requirements. The motion was seconded.

The Mayor asked for audience comments. John Gillander informed the Council that a bill had passed and was signed by the Governor regarding conflict of interest reform. This new bill would address this issue.

Caryn Jones disagreed with waiting until after the election to address these issues. She felt that the Municipal Code already limited contributions.

Councilmember Jarvis questioned staff on what would happen if someone violated the municipal code. City Attorney Frank informed the Council that the determination of a violation would be based on the “intent.” If anyone had a compliant it would need to be filed with the City Attorney’s office, in which case, if a violation had occurred, it would be a misdemeanor. He cautioned that the limit applied to 18 months before the election.

Larry Wahl addressed the Council to let them know that he was working with the FPPC to comply with all requirements. Ross Bradford also informed the Council that he was there to answer any questions.

Dan Nguyen-Tan felt that the Council should wait for any FPPC rulings before addressing these issues. He supported campaign finance reform and felt that it should be addressed.

Council concurred to send these issues to Internal Affairs Committee for clarification of absences, campaign reform, and residency requirements.

5. **BUSINESS FROM THE FLOOR** - none

6. **REPORTS AND COMMUNICATIONS.** The following reports and communication items were provided for the Council’s information.

   6.1. Letter dated 9/22/00 from Dolly Brown requesting to make a presentation to the City Council in November regarding a proposal for a “Youth Auxiliary City Council.” Council concurred to allow a presentation to be made at the 11/7/00 meeting.

   6.2. Letter dated 9/29/00 from Director Patrick Kopp and Associate Director Dan DeWayne, University Public Events, requesting reallocation of $3,065 in TOT tourism funds for the FY 99-00 Chico World Music Festival. The City Manager recommended referral to the Finance Committee for review and recommendation. Council concurred to send this to the Finance Committee for review.


   6.4. Memorandum dated 10/2/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

**COPIES AVAILABLE FROM THE CITY CLERK:**

6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 9/27/00 for Pulcinella Ristorante, 142 Broadway.

7. **ADJOURNMENT.**

The Mayor adjourned the meeting at 11:35 p.m. to Thursday, October 19, 2000 at 6:00 p.m. at the CARD Community Center, 545 Vallombrosa Avenue, to attend a meeting sponsored by the Butte County Airport Land...
Use Commission regarding the 2000 Draft Airport Land Use Compatibility Plan.

Date Approved:  November 21, 2000

______________________________________  ______________________________________
City Clerk  Mayor
1. CALL TO ORDER — The Council recessed to Closed Session at 7:00 p.m.

1.1. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
    Absent: Guzzetti

1.2. ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2, 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 of 1371 Humboldt Avenue, Assessor’s Parcel No. 004-374-027. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations were proposed to be conducted are Otis and Shirley Dodge, the property owners (or such persons designated as their agent for the purpose of negotiations).

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson. The name of the employee organization that represents employees is Chico Service Employees International Union (Units A and B). (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1371 HUMBOLDT AVENUE (DODGE). Pursuant to Government Code Section 54954.8, the item of business to be discussed was a conference with the real property negotiator. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the property owners, Otis and Shirley Dodge (or such persons designated as their agent for the purpose of negotiations). The property is identified as 1371 Humboldt Avenue, Assessor’s Parcel No. 004-374-027. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

3. ADJOURNMENT

The Mayor adjourned the meeting at 7:27 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** - The Mayor called the meeting to order at 7:30 p.m.

1.1. Flag Salute
1.2. Invocation — Police Chaplain
1.3. Roll Call — Present: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
      Absent: Guzzetti

1.4. City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Community Development Director Baptiste, Principal Planner Figge, Director of Public Works Ross, Chief of Police Efford, Senior Planner Hayes, Management Analyst Herman, Public Works Administrative Manager Halldorson, Art Projects Coordinator Gardner

1.5. Closed Session Announcement - None

1.6. Proclamations were presented by the Mayor:
   a. Proclaiming November 13-19, 2000 as Leave a Legacy Week in the City of Chico
   b. Proclaiming November 13-19, 2000 as Child Care Week in the City of Chico

2. **CONSENT AGENDA** A motion was made by Councilmember Herbert and seconded by Councilmember Lange to approve the following:

2.1. **REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 5-00 - AUTHORIZATION FOR EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR AGENCY ASSISTANCE WITH PUBLIC IMPROVEMENT COSTS AND BUILDING PERMIT AND DEVELOPMENT IMPACT FEES FOR A PROPOSED BUSINESS TECHNOLOGY INCUBATOR AT THE CHICO MUNICIPAL AIRPORT**

   The CSU, Chico College of Engineering, Computer Science and Technology (ECT) was interested in establishing a Business Technology/Incubator Center on the approximate 3.76 acre parcel on the corner of Airpark Blvd. and Fortress St. at the Chico Municipal Airport that was sold to Slater Land Inc. The proposed Technology Center/Incubator would provide services and facilities necessary to foster the growth of computer based high technology businesses by subleasing space to new and expanding businesses. ECT requested assistance from the Redevelopment Agency for the public improvement costs and the associated building permit and other development impact fees. The Economic Development Committee reviewed this request for assistance and recommended that the Redevelopment Agency provide a 5-year loan at 0% interest for up to $150,000 in assistance for the off-site improvement costs, and the associated development impact and permit fees for the proposed incubator project. The loan repayment agreement would allow for a $5,000 credit for each $30,000/year or more salaried job created through the incubator. This recommendation was consistent with previous agreements the Agency had entered with other noncommercial businesses. This Minute Order would authorize the Executive Director to enter into an agreement for a 5-year loan of up to $150,000 for the cost of public improvements, and the building permit and development impact fees associated with the project subject to the terms and conditions set forth in the Minute Order. In addition to the Minute Order, the Council was provided with copies of the Economic Development Committee minutes and background information the Committee received relating to this project. The Economic Development Committee recommended approval of the Minute Order.

2.2. **REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 6-00 - AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE DOCUMENTS RELATING TO THE ACQUISITION OF REAL PROPERTY IN CONNECTION WITH HUMBOLDT ROAD DISPOSAL SITE & REMEDIATION PROJECT - APN 011-030-137 (DUNN)**

   Barbara and Earl Dunn, property owners in the site characterization testing area near Bruce and Humboldt Roads, have refused to execute an agreement on right of entry to allow testing and sampling required to complete the Final Work Plan for Additional Site Characterization. The Dunns proposed that the City or Agency acquire the property. Because of substantial delays which could result if testing does not proceed in a timely fashion, the Executive Director of the Agency recommended that the Agency acquire the property subject to the terms and conditions set forth in the minute order, and arrange for conveyance of title to the City of Chico, contingent on
the City’s use of the property in a manner in accord with the current Redevelopment Plan for the Greater Chico
Urban Area or any future Plan amendment(s). The Executive Director recommended approval of the minute order.

The motion to approve the Consent Agenda carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA - None

4.2. CONSIDERATION OF ART SELECTION PANEL RECOMMENDATION REGARDING THE ART PROPOSAL
FOR THE AIRPORT ART PROJECT

By memorandum dated 10/2/00, Art Projects Coordinator Gardner forwarded the recommendation of the Airport
Art Project Selection Panel regarding the artist and proposed art piece to be installed in the landscaped area
adjacent to the new Airport Terminal parking lot, at the corner of Fortress Street and Airpark Boulevard. The
Selection Panel reviewed 28 applications and reduced the number to six finalists. The finalists were required to
prepare scale models of their proposals and present them to the Panel. The models were then placed on display
in the lobby of the Municipal Center building for two weeks, and public comment solicited. A summary of the
public comments received was provided to the Selection Panel for consideration. At its meeting of 9/18/00, the
Panel selected the proposal of artist James T. Russell of Lomita, California for this project. At their joint meeting
of 9/26/00, the Airport Commission and the Arts Commission reviewed the recommendation of the Panel and each
voted unanimously to recommend City Council approval of the selection. Artist James Russell was present to
present his proposal to the Agency and to answer questions. A short slide presentation was included. The
Airport Commission and Arts Commission recommended approval of the Selection Panel’s recommendation.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve the Selection
Panel’s recommendation.

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Kirk, Lange
NOES: Herbert, Keene, Bertagna
ABSENT: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

Adjourned at 7:50 p.m. to a City Council meeting.
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:50 p.m.

1.1. **Roll Call** — Present: Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
Absent: None

2. **CONSENT AGENDA** - Councilmember Jarvis removed Item 2.1, Councilmember Keene removed Items 2.4 and 2.5 from the Consent Agenda to be heard under Item 4.1.

2.1. **ORDINANCE NO. 2205** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS” OF THE CHICOMUNICIPAL CODE, IN RELATION TO WIRELESS TELECOMMUNICATIONS FACILITIES — FINAL READING & ADOPTION

By memorandum dated 10/24/00, Assistant City Attorney Barker forwarded this ordinance for final reading and adoption. At its meeting of 10/3/00 the City Council conducted a hearing on the ordinance and made several changes to it, after which the ordinance received introductory reading as revised. All of the changes have been incorporated into the ordinance now before the Council for adoption. Pursuant to Council direction at its meeting of 10/3/00, staff recommended adoption of the ordinance.

2.2. **RESOLUTION NO. 50 00-01** -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATIONS FOR PROPERTY LOCATED AT 2031 EAST 20TH STREET (GPA 00-2 GROSSMAN) AND 259 PANAMA AVENUE (GPA 00-7 PATTERSON)

**ORDINANCE NO. 2206** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY LOCATED AT 2031 FRANKLIN STREET - PREZONE NO. 00-2 (KEN GROSSMAN/SIERRA NEVADA) - FINAL READING AND ADOPTION

**ORDINANCE NO. 2207** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY LOCATED AT 259 PANAMA AVENUE - PREZONE NO. 00-3 (CHUCK PATTERSON) - FINAL READING AND ADOPTION

Principal Planner Figge reported that the City Council held noticed public hearings on general plan amendments and prezone requests for application numbers GPA 00-2 and PZ 00-2 (Grossman) and GPA 00-7 and PZ 00-3 (Patterson) on 8/1/00 and 10/17/00, respectively. After the close of those hearings the Council adopted resolutions of intent to approve the general plan amendments and introduced the prezone ordinances in both instances. The Grossman application proposed to redesignate property at 2031 Franklin Street from Medium High Density Residential to Manufacturing and Warehousing and to rezone from CC Commercial Services to ML Light Manufacturing. The Patterson application proposes to redesignate property at 259 Panama Avenue from Low Density Residential to CC Community Services and to rezone from R1 Low Density Residential to CC-PD Community Commercial-Planned Development. Previously, the Planning Commission voted unanimously to recommend approval of the general plan amendment and prezones. The Planning Commission and Planning Director recommended approval of a negative declaration, an amendment to the Chico General Plan Land Use Diagram and adoption of the Prezone Ordinances.

2.3. **RESOLUTION NO. 51 00-01** -- A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INDICATING THE INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (3% @ 50 RETIREMENT PLAN - SAFETY MEMBERS AND FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - FIRE SAFETY MEMBERS)
ORDINANCE NO. 2209 — AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (3% @ 50 RETIREMENT PLAN - SAFETY MEMBERS AND FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - FIRE SAFETY MEMBERS) — INTRODUCTORY READING

By memorandum dated 10/16/00, the Personnel Director reported that Council adoption of a resolution and ordinance was required to authorize amending the City’s contract with the Public Employees’ Retirement System (PERS) to add the 3% at 50 Retirement formula for public safety employees and the Fourth Level Survivor Benefits for Fire Safety Employees. These modifications were approved as part of the most recently approved Memoranda of Understanding between the City and International Association of Fire Fighters (IAFF) and Chico Police Officers’ Association - Sworn Unit (CPOA-Sworn), and would be effective 01/14/01. Additional funding of $25,311 was required, which would be allocated through an administrative Supplemental Appropriation authorized through prior Council approval of the agreements between the City and IAFF and CPOA-Sworn. The City Manager and Personnel Director recommended adoption of the proposed resolution and ordinance.

2.4. RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (A PORTION OF THE CHESTNUT STREET RIGHT-OF-WAY BETWEEN WEST 2ND STREET AND WEST 3RD STREET, ASSESSOR'S PARCEL NOS. 004-047-012 AND 004-048-007) - This item was pulled by Council Member Keene and Council concurred to send it to the Internal Affairs Committee for further review and discussion.

2.5. MINUTE ORDER NO 30-00 - AUTHORIZATION FOR CITY MANAGER TO ACCEPT AND CONSENT TO CONVEYANCE OF REAL PROPERTY - APN 011-030-137 (DUNN)

The Chico Redevelopment Agency was asked to approve the purchase of APN 011-130-137 from Barbara and Earl Dunn (Item 2.2 on the 11-7-00 Redevelopment Agency agenda). The Agency approved the purchase, and would arrange for the conveyance of title to the City of Chico, subject to the provision that the property will be held and used by the City in a manner consistent with the Redevelopment Plan for the Greater Chico Urban Area Redevelopment Project Area as currently provided or as it may be hereafter amended. This Minute Order authorized the City Manager to accept and consent to the conveyance of the referenced real property to the City, subject to the provision cited above. The City Manager recommended approval of the minute order as the Agency approved the purchase.

2.6. MINUTE ORDER NO 31-00 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH CSU, CHICO AND THE ASSOCIATED STUDENTS TO PROVIDE NO FARE BUS SERVICE ON THE CHICO AREA TRANSIT SYSTEM AND THE STUDENT SHUTTLE TO CSU, CHICO STUDENTS

This Minute Order authorized the City Manager to execute an agreement with California State University, Chico and the Associated Students to continue to provide the Student Shuttle and free fare bus service to CSU, Chico students. This new combined agreement superseded the two existing agreements entitled “Agreement to Provide Bus Service on Chico Area Transit for Chico Area Transit for California State University, Chico Students” and the “Agreement to Provide Student Shuttle Service on Chico Area Transit for Students of California State University, Chico (City of Chico/Associated Students). The City Manager recommended approval of the Minute Order.

2.7. ACCEPTANCE OF STAFF RECOMMENDATIONS REGARDING EXTENSIONS / RESCISSION OF COMMUNITY ORGANIZATION FUNDING

By memorandum dated 10/23/00, the Assistant City Manager reported on those community organizations which had not yet been funded and had been advised of the November 1 rescission date established by City Council policy. As reported in the memorandum, the status of these organizations was reviewed and, based on the written requests for extension, staff recommended extensions for Tomorrow’s Leaders Today, Encore Theatre, the Chico Art Center and North Valley Parent Education Network to resolve the questions identified in the memorandum and rescission of funds for PAWS (Chico Cat Coalition) if the outstanding documents were not submitted and approved by November 1. The Assistant City Manager recommended approval of staff recommendations.
2.8. **APPROVAL OF MINUTES FOR MEETINGS HELD JULY 25, AUGUST 1, AND AUGUST 15, 2000**

The Council was provided with copies of minutes for its meetings held 7/25/00, 8/1/00, and 8/15/00.

The motion to approve the Consent Agenda with Items 2.4 and 2.5 being heard under Item 4.1 carried by the following vote:

**AYES:** Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON APPEAL BY CITY MANAGER OF MODIFICATION OF USE PERMIT CONDITIONS (AT&T WIRELESS SERVICE)** — The Mayor disqualified himself from the discussion on this item and left the Chamber

By memorandum dated 10/16/00, Senior Planner Palmeri reported that at its meeting of 7/25/00 the City Council set for hearing on 11/7/00, an appeal by the City Manager of the 7/6/00 Planning Commission action modifying Use Permit 99-28 (AT&T Wireless Services) by deleting Conditions 5 and 6 relating to power levels and annual monitoring of a telecommunications facility. The decision was appealed by the City Manager on the basis that the modification was inconsistent with Council direction of 2/1/00. The site was located at 215 Orange Street, and was identified as Assessor’s Parcel Number 004-038-003. The property is zoned ML Light Manufacturing/Industrial and was designated Manufacturing and Warehousing on the General Plan Diagram.

The Council was also provided with copies of a letter with exhibits dated 10/27/00 from Kevin R. Iams, representing AT&T Wireless Service, opposing the appeal.

The Planning Director recommended that the City Council deny the appeal and adopt the below resolution approving a modification of the use permit conditions consistent with the wireless telecommunications facilities ordinance. Vice Mayor Herbert opened the hearing to the public.

Kevin Iams from AT&T stated that any type of monitoring is prohibited by the Federal Communication Act and only the FCC has the authority to determine this requirement. Secondly, the conditions originally imposed were discriminatory as no other carrier had been required to limit power densities. In regards to the health and safety issues, he felt that this facility, at its greatest possible output was only 1% of what is legally permitted. There would be no risk to the neighbors or community.

Richard Harriman wanted to clarify that the Council (if action was taken) was modifying the conditions of a use permit which would require another environmental review. Doreen Kelley, representing Butte County Red Cross, stated that she felt stronger power signals were needed, especially in times of emergency. Her concern was the impact for notifying emergency personnel in a time of crisis and if the signals were too weak which could cause a delay in obtaining help. City Manager Lando clarified that the power level that had been granted was the level requested by the carrier, not determined by City requirements.

The Vice Mayor closed the Public Hearing. A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt:

**RESOLUTION NO. 52.00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A MODIFICATION OF THE CONDITIONS OF APPROVAL FOR USE PERMIT 99-28 (AT&T WIRELESS SERVICES) TO ALLOW A TELECOMMUNICATIONS FACILITY AT 215 ORANGE STREET, ASSESSOR’S PARCEL NUMBER 004-038-003 - PUBLIC HEARING**

The motion carried by the following vote:

**AYES:** Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Bertagna
3.2. **HEARING ON GENERAL PLAN AMENDMENT (GPA 00-8)**

By memorandum dated 10/18/00, Senior Planner Tom Hayes reported that at the Planning Commission meeting of 10/05/00, the Commission voted unanimously (6-0) to recommend approval of text amendments to the Noise Element of the General Plan. The proposed amendments incorporated changes recommended by the Arterial Noise Study. The amendments combined with the Acoustical Design Manual establish noise standards for transportation and non-transportation noise sources and provided a variety of measures that will be used to mitigate noise impacts on noise sensitive land uses, such as housing, and in many instances, avoid the use of “sound-walls.” The Planning Commission and Planning Director recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke on this issue. Councilmember Keene stated that he wasn't sure that the 10-feet requirement was adequate and would like to have Internal Affairs look at those requirements.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to adopt:

**RESOLUTION NO. 53 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN TEXT BY MODIFYING THE NOISE ELEMENT (GENERAL PLAN AMENDMENT, GPA 00-8)**

The motion carried by the following vote:

**AYES:** Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** None

3.3. **HEARING ON REZONE NO. 00-06 — DAN HAYS, APPLICANT**

By memorandum dated 10/18/00, Senior Planner Palmeri reported that at its meeting of 9/7/00, the Planning Commission voted unanimously to recommend Council approval of a negative declaration and rezone from R1 Low Density Residential to OR Office Residential for a 0.32 acre portion of a 0.60 acre parcel of land located at 2580 Floral Avenue (RZ 00-06 / Dan Hays, applicant). The property was identified as Assessor’s Parcel No. 048-720-017 and was designated Office on the General Plan Diagram. At the City Council meeting of 10/17/00 the below ordinance received introductory reading. The Planning Director recommended adoption of the ordinance. The Mayor opened the hearing to the public. No one spoke. A motion was made by Councilmember Kirk and seconded by Councilmember Keene to adopt:

**ORDINANCE NO. 2208 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO REZONE FROM R1 LOW DENSITY RESIDENTIAL TO OR-OFFICE RESIDENTIAL A 0.32 ACRE EASTERLY PORTION OF THE PROPERTY AT 2580 FLORAL AVENUE, ASSESSOR’S PARCEL NUMBER 048-720-017 — FINAL READING & ADOPTION**

The motion carried by the following vote:

**AYES:** Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** None

3.4. **HEARING ON PROPOSED STREET NAME CHANGE - DEBORAH TERRACE TO SUMMERWOOD COURT**

By memorandum dated 10/26/00, Associate Planner Sigona reported that the Homeowners’ Association for Lindo View Manor had petitioned the City Council to change the name of their street from Deborah Terrace, located off Hooker Oak Avenue between Four Seasons Way and Shimmering Oak Court, to Summerwood Court. The Planning Director recommended adoption of the below resolution approving the change. A motion was made by Councilmember Keene and seconded by Councilmember Herbert to adopt:

**RESOLUTION NO. 54 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CHANGING...**
THE NAME OF DEBORAH TERRACE TO SUMMERWOOD COURT IN THE CITY OF CHICO

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None

3.5. HEARING ON PROPOSED STREET NAME CHANGE - PORTION OF TALBERT DRIVE TO WITTMEIER COURT

By memorandum dated 10/26/00, Associate Planner Sigona reports that an adjoining property owner has petitioned the City Council to change the name of the portion of Talbert Drive located westerly of Forest Avenue, to Wittmeier Court. The Planning Director recommended adoption of the below resolution approving the change with it being noted that it should reflect "Wittmeier Drive" instead of "Court". A motion was made by Councilmember Herbert and seconded by Councilmember Keene, to adopt as amended:

RESOLUTION NO. 5400-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CHANGING THE NAME OF THE WESTERLY SEGMENT OF TALBERT DRIVE TO WITTMEIER DRIVE IN THE CITY OF CHICO

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Herbert, Keene, Kir, Lange, Bertagna
NOES: None
ABSENT: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ORDINANCE NO. 2205 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" OF THE CHICOMUNICIPAL CODE, IN RELATION TO WIRELESS TELECOMMUNICATIONS FACILITIES—FINAL READING & ADOPTION — This item was removed from the Consent Agenda by Councilmember Jarvis in order for the Mayor (who left the Chamber after disqualifying himself) could return for the balance of the Consent Agenda.

By memorandum dated 10/24/00, Assistant City Attorney Barker forwarded this ordinance for final reading and adoption. At its meeting of 10/3/00 the City Council conducted a hearing on the ordinance and made several changes to it, after which the ordinance received introductory reading as revised. All of the changes have been incorporated into the ordinance now before the Council for adoption. Pursuant to Council direction at its meeting of 10/3/00, staff recommended adoption of the ordinance.

A motion was made by Councilmember Jarvis and seconded by Councilmember Herbert to adopt

ORDINANCE NO. 2205 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" OF THE CHICOMUNICIPAL CODE, IN RELATION TO WIRELESS TELECOMMUNICATIONS FACILITIES

The motion carried by the following vote:
AYES: Jarvis, Herbert, Kir, Lange
NOES: Keene
ABSENT: Guzzetti
ABSTAIN: Bertagna

2.4. RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (A PORTION OF THE CHESTNUT STREET RIGHT-OF-WAY BETWEEN
By memorandum dated 10/23/00, the Director of Public Works reported that California State University, Chico petitioned the City to abandon a portion of Chestnut Street, between West 2nd Street and West 3rd Street, to allow for expansion of the University. An easement would be reserved over the entirety of the proposed abandonment for public utilities, public services, and bicycle/pedestrian access. The Director of Public Works recommended adoption of the resolution which would schedule a public hearing for 12/5/00.

Council concurred to send this issue to Internal Affairs for further review and discussion.

2.5. **MINUTE ORDER NO 30-00 - AUTHORIZATION FOR CITY MANAGER TO ACCEPT AND CONSENT TO CONVEYANCE OF REAL PROPERTY - APN 011-030-137 (DUNN)**-- This item was removed from the Consent Agenda by Councilmember Keene for further discussion.

The Chico Redevelopment Agency was asked to approve the purchase of APN 011-130-137 from Barbara and Earl Dunn (Item 2.2 on the 11-7-00 Redevelopment Agency agenda). The Agency approved the purchase, and would arrange for the conveyance of title to the City of Chico, subject to the provision that the property would be held and used by the City in a manner consistent with the Redevelopment Plan for the Greater Chico Urban Area Redevelopment Project Area as currently provided or as it may be hereafter amended. This Minute Order authorized the City Manager to accept and consent to the conveyance of the referenced real property to the City, subject to the provision cited above.

The City Manager recommended approval of the minute order. A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the minute order as amended.

The motion carried by the following vote:

**AYES:** Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 10/10/00**

By memorandum dated 10/13/00, the Internal Affairs Committee provided a report on its meeting held on 10/10/00. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair. By memorandum dated 10/20/00 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

**Consent Agenda**

**A. (No Council action required)**

Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 689. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 689 establishing bike lanes along the northerly portion of Whitman Avenue between East 20th Street and East 23rd Street.

**B. (No Council action required)**

Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 691. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 691 establishing no parking and bike lanes along Amanda Way between Forest Avenue and Hartford Drive, and along Springfield Drive between Forest Avenue and the future intersection with Notre Dame Boulevard.

**C. (Council action required to introduce ordinance)**

Approval of Proposed Code Amendment to Regulate Coasting Devices in Public Areas. The Committee
recommended (3-0) that the ordinance regulating coasting devices in public areas be forwarded to the City Council for adoption. A motion was made by Councilmember and seconded by Councilmember Herbert to approve the introduction of:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REGULATE THE USE OF COASTING DEVICES IN PUBLIC AREAS — INTRODUCTORY READING

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

D. (Council action required to introduce ordinance)

Approval of Proposed Code Amendment to Prohibit Open Containers of Alcoholic Beverages in Public Places. The Committee (3-0) recommended that the ordinance prohibiting open containers of alcoholic beverages in public places be forwarded to the City Council for adoption. A motion was made by Councilmember Keene and seconded by Councilmember Herbert to approve the introduction of:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN SPECIFIED AREAS — Introductory Reading

The motion carried by the following vote:
AYES: Guzzetti, Jarvis, Herbert, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: None
ABSTAIN: None

Regular Agenda

E. (No Council action required)

Consideration of Establishing a Traffic Circle at California Park and Yosemite Drives. The Committee (3-0) accepted the staff recommendation to delay consideration of the installation of a traffic circle at California Park and Yosemite Drives in order to determine the effectiveness of the recently installed stop signs, and directed staff to bring this back for further Committee consideration in four or five months.

F. (Council action required on Items No. 1 and No. 8 below)

Consideration of Traffic Calming Measures in California Park and on Yosemite Drive.

1. General Plan Amendment to reclassify Yosemite Drive, Idyllwild Circle and Lakewest Drive from “Collector” to “Local” streets. The Committee recommended (3-0) that Yosemite Drive, Idyllwild Circle and Lakewest Drive be reclassified in the General Plan from “collector” streets to “local” streets; and that staff be directed to perform an evaluation of all the streets in the City to determine which others would be appropriate for such a reclassification before submitting the General Plan Amendment to the Planning Commission for review.

A motion was made by Councilmember Keene and seconded by Councilmember Herbert to accept the recommendations received from the Internal Affairs Committee on Item 1. Council concurred 7-0.

2. Installation of Stop Signs on Yosemite Drive at North Idyllwild Circle.
3. Installation of Stop Signs on Idyllwild Circle at South Burney Drive. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 694, authorizing the installation of stop signs on Yosemite Drive at North Idyllwild Circle, and on Idyllwild Circle at South Burney Drive.
4. Installation of 25 mph signs on Idyllwild Circle. The Committee (3-0) authorized staff to install a reasonable number, but no more than eight, 25 mph signs on Idyllwild Circle.
5. Flashing Yellow Beacons, Pavement Stripes and Neighborhood Signage. The Committee concurred (3-0) that various methods of striping and neighborhood-designed signs as traffic calming measures be
reviewed as part of the Neighborhood Traffic Management Program.

6. **Realignment of southerly portion of Yosemite Drive in conjunction with development of the Lake Vista Subdivision.** The Committee took no action on the proposed realignment of Yosemite Drive, and Chair Jarvis directed staff to bring the matter back to the Committee for further consideration when more information was available.

7. **Installation of “Speed Tables” on Yosemite Drive.** The Committee (3-0) recommended that the City Council consider the purchase of two portable speed humps at its work session on 11/21/00, and if approved, that installation of the speed humps on Yosemite Drive be considered by the Committee at its 12/12/00 meeting, along with centerline striping on Yosemite Drive.

8. **Closure of Yosemite Drive to through traffic.** The Committee (2-0-1, Kirk abstaining) recommended against the closure of Yosemite Drive to through traffic. A motion was made by Councilmember Keene and seconded by Councilmember Herbert to accept the Committee’s recommendation on this item. Council concurred 6-0-1, with Councilmember Kirk abstaining.

G. **(Council action required)**

Review and Consideration of Current Policy regarding “Action Only” Minutes of City Council Meetings. The Committee (2-1, Bertagna opposed) recommended that staff be directed to prepare “brief summary” minutes of City Council meetings rather than “action only” minutes. A motion was made by Councilmember Keene and seconded by Councilmember Lange to keep the minutes “Action-only Minutes” with staff to provide some summary information. The Council concurred 7-0.

4.3. **CONSIDERATION OF PROPOSAL FOR A “YOUTH SHADOW CITY COUNCIL”**

By letter received 10/27/00, Dolly Brown requested Council approval and participation in a pilot program for a “Youth Shadow City Council.” A Youth Council consisting of junior high, high school, Chico State and Butte College students would be appointed each month and would meet in the Council Chambers on the first Monday of the month (the night before the City Council’s regular meeting) to consider and act on the same issues being presented to the Council. She had requested Council support of the program for a year, including approval of Council Chamber reservations, $108 per month for video set up and recording, and eight additional copies of the City Council’s agenda packets. Council agreed that a Youth Council would be a worthwhile project and forwarded the concept on to the Internal Affairs Committee for review and further clarification.

4.4. **CONSIDERATION OF THE APPOINTMENT OF A YOUTH REPRESENTATIVE TO THE BIDWELL PARK & PLAYGROUND COMMISSION**

Councilmember Kirk requested Council consideration of the appointment of a youth representative to the Park Commission. This would be a non-voting member who would be able to give a youth perspective to Park Commission matters, similar to the youth representative on the School Board. She proposed that the City advertise, recruit and appoint the youth representative during the biennial recruitment for other Board and Commission members. Council concurred and Councilmember Kirk would draft the letter to the schools and help coordinate the process.

4.5. **REVIEW / CONSIDERATION OF DRAFT CITY COUNCIL AGENDA FOR WORK SESSION ON 11/21/00**

At the City Council meeting of 06/06/00, Councilmember Jarvis requested that the Council consider and review the draft agenda for its work session scheduled for 11/21/00. The Council was provided with copies of the draft agenda as of 11/1/00 for the “work session” portion of the 11/21/00 Council meeting.

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

5. **BUSINESS FROM THE FLOOR.** -- None

6. **REPORTS AND COMMUNICATIONS.** The following reports and communication items were provided for the Council’s information. No action was taken on any of the items.
6.1. Letter dated 10/16/00 from Edward Booth, Chico Elks Lodge No. 423, requesting the City to consider implementing an “Adopt-a-Street” program.

6.2. Memorandum dated 10/10/00 from the Risk Manager providing a report on tort claims against the City which were denied during the quarter ended 9/30/00.

6.3. Memorandum dated 10/16/00 from the Finance Director reporting that the list of claims paid during the month of September 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.4. Memorandum dated 10/18/00 from the Chief of Police providing the Citizens’ Option for Public Safety Grant Summary Report for the period of June - September, 2000.

6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 10/18/00 for Super Shopper Market, 1885 East Eighth Street.

6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 10/19/00 for Wok N Roll, 1030 Mangrove Avenue.

7. **ADJOURNMENT**

   The meeting was adjourned at 9:35 p.m. to 11/21/00 at 9:00 a.m. in Conference Room No. One for a City Council work session meeting.

   Date Approved: January 23, 2001

______________________________________ ______________________________________
City Clerk Mayor
ADJOURNED REGULAR CHICO CITY COUNCIL AND
CHICO REDEVELOPMENT AGENCY MEETINGS — NOVEMBER 21, 2000
MINUTES

1. **CALL TO ORDER AS CITY COUNCIL** — The Mayor called the meeting to order at 9:00 a.m. in Conference Room No. One, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Jarvis, Herbert, Keene, Kirk, Lange, Bertagna
Absent: Guzzetti

1.3. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Fire Chief Brown, Information Systems Director McEnespy, Airport Manager Grierson, Assistant Director of Public Works Martinez, Arts Project Coordinator Gardner

1.4. Special Presentation — A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to adopt:

RESOLUTION NO. 56 00-01— RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO EXPRESSING APPRECIATION TO CITY COUNCILMEMBER DAVID GUZZETTI, and

RESOLUTION NO. 57 00-01— RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO EXPRESSING APPRECIATION TO CITY COUNCILMEMBER SHERYL LANGE

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

2. **CONSENT AGENDA** A motion was made by Councilmember Keene and seconded by Councilmember Herbert to adopt the following Consent Agenda items except for the October 3, 2000 Minutes:

2.1. **ORDINANCE NO. 2209, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN SPECIFIED AREAS — FINAL READING AND ADOPTION**

By memorandum dated 10/02/00, Assistant City Attorney Rock submitted a proposed ordinance that would prohibit the possession of open containers of alcoholic beverages, as well as the consumption of alcoholic beverages, in a "a park or other public place owned by a city, county, or city and county, or any recreation and park district, or any regional park or open space district." The Chief of Police requested this proposed ordinance because Assembly Bill 2187 Alcoholic Beverages: Local Ordinances: Open Containers passed on 09/08/00 amending Business and Professions Code Section 25620 to provide cities and counties the authority to enact an ordinance prohibiting the possession of open containers of alcoholic beverages. Currently, Business and Professions Code Section 25620 only allows for the prohibition of consumption of alcoholic beverages in specified public areas. The Internal Affairs Committee recommended adoption of this ordinance, which received introductory reading at the City Council’s meeting of 11/07/00.
2.2. ORDINANCE NO. 2210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REGULATE THE USE OF COASTING DEVICES IN PUBLIC AREAS—FINAL READING AND ADOPTION

By memorandum dated 10/02/00, Assistant City Attorney Rock submitted a proposed ordinance that would regulate coasting devices in public areas. Coasting devices shall include, but are not limited to, skateboards, roller skates, roller blades, scooters, coasters, toy vehicles, or other rolling or wheeled devices propelled or moved by human, gravitational, or mechanical power. Due to the increased use and riding upon of various coasting devices in the downtown area as well as other public areas, the Chief of Police requested this proposed ordinance in order to promote public safety. The Internal Affairs Committee recommended adoption of this ordinance, which received introductory reading at the City Council’s meeting of 11/07/00.

2.3. ORDINANCE OF THE COUNCIL OF CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT THE STORAGE OF JUNK ON PRIVATE PROPERTY WITHIN THE CITY — INTRODUCTORY READING

By memorandum dated 10/23/00, Assistant City Attorney Rock submitted a proposed ordinance that prohibited the storage, accumulation or placement of junk on any private property, yard, or portion thereof within the City, except as may be allowed by specific regulations applicable to the zoning district on such property, yard, or portion thereof. This proposed ordinance add code enforcement tools to the Chico Municipal Code which were inadvertently omitted from Title 19 during the amendment process. At its meeting of 11/14/00, the Internal Affairs Committee recommended adoption of this ordinance.

2.4. APPROVAL OF AMENDMENT TO BUDGET POLICIES TO AUTHORIZE ESTABLISHMENT OF MAINTENANCE DISTRICT FUNDS AND TO BUDGET REVENUES AND EXPENDITURES

By memorandum dated 10/30/00, the Finance Director recommended approval of an amendment to the Budget Policies to add Budget Policy C.6. which formally authorized the City Manager to establish a maintenance district fund and budget the annual assessment revenues and estimated expenditures upon recordation of the City Council’s resolution ordering formation of a maintenance district.

2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING FOR THE REPLACEMENT OF THE FIRE DEPARTMENT HEAVY RESCUE UNIT

At its meeting held 11/06/00, the Finance Committee recommended approval of a supplemental appropriation to provide additional funding for the purchase of the Fire Department Heavy Rescue Unit. The lowest qualifying bid exceeds the budget allocation by $15,100. The additional funds would be allocated from the Equipment Replacement Fund (932).

2.6. APPROVAL OF MINUTES FOR MEETINGS HELD SEPTEMBER 5, SEPTEMBER 19, SEPTEMBER 26, OCTOBER 3, AND OCTOBER 17, 2000

The Council was provided with copies of minutes for its meetings held 09/05/00, 09/19/00, 09/26/00, 10/03/00 and 10/17/00. The minutes from the October 3, 2000 meeting were pulled from the Consent Agenda by Councilmember Kirk for further review.

2.7. APPROVAL OF AMENDMENT TO BUDGET POLICIES REGARDING DEPOSIT OF INDUSTRIAL LOAN PROGRAM LOAN REPAYMENTS

By memorandum dated 10/31/00, the Assistant City Manager provided a proposed amendment to the Chico Redevelopment Agency Budget Policies which would add Budget Policy RDA D. 6. The policy provided that the loan repayments from Industrial Loan Program loans be deposited into a revolving loan fund for future loans. The Assistant City Manager recommended approval of the budget policy amendment.
2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND AIRPORT IMPROVEMENT PROGRAM NO. 19**

By memorandum dated 11/09/00, the Airport Manager reported that the City was entitled to receive $650,000 in Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant funds in Federal fiscal year 2000. Receipt of the funds requires City or Agency matching funds. The funds would be used to upgrade the security access control system, overlay taxiways C, D, E, F, and G, improve airport drainage with oil-water separators, and to provide funding for overhead and contingencies. This supplemental appropriation would budget and allocate $650,000 in AIP grant funds from the Capital Grants Fund (300), and allocate $80,000 as Agency matching funds from the 1996 CPFA Tax Allocation Bonds (Chico Merged) Fund (354).

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Lange, Bertagna

**NOES:** None

**ABSENT:** Guzzetti

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**THE CHICO REDEVELOPMENT AGENCY RECONVEnED AS THE CITY COUNCIL**

3. **NOTICED PUBLIC HEARINGS** - Since the Public Hearings on the Capital Improvement Program and the 2000 Update of Development Impact Fees were scheduled for 3:00 p.m., they were listed on the agenda under Item Nos. 4.6 and 4.7.

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

4.2. **CITY BUDGET REVIEW**

A. **General Budget Review** -- The City Manager provided Council with an overview of the financial position of the City of Chico. Revenues are up, with sales tax playing a significant role in that increase. Trends indicate that sales tax will be increasing more this year. The City Manager informed Council that the proposed sales tax reapportionment could pose a problem for Chico. In addition, the increasing role of Internet sales should also be a caution for the city.

The City Manager noted that in the Budget, property taxes for 99/00 - 00/01 have dropped which was due largely to the receipt of several one time payments of taxes paid in arrears the prior fiscal year. The numbers currently projected are conservative but are still a little below last year’s estimates.

City staff provided an overview of the 2000-01 annual budget, including revised projected General and Park Funds fund balances following the close of the 1999-00 books. The City Council was provided with the following budget documents:

2. Summary of Estimated Fund Balances.

B. **Consideration of Proposed Budget Adjustments**

By memorandum dated 11/13/00, the City Manager outlined his recommendations for additional City personnel and related equipment in the total amount of $546,425. The personnel recommendations included those postponed by the City Council at the 06/06/00 budget review meeting and several new positions to enable the City to keep up with community growth. In addition, the memorandum sets forth his recommendations for non-personnel budget adjustments in the total amount of $1,975,819. The General/Park Funds impact for the recommendations for the second half of the 2000-01 fiscal year total $507,342, of which
$240,000 represents one-time costs. The annual General/Park Funds impact for the recommended personnel adjustments total approximately $447,825.

C. Department Discussions

1. Police Department overview presented by Police Chief Efford
2. Park Department overview presented by Parks Director Beardsley
3. Fire Department overview presented by Fire Chief Brown
4. Department of Public Works overview presented by Director of Public Works Ross and Assistant Director of Public Works Martinez
5. Community Development Department overview presented by Community Development Director Baptiste

1. Personnel Recommendations

The City Manager's recommended personnel and related equipment adjustments were as follows:

   a. Police Department

      A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve:

      • Two Public Safety Dispatchers  Budget Adjustment Allocation of $39,386 from the General Fund (001)
      • One Police Records Clerk  Budget Adjustment Allocation of $16,854 from the General Fund (001)
      • One Police Officer  Budget Adjustment Allocation of $29,252 from the General Fund (001)
      • One Lieutenant (Watch Commander)  Budget Adjustment Allocation of $50,551 from the General Fund (001)

      The City Council also requested the Chief of Police to provide information on staffing ratios of Chico in relation to other agencies.

      The motion carried by the following vote:
      AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
      NOES: None
      ABSENT: Guzzetti

   b. Park Department

      A motion was made by Councilmember Herbert and seconded by Councilmember Keene to approve additional hours for:

      • Three Hourly Maintenance Aides  Budget Adjustment Allocation of $10,866 from the Park Fund (002)

      The motion carried by the following vote:
      AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
      NOES: None
      ABSENT: Guzzetti

   c. Fire Department
A motion was made by Councilmember Kirk and seconded by Councilmember Keene to approve:

- One Fire Prevention Inspector  
  Budget Adjustment Allocation of $31,796 from the General Fund (001)  
  — The Fire Chief estimated that this position, which would handle fire code inspections full time, would generate a $70,000 revenue increase.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
NOES: None  
ABSENT: Guzzetti

d. Department of Public Works

A motion was made by Councilmember Herbert and seconded by Councilmember Keene to approve:

- Two Permanent Full-time Maintenance Workers  
- One Permanent Full-time Senior Maintenance Worker  
- Acquisition of Two Dump Trucks, One Pickup, and One Patch Truck

Budget Adjustment Allocation of $62,468 to fill three positions and $240,000 to fund equipment, from the General Fund (001)

- One Maintenance Aide  
  Budget Adjustment Allocation of $16,886 from the Municipal Buildings Maintenance Fund (930)

- One Water Pollution Control Plant Operator II  
  Budget Adjustment Allocation of $21,306 from the Sewer Fund (850)

- Acquisition of One Pickup  
  Budget Adjustment Allocation of $25,000 from the Sewer Fund (850)

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
NOES: None  
ABSENT: Guzzetti

e. Community Development Department

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to approve:

- Reclassification of the Community Development Assistant position to Assistant Community Development Director  
  Budget Adjustment Allocation of $2,060 from various funds, with no General Fund impact.

- An amendment to the annual Budget Policies to authorize the City Manager to promote Assistant Planners to Associate Planner positions upon fulfilling the qualifications for the higher job titles.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
NOES: None  
ABSENT: Guzzetti

2. Non-Personnel Recommendations
a. **Police Department** - A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the use of Local Law Enforcement Block Grant funds to purchase 110 40-caliber semi-automatic pistols.

Budget Adjustment Recommendation: Modify the title of Fund 098 from Police Laptop Grants to Federal Local Law Enforcement Block Grants Fund to more accurately define the source of funds. Budget $50,057 in revenue to Fund (098), transfer $5,562 from the General Fund (001) into Fund 098 as the City’s matching funds, and allocate $55,619 in expenditures from Fund 098.

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** Guzzetti

b. **Park Department** - A motion was made Councilmember Jarvis and seconded by Councilmember Keene to approve additional funding to assist Chico Area Recreation and Park District with the acquisition of DeGarmo Park:

Budget Adjustment Allocation of $100,000 from the Community Park Fund.

Site clearing at the Henshaw Neighborhood/Community Park site:

Budget Adjustment Allocation of $11,000 from Zone C Neighborhood Park Fund (343) and $11,000 from the Community Park Fund (330).

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** Guzzetti

**Dam Replacement at One Mile Recreation Area**

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to direct staff to proceed with environmental review for replacing the dam at One Mile Recreation Area with an inflatable steel dam as recommended by the Bidwell Park and Playground Commission. The Council further directed staff to submit a request for funding at the January work session.

Councilmember Keene stated that Council should be an active participant in the process once the initial review comes back to the Commission. Council also requested the Park Director to provide information for potential contracting for grant writing services at the January work session.

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** Guzzetti

c. **Fire Department** - A motion was made by Councilmember Keene and seconded by Councilmember Herbert to approve the fire station facilities modifications.

Budget Adjustment Allocation – $8,500 from the General Fund (001)

The motion carried by the following vote:

**AYES:** Herbert, Jarvis, Keene, Kirk, Lange, Bertagna  
**NOES:** None  
**ABSENT:** Guzzetti

d. **Department of Public Works** - A motion was made by Councilmember Keene and seconded by Councilmember Herbert to approve the three Congestion Mitigation and Air Quality (CMAQ) Grant Funded projects: Transit Bus Card Readers, East First/Mangrove Avenues Intersection
Improvements, and East Avenue/Cohasset Road Intersection Improvements; purchase of two portable speed humps as recommended by the Internal Affairs Committee; Maintenance District Database Rewrite; City’s Compost Facility surface repairs (no fund impact); and additional custodial supplies.

Budget Adjustment Allocations:

Transit Bus Card Readers – $254,000 in Congestion Mitigation and Air Quality grant revenue and expenditures from the Capital Grants Fund (300) and allocation of $30,000 from the Transit Operations Fund (859) to be used as the local matching funds.

East First Avenue/Mangrove Avenue Intersection Improvements – Budgeted $526,000 in Congestion Mitigation and Air Quality revenue and expenditures from the Capital Grants Fund (300), and allocated $78,000 from the Street Facility Improvement Fee Fund (308) to be used as the local matching funds.

Portable Speed Humps – Allocated $15,000 from the Transportation Fund (212)

Maintenance District Database Rewrite Project – Allocated $7,500 from the Maintenance District Administration Fund (941).

City Compost Facility Surface Repairs – Authorized the transfer of $35,000 from the Street cleaning contractual Services account (001-620-5330) to the City compost Facility Surface Repair minor capital project (21147).

Custodial Supplies – Allocated $1,100 from the Municipal Buildings Maintenance Fund (930) and $1,000 from the Sewer Fund (850).

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

e. City Clerk's Office - A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve the purchase of the City Clerk Index Software and additional training funds.

Budget Adjustment Allocation of $15,000 from the Information Services Fund (935) to cover purchase price of network version of software with four licenses, 16 additional read-only licenses, manuals, annual support fee and staff time.

Budget Adjustment Allocation of $2,100 from the General Fund (001) for City Clerk training.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

D. Approval of 2001-02 Budget Calendar

By memorandum dated 11/13/00, the Budget Officer submitted the proposed 2001-02 Budget Calendar for approval by the City Council. Since the January 2001 quarterly work session would normally be scheduled...
on the Tuesday following the Martin Luther King holiday, the City Council was requested to set a date for that meeting. The proposed dates affecting the City Council and Finance Committee are as follows:

- 01/16/01 9:00 a.m. Council Work Session
- 04/05/01 3:00 p.m. Finance Committee (Community Organization funding requests)
- 04/19/01 4:00 p.m. Finance Committee (final recommendations on Community Organization funding requests)
- 04/24/01 9:00 a.m. Council Work Session
- 05/22/01 7:00 p.m. Council (meet with Boards and Commissions)
- 06/05/01 9:00 a.m. Council (all day)
- 06/06/01 9:00 a.m. Council (only if necessary to conclude Budget review)
- 11/20/01 9:00 a.m. Council Work Session

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve the 2001-02 Budget Calendar with the modification to change the date for the January work session from 01/16/01 to 01/23/01. The motion passed unanimously.

THE CITY COUNCIL CONVENED THE REDEVELOPMENT AGENCY FOR THE PURPOSE OF CONSIDERING REDEVELOPMENT AGENCY BUDGET ITEMS

4.3. CHICO REDEVELOPMENT AGENCY BUDGET REVIEW

Agency staff reviewed the financial status of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas and related funds. The City Manager provided the Council with an overview of:

A. Chico Merged Redevelopment Project Area Fund Five Year Trends.
B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends.
C. Low and Moderate Income Housing Fund Summary. Assistant City Manager Dunlap provided the Council with an overview of the Housing program. Over the last year the City has seen a lot more repayments for mortgage subsidy loans because of the improved housing market. The Low and Moderate Income Housing Fund ending balance, if all projects go through, will be $828,680.

Council took a ten minute break at 11:20 a.m.

The Council meeting was reconvened at 11:30 a.m. and Item 4.5. regarding the Lindo Channel Master Management Plan was heard at this time.

4.5. CONSIDERATION OF A MASTER MANAGEMENT PLAN FOR LINDO CHANNEL, OTHER ISSUES RELATED TO STREAM BANK EROSION ALONG LINDO CHANNEL, AND ALLOCATION OF FUNDING IF APPROPRIATE TO IMPLEMENT COUNCIL ACTION

A. By memorandum dated 11/01/00 the Park Director provided a status report on Lindo Channel Greenway Existing Conditions Study (11027). The City Council also requested information regarding preparation of a master management plan for the greenway. The estimated cost was $25,000 and the project could be initiated by April or May 2001. The Park Director recommended approval of a supplemental appropriation in the amount of $25,000 from the Park Fund (002) to fund preparation of the master management plan.

Park Director Beardsley provided the Council with an overview of the Lindo Channel erosion issues and the need for the development of a master management plan. Staff felt that the allocation of the $25,000 would enable them to proceed immediately with the work once the Department of Water Resources (DWR) report on channel capacity was received. If the plan didn’t come in then the money would not be expended.
Councilmember Keene stated that Council should wait to allocate the money until the DWR plan was available.

Councilmember Jarvis made a motion to approve the allocation of the $25,000, from the Park Fund, so when the DWR study came in the Park Department could start the work. Councilmember Keene felt that the Council should be involved in the overall development of what is studied. Councilmember Keene asked for a friendly amendment to have the DWR study provided to Council for consideration prior to beginning the master management plan. The amendment was accepted by Councilmember Jarvis. Councilmember Keene seconded the motion.

Council concurred that staff should investigate if there were any grants available to assist with this problem. There was an acknowledgment that the grant research was probably about a month’s worth of work to determine what qualifies, matching funds level, and any other requirements.

The original motion was then amended to include authorization of a contract person being hired, not to exceed $5,000, to do the grant research in order for the recommendation to be brought back at the January 23 work session.

Council concurred to continue the meeting to 12:30

The Mayor opened the discussion up for public comment. Joanne Powell spoke to the Council regarding the situation that she faced with her property. While the City did place some rocks on her property to help alleviate the problem, which she appreciated, she was concerned the problems they were experiencing up above her property can and will continue to erode the work already completed. It could also become a problem for those below her.

Valerie Converse told Council that when her bank started eroding she had rip rap installed. In 1983, she paid $30,000 to make those improvements. Her property is within the city boundaries. Right now the water is not on her property but within the fixed boundaries. A year from now or two, it could be that the water is on private property. She felt that something should be done so that the water can flow and not cause more damage. She also expressed her concern over having to wait until there was flooding on her property before she could qualify for emergency funding.

Jill Dwyer, thanked the Council for its interest. The study by Roger Cole confirmed what they felt was happening all along. The erosion problem had taken over half of her property. As a property owner she would not be getting her land back by just stabilizing what was left. All she had originally asked for were some rocks and rip rap and now it has mushroomed into a $350,000 project.

John Merz stated that he was curious as to who was doing the additional studies. He also felt that there should be very clearly defined requirements in the request for proposals. He questioned if the $25,000 was just for the first step, or for the whole plan. Staff informed Mr. Merz that the $25,000 would fund a conceptual plan and framework for the work on Lindo Channel. Council indicated that no one had been selected at this time.

Councilmember Jarvis restated the motion.

By memorandum dated 11/01/00 the Park Director provided information and additional background material which supplemented the report provided at the 10/17/00 City Council meeting. Specifically, the Council requested further details regarding costs, funding options, potential for property owner participation, and timing. This item was agendized to allow the City Council an opportunity to provide direction on what, if any, role the City will have in addressing the stream bank erosion issues.

The motion to approve the allocation of the $25,000 for the study for the Master Management Plan for the Lindo Channel and the authorization of a contract person being hired, not to exceed $5,000, for contractual
services to evaluate grants with the potential for providing funds for erosion control and have those recommendations brought back at the January 23 work session, carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

Adjourned to lunch at 12:30 p.m. and reconvened at 2:00 p.m.

D. Summary of Arts Funds.

A summary was presented to the Council.

4.4. DISCUSSION OF RECOMMENDATION FROM THE ARTS COMMISSION TO FUND PUBLIC ART TREATMENTS ON PRIVATELY OWNED FACILITIES

By memorandum dated 11/03/00, the Art Projects Coordinator forwarded a recommendation from the Arts Commission to allocate $10,000 from the Chico Merged RDA Fine Arts Fund (380) to be used for funding public art treatments on privately owned buildings and facilities. Such funding would require the business or property owner to provide a minimum match of 50% and to guarantee a minimum project life of 15 years.

The Mayor opened the hearing to the public. Greg Payne, a local artist, supported the proposal and stated that it would be an excellent way to support art projects within the City. No one else spoke from the audience. Councilmember Herbert expressed that this type of private/government partnership was exactly what he had been looking for to promote art in the City of Chico. Councilmember Jarvis asked who would be providing the review of projects for content. The Art Projects Coordinator stated that the Arts Commission did discuss the need for review and that in addition to a checklist, a review of the art subject and material would take place with the subcommittee recently approved by Council.

A motion was made by Councilmember Herbert and seconded by Mayor Bertagna to approve the allocation of $10,000 to be used for funding art projects on private property.

The motion carried by the following vote:

AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

4.6. PUBLIC HEARING REGARDING THE CITY OF CHICO 2001/02 - 2005/06 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM - this item was deferred to the January 23, 2001 work session

By memorandum dated 09/19/00 the Public Works Administrative Manager forwarded the City of Chico 2001/02–2005/06 Five-Year Capital Improvement Program (CIP). This was a fiscally constrained planning document. In preparing this update to the CIP, comments were solicited from community and RDA Committee members at a meeting held 09/13/00. Comments from that meeting have been incorporated into this document. The CIP contains projects considered necessary within five years, beginning with fiscal year 2001-02 and provided an overview of the projects, expenditures, and revenues.

The detail pages for the projects contained various information including the project and project description, category, funding source, any prior expenditures, the year in which funding is anticipated to be available, and when appropriate, a map depicting the location of the project. Capital projects funded in the 2000-01 budget were not included in the CIP unless future funding was projected. The Director of Public Works recommended the adoption of the City of Chico 2001/02-2005/06 Five-Year Capital Improvement Program.
4.7. CONSIDERATION OF THE CITY OF CHICO 2000 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY) AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES - this item was deferred to the January 23, 2001 work session

By memorandum dated 10/20/00 the Public Works Administrative Manager presented the 2000 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) for the City Council’s consideration.

To comply with the Government Code, the Nexus Study updated the required nexus findings for development impact fees that provided funds for streets, water pollution control plant facilities, trunkline facilities, bicycle facilities, parks, street maintenance equipment, and administrative, police and fire buildings. As an attachment to the memorandum, the City Council was provided with a Summary of 2000 Update of Development Impact Fees Analysis and Recommendations which explains the changes contained within the Nexus Study update, and the resulting fee changes. At its meeting of 09/05/00, the City Council accepted the recommendations of the Finance Committee from its meeting of 08/07/00 regarding the 2000 Update of Development Impact Fee Analysis (Nexus Study), and those recommendations have been incorporated into the Nexus Study that were to be considered.

A fee schedule resolution was provided to the City Council in the event it wished to approve the 2000 Update of Development Impact Fees Analysis and Recommendations and adopt the associated fee increases. Any fees modified by the resolution would become effective on the 61st day following adoption.

4.8. AUTHORIZATION FOR CITY STAFF TO PROCEED WITH THE PREPARATION OF A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY AT 1500 HUMBOLDT ROAD

By memorandum dated 11/09/00, the City Manager reported that the City Council had previously authorized the City Manager to negotiate for the acquisition of property at 1500 Humboldt Road for the expansion of the Police Facility (11047). In preliminary negotiations, Hignell and Hignell expressed concerns with its ability to apply the full proceeds of the sale to construction of a new building. This could be accomplished by authorizing acquisition of the property through the City’s eminent domain powers. The City Manager recommended that the City Council authorize staff to proceed with the preparation of a resolution of public interest and necessity to acquire the property by eminent domain for future consideration by the City Council.

A motion was made by Councilmember Kirk and seconded by Councilmember Herbert to authorize staff to proceed.

The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

4.9. FUNDING REQUEST BY CSU BUILDING BRIDGES PROJECT FOR COSTS OF U.S. HOLOCAUST MUSEUM EXHIBIT

By letter dated 10/24/00, Dr. Samuel M. Edelman, Professor and Director of Modern Jewish and Israel Studies and member of the CSU Building Bridges Organizing Committee, requested $25,000 to cover costs associated with shipping, outreach and promotional activities for The Nazi Olympics: Berlin 1936, a traveling exhibit from the US Holocaust Museum in Washington D.C., which would be displayed in Chico at the University for the months of February and March, 2001.

The exhibit, which has never before been displayed in a rural area or a non-museum venue, would be free, open to the public six days a week, and is expected to attract in excess of 30,000 visitors. The organizing committee has $35,000 in funding pledges from other sources, and the CSU, Chico Research Foundation has agreed to act as the non-profit fiscal receiver if funding was allocated.

A motion was made by Councilmember Herbert and seconded by Councilmember Keene to approve the funding request of $25,000 for the CSU Building Bridges project.

• Budget Adjustment Allocation of $25,000 from the General Fund (001-121-6105).
The motion carried by the following vote:
AYES: Herbert, Jarvis, Keene, Kirk, Lange, Bertagna
NOES: None
ABSENT: Guzzetti

4.10. CONSIDERATION OF POLICY FOR DISPOSITION OF SURPLUS ASSESSMENT DISTRICT CONSTRUCTION, REDEMPTION, AND RESERVE FUNDS

A. Surplus Construction Funds - By memorandum dated 11/03/00, the Director of Public Works submitted a list of potential projects which could be funded from each assessment district fund in which there are unexpended construction funds. Following discussion, the City Council may wish to modify the list and adopt a motion of intent to approve the conceptual use of construction funds and the project list. The projects included on the list would then be included in a supplemental appropriation to be considered at the City Council January work session. Councilmember Kirk requested that the irrigation system modifications be included in the Forest Avenue Assessment District project, if needed. Council concurred.

B. Surplus Redemption and Reserve Funds - By memorandum dated 11/13/00, the Finance Director provided background information, the current status of assessment districts with surplus redemption and/or reserve funds, and potential alternatives for disposition of the surplus funds.

4.11. DISCUSSION RELATED TO CHANGES IN ANNEXATION LAW

By memorandum dated 11/6/00, the Community Development Assistant forwarded a report summarizing recent amendments in State laws governing the processing of annexation and the City’s role in the process. Two of the more significant changes require City participation in funding LAFCo operations and elimination of the City’s hearing to receive protests to annexation.

4.12. DISCUSSION REGARDING SIDEWALK REPAIRS

By memorandum dated 11/07/00, a copy of which was provided with this agenda item, the Director of Public Works outlined community needs related to sidewalk repair, cost estimates to address those needs, a proposed policy requiring property owners to be responsible for repair of damaged sidewalks in the public right of way on their property, and indicated he would submit two capital project requests in 2001-02 for sidewalk repair; one for locations within the Chico Merged Redevelopment Project Area and one for other locations throughout the City. The City Manager previously advised the City Council (by memorandum dated 07/31/00, a copy of which was provided with this agenda item) that at the Mayor’s request the Director of Public Works had developed a cost estimate to repair sidewalks throughout the older sections of the City.

4.13. INITIAL REVIEW AND DISCUSSION OF FEASIBILITY STUDY FOR REDEVELOPMENT OF MUNICIPAL PARKING LOT NO. 5 (20566)

By memorandum dated 11/07/00, the Community Development Assistant forwarded a report summarizing the Municipal Parking Lot No. 5 Redevelopment Feasibility Study (provided to the City Council the week of 11/06/00). The feasibility study examined the potential for redeveloping the City parking lot between Big Chico Creek and East First Street with a mixed use project, and identified both benefits and constraints to such a project. Three alternative development designs, including a combination of residential, office and commercial uses, were presented. Finally, the study identified replacement of parking and possible soil contamination as issues to be addressed for the project to move forward. Community Development Department staff recommended Council accept the study and direct staff to examine solutions to parking issues and identify potential private parties willing to undertake a project similar to one presented in the study. Council referred the parking study and analysis to the Internal Affairs Committee.

4.14. DISCUSSION OF DOWNTOWN SIDEWALK CLEANUP (20655)

By memorandum dated 11/14/00 the Director of Public Works provided a report on the pressure washing of sidewalks in the downtown core area and recommendations for removing chewing gum spots which were not removed by the pressure washing. The Director of Public Works advised he would look at Court referrals and come back to Council with further recommendations.
4.15. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — none

5. **BUSINESS FROM THE FLOOR** — none

6. **REPORTS AND COMMUNICATIONS**

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

6.1. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 10/25/00 for Rite Aid, 650 Mangrove Avenue.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 11/1/00 for Turandot North China Gourmet Cuisine, 1851 Esplanade.

7. **ADJOURNMENT**

   The meeting was adjourned at 4:34 p.m. to the next regularly scheduled City Council meeting to be held Tuesday, December 5, 2000, at 7:30 p.m. in the Council Chamber, followed by a closed session, if scheduled, in Conference Room No. Two.

   Date Approved: March 6, 2001

   __________________________________________
   City Clerk

   __________________________________________
   Mayor
MINUTES

SWEARING-IN CEREMONIES FOR NEWLY-ELECTED COUNCILMEMBERS, AND SELECTION OF MAYOR AND VICE MAYOR -- The City Clerk called the meeting to order at 7:30 p.m.

Presentation of Colors: The Presentation of Colors and the leading of the Pledge of Allegiance was made by the Color Guard, Troop 2, Boy Scouts of America, Golden Empire.

Invocation: Pastor Fred Wymore from the Christian Life Center at the Foursquare Church presented the Invocation.

Swearing in of Council: City Clerk Presson introduced Judge Ann Rutherford, Butte County Superior Court. Judge Rutherford administered the oath of office for a term of four years to newly elected Councilmember Bertagna, Jarvis, Nguyen-Tan and Wahl.

The Councilmembers were seated and nominations were opened for the selection of Mayor for a term of two years. Nominations included:

Dan Herbert

Nominations were closed and the Council voted unanimously to appoint Dan Herbert as the Mayor of the City of Chico for a term of two years.

Nominations were opened for the selection of Vice Mayor for a term of two years. Nominations included:

Maureen Kirk

Nominations were closed and the Council voted unanimously to appoint Maureen Kirk as the Vice Mayor of the City of Chico for a term of two years.

Mayor Herbert, Councilmember Bertagna, Councilmember Wahl and Councilmember Nguyen-Tan introduced friends and family members in attendance at the Council meeting.

The Mayor recessed the meeting for a reception in Conference Room 2.

Recessed to the reception in Conference Room 2

1. CALL TO ORDER — Mayor Herbert reconvened the meeting at 8:07 p.m.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

    Absent: None

2. CONSENT AGENDA — The Mayor disqualified himself on Items 2.4 and 2.11 and Item 2.16 was removed from the Consent Agenda by Vice Mayor Kirk to be heard before Item 3.1 for further discussion. A motion was made by Councilmember Keene and seconded by Councilmember Kirk to approve the following Consent Agenda:
2.1. **ORDINANCE NO. 2211 — AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (3% @ 50 RETIREMENT PLAN - SAFETY MEMBERS AND FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - FIRE SAFETY MEMBERS) - FINAL READING AND ADOPTION**

By memorandum dated 11/21/00, the Personnel Director reported that Council adoption of a resolution and ordinance was required to authorize amending the City’s contract with the Public Employees’ Retirement System (PERS) to add the 3% at 50 Retirement formula for public safety employees and the Fourth Level Survivor Benefits for Fire Safety Employees. These modifications were approved as part of the most recently approved Memoranda of Understanding between the City and International Association of Fire Fighters and Chico Police Officers’ Association - Sworn Unit, and would be effective January 14, 2001. The proposed ordinance was introduced on 11/7/00. The City Manager and Personnel Director recommended adoption of the proposed ordinance.

2.2. **RESOLUTION NO. 58 00-01 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 7 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (UNIT A)"

**RESOLUTION NO. 75 00-01 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 60 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL EMPLOYEES OF THE CITY**

The City reached agreement with Service Employees International Union (SEIU) - Unit A and the Confidential Employee group regarding changes to the clerical position series to retitle Typist Clerk as Office Assistant I, retitle Senior Typist Clerk as Office Assistant II, and add the new position of Office Assistant III at a salary of 10% above the current Senior Typist Clerk level. Changes in the clerical position series provide an alternative to Budget Administration Policy E.1.m. (Additional Compensation for Public Counter Staff), which was adopted by the City Council 07/06/00. If the resolutions are adopted, the Budget Policy would not be implemented and would be removed from the 2001-02 Annual Budget Policies. The City Manager and Personnel Director recommended adoption of the proposed resolutions.

2.3. **RESOLUTION NO. 59 00-01 — 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 - EAST 7TH AVENUE ANNEXATION DISTRICT NO. 4**

By memorandum dated 11/1/00, the Community Development Assistant forwarded a report on initiation of the annexation of a .13-acre parcel at 178 East Seventh Avenue. The subject property was proposed for redevelopment to medical office use. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommended adoption of the resolution.

2.4. **RESOLUTION NO. 60 00-01 — 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. 3. — Mayor Herbert disqualified himself on this item and did not participate in the vote.**

The item was removed from the Consent Agenda by Mayor Herbert so he could disqualify himself from the discussion and vote. By memorandum dated 11/14/00, the Community Development Assistant forwarded a report on initiation of the annexation of a 1.721 acre parcel at 1166 and 1170 East Lassen Avenue. The subject property is developed with commercial uses. Annexation is requested to facilitate connection to the sanitary sewer system. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommended adoption of the resolution.

2.5. **RESOLUTION NO. 61 00-01 — 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. 3. — Mayor Herbert disqualified himself on this item and did not participate in the vote.**
By memorandum dated 10/12/00, the Community Development Assistant forwarded a report on initiation of the annexation of 21 parcels along Nord Avenue between Big Chico Creek and West Sacramento Avenue. The annexation includes 157 multiple family residential units, one trailer park (with 25 trailers), six single-family residences and 11 parcels with commercial uses, all consistent with the General Plan and prezoning designations of medium high density residential and community commercial. The annexation also includes the adjacent railroad right-of-way. This annexation was initiated at the request of an owner of one of the parcels to facilitate sanitary sewer connection. The annexation boundaries were established to eliminate five “islands of unincorporated territory.” The Community Development Assistant recommended adoption of the resolution.

2.6.  RESOLUTION NO. 62 00-01 — 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 - NORTH AVENUE ANNEXATION DISTRICT NO. 10

By memorandum dated 10/18/00, the Community Development Assistant forwarded a report on initiation of the annexation of 2740 and 2819 North Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties each developed with a single family residence requiring sanitary sewer connection. The Community Development Assistant recommended adoption of the resolution.

2.7.  RESOLUTION NO. 63 00-01 — 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 - EAST 9TH STREET ANNEXATION DISTRICT NO. 9

By memorandum dated 11/9/00, the Community Development Assistant forwarded a report on initiation of the annexation of a .143 acre parcel at 1157 East 9th Street. The subject property was proposed for development with a single family residential use. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Community Development Assistant recommended adoption of the resolution.

2.8.  RESOLUTION NO. 64 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 277 EAST AVENUE / A.P. NO. 006-071-057

By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owners, Eugene W. Hylton and Gladys R. Hylton, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.
By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owner, Bonnie J. Lamb, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.10. RESOLUTION NO. 66 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 691 HENSHAW AVENUE / A.P. NO. 042-450-031

By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owners, Steven A. Schwartz and Claudia B. Schwartz, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.11. RESOLUTION NO. 67 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1166 E. LASSEN AVENUE / A.P. NO. 007-160-014 — Mayor Herbert disqualified himself on this item and did not participate in the vote.

By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owners, Larry L. Ruby and Diane Ruby, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.12. RESOLUTION NO. 68 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 746 RANCHERIA DRIVE / A.P. NO. 043-180-020

By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owner, Michael W. McCrady, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.


By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owners, William E. Ehman and Linda R. Ehman, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

By memorandum dated 10/25/00, the Director of Public Works reported that in accordance with a petition from the property owner, Andrew L. Bashaw, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 10/25/00 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.15. **RESOLUTION NO. 71 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2000**

Pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code, this resolution declares the results of the General Municipal Election held on 11/7/99 in the City of Chico as certified by the Butte County Clerk. The City Clerk recommended adoption of the resolution.

2.16. **MINUTE ORDER 32-00 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF BUTTE AND THE CITY OF CHICO FOR THE EXTENSION OF SEWER SERVICES AND INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS IN THE CHICO URBAN AREA**

— this item was pulled by Vice Mayor Kirk for further discussion and heard before Item 3.1

2.17. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON 10/3/00 AND 11/7/00 — Councilmember Wahl abstained from voting on this item**

The Council was provided with a copy of the 10/3/00 minutes. The minutes from the 11/7/00 would be brought back for approval at a subsequent meeting.

2.18. **APPROVAL OF VEHICLE FOR HIRE PERMIT - DAVID E. NAGEL, dba CHICO INDEPENDENT TAXI**

By memorandum dated 11/2900, the Risk Manager forwarded the Application and Permit for Vehicle for Hire - Owner submitted by David E. Nagel, dba Chico Independent Taxi. Mr. Nagel recently acquired the taxi service from the previous permit holder. However, because the Chico Municipal Code provisions covering Vehicles for Hire do not provide for the transfer of an Owner’s Permit, Mr. Nagel must obtain a new permit in order to operate the business. Mr. Nagel intends to begin operations with five vehicles, but is requesting that there not be a limit on the number he is authorized to operate. Staff recommended that the City Council approve the issuance of the vehicle for Hire Permit to Mr. Nagel, finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all applicable Municipal Code requirements. The Risk Manager recommended approval of this matter.

The motion to approve the Consent Agenda with the Mayor disqualifying himself on Items 2.4, 2.11, Councilmember Wahl abstaining from the minutes of October 3, 2000, and Item 2.16 being removed and heard before Item 3.1, carried by the following vote:

- **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
- **NOES:** None
- **ABSENT:** None
- **ABSTAIN:** None

2.16. **MINUTE ORDER 32-00 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF BUTTE AND THE CITY OF CHICO FOR THE EXTENSION OF SEWER SERVICES AND INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS IN THE CHICO URBAN AREA**

— this item was pulled by Vice Mayor Kirk for further discussion

Pursuant to the issuance of a prohibition order by the Regional Water Quality Control Board adopted 4/27/90, the
City and Butte County have adopted a Nitrate Action Plan and worked on jointly developing implementation measures which would address the order’s prohibition on the discharge of waste into groundwater by individual septic systems within the Chico Urban Area. This Minute Order authorized the City Manager to execute an agreement for the extension of sewer services and installation of certain public improvements in the Chico Urban Area. The major provisions of the agreement, attached in substantially final form to the Minute Order, had previously been conceptually approved by the Council at its 6/6/00 meeting. Committee representatives of both the City and County recommended that a final draft be presented to both the Board of Supervisors and City Council, and the Board will also be considering the agreement at its 12/5/00 meeting. The City Manager recommended approval of the Minute Order. Vice Mayor Kirk pulled this item so that Councilmember Bertagna could speak to the finalization of the Nitrate Plan.

Councilmember Bertagna stated that the development of a Nitrate Plan had been a lengthy process. However, both City and County staff had worked diligently to formulate a plan that would work for both entities.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to approve Minute Order 32-00.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ANNEXATION OF WEST 8TH AVENUE ANNEXATION DISTRICT NO. 7

By memorandum dated 10/19/00, the Community Development Assistant forwarded a report on the annexation of two parcels and a total of .818 acres, located at 810 and 820 West 8th Avenue. The area was designated as low density residential in the General Plan and prezoned R-1 Single Family Residential. Both of the parcels are developed with single family residences, and one also contains an appliance sales and service business. Development of two additional single family residences was proposed. This annexation was initiated at the request of the owner of one of the parcels to facilitate sanitary sewer connection for new single family residences. As this uninhabited (fewer than 12 registered voters) annexation includes properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Terminate the annexation if a majority protest is filed; or (2) Approve the annexation if the protest represents less than 50% of the assessed value of land in the area proposed for annexation. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

The Mayor opened the hearing to the public. No one spoke. A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt:


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 501, SUNWOOD ESTATES SUBDIVISION

By memorandum dated 11/13/00, the Community Development Director reported that this resolution would order
the formation of Chico Maintenance Assessment District No. 501. As a condition of approval of a subdivision map for this subdivision, generally located on the northeast side of Ceanothus north of the intersection of East Avenue and Ceanothus, the developer, Benjamin Sale, consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage facilities which will be shared with Foothill Park East. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the Resolution.

The Mayor opened the hearing to the public. No one spoke.

A motion was made be Councilmember Jarvis and seconded by Councilmember Bertagna to adopt:


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSENT: None

ABSTAIN: None

Council took a 10-minute recess

3.3. HEARING ON AN APPEAL BY B.J. PARSONS OF THE APPROVAL OF THE RETREAT AT CANYON OAKS VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT NO. 00-1 (CANYON OAKS LLC, ARTL, ORR, ET AL) WHICH CREATED 22 LOTS AND 6.91 ACRES OF OPEN SPACE ON SHALLOW SPRINGS TERRACE

By memorandum dated 11/22/00, Associate Planner Sigona reported that at its 11/9/00, meeting, the Planning Commission approved (6-0) a vesting tentative subdivision map and planned development to create 22 lots and 6.91 acres of permanent open space for resource conservation. The subject 8.95 acre site is located on the south side of Shallow Springs Terrace, approximately 400 feet east of Woodstone Lane within the Canyon Oaks gated community, and is zoned and designed Medium Density Residential.

The appellant was opposed to the project and requested a minimum 90 day continuance to allow for resolution of private legal issues between the developer and the Canyon Oaks Homeowners’ Association prior to final action on the project. (The Council was also being provided with copies of “Architectural and Landscape Guidelines — Canyon Oaks,” submitted by the appellant on 11/28/00.) The Planning Director recommended that the City Council deny the appeal, upholding the Planning Commission’s approval.

The Mayor opened the hearing to the public. B.J. Parsons addressed the Council regarding her concerns about the proposed development and the CC&R’s. She also felt that the proposed units do not fit in with the neighborhood. The 110 trees being removed were another concern and may contribute to additional flooding in the area. She asked that the Council allow the neighbors ninety days in order to reach agreement with the developer. The City Manager urged the Council to not participate in any discussions regarding CC&R’s as the City had no jurisdiction over this matter.

Martin McHugh asked the Council to go out and view where this project would be built. He felt that more homes in this area would impact Yosemite Drive which already floods. In addition, he felt that a very thorough tree study should be completed on this project. Patricia Parker spoke to the Council and reminded them that it was not just “BJ’s” appeal but the whole neighborhood’s. The proposed site was a pristine watershed area with open land that the animals can easily pass through. While the Council may not have any legislative authority over CC&R’s, the Council does have a responsibility for the wildlife and nature. She too would like to see the 90-day extension so they could have time to work with the developer and urged the Council to go out and view the area.
Brian Firth, the designer of the project, informed the Council that before they designed anything for that property extensive research and evaluation was completed. That evaluation included a review of the trees, evaluating heights, clusters and how to keep 80% of the land open space. They purposely stayed away from pristine areas.

Wes Gilbert, the engineer for the project, addressed the Council regarding the waterway not being impacted by this development. An analysis of the tributary areas and how to mitigate the increase of runoff by storm drainage facilities at the lower end of the property was completed. They will contain the water before it leaves the parcel.

Tim Artl, one of the developers, indicated that they had worked long and hard on this project and believed that there have been reasonable compromises. They had to hire an arborist and have worked hard to preserve the environmental aspects of this site.

The hearing was closed to the public. A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to deny the appeal and uphold the Planning Commission’s approval.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** - none

4.2. **INITIAL CONSIDERATION OF AN APPEAL BY MICHAEL CALBERT, ET AL OF THE CONDITIONS OF APPROVAL OF USE PERMIT NO. 00-43 (GRACE COMMUNITY CHURCH) TO ALLOW EXPANSION OF EXISTING CHURCH FACILITIES AT 2346 FLORAL AVENUE** - appeal was withdrawn

By memorandum dated 11/14/00, Planning staff reported that at its 10/5/00, meeting, the Planning Commission approved (5-0-1) a use permit to allow an expansion of existing church facilities at 2346 Floral Avenue, Assessor’s Parcel No. 048-170-031, in an R1 Low Density Residential zoning district and designated on the General Plan Diagram as Low Density Residential. The appellants requested that conditions of approval be modified or added with respect to hours of operation, setbacks, and notification of neighbors when special events were planned.

The Council was also provided with copies of a letter dated 11/20/00 from Dan Beadle, on behalf of Grace Community Church, opposing the appeal. Michael Calbert withdrew his request to have Council consider an appeal on Use Permit No. 00-43 9 -- Grace Community Church.

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON 11/6/00**

By memorandum dated 11/13/00, the Finance Committee provided a report on its meeting held on 11/6/00, at which time the matters listed below were considered. Committee members present were Councilmembers Herbert, Lange, and Keene, Chair. By memorandum dated 11/27/00 from the City Clerk, the Council is also being provided with copies of the documents received by the Committee for the meeting.

**Consent Agenda**
(Councilmember Herbert was absent during approval of the Consent Agenda.)

A. **(No Council action required— this was considered by Council on 11/21/00)**

Approval of Supplemental Appropriation No. 00-01 11 (Heavy Rescue Unit - Project 20620). The Committee recommended (2-0, Herbert absent) approval of Supplemental Appropriation No. 00-01 11, in the amount of $15,100 for purchase of a Heavy Rescue Unit.

**Regular Agenda**

B. **(Council action required)**

Initial Consideration of Appeal by Dan Hays of Director of Public Works Determinations in connection with Ivy Street Business Park and Floral Garden Subdivision.
1. **Ivy Street Business Park.** The Committee requested (3-0) that Mr. Hays come back to the Committee with proof that City staff had originally approved a depth of three inches of asphalt concrete on the street improvement plans for the Ivy Street extension, and then changed the plans to require four and one-fourth inches.

2. **Floral Garden Subdivision.** The Committee (3-0) recommended:
   a. that Mr. Hays’ appeal regarding reimbursement for relocation of utilities in connection with the Floral Gardens Subdivision street improvements be denied; and

   A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis that staff be directed to:
   b. (i) investigate what had occurred with relocation of utilities required for the CHIP subdivision (Baywood), and (ii) contact Pacific Bell regarding its requirement that the developers of Floral Gardens Subdivision provide 600 pairs of additional phone line capacity in connection with relocation of the phone poles.

The motion carried by the following vote:

| AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert |
| NOES: None |
| ABSENT: None |
| ABSTAIN: None |

C. **(Council action required)** Councilmember Bertagna disqualified himself from the following discussion:

   **Consideration of an Amendment to the City of Chico Fee Schedule regarding Wireless Telecommunications Facilities (Planning Division Fees).** The Committee recommended (3-0):

   1. Approval of the amendments to the City’s Fee Schedule to provide for wireless communication facility permits as recommended by staff and set forth below:
   a. Establishment of a fee of $350 for processing use permits for wireless telecommunications facilities (public hearing required).
   b. Establishment of a fee of $250 for processing administrative permits for wireless telecommunications facilities (no public hearing required).
   c. Deletion of two use permit categories which were eliminated as part of the revisions to Title 19 (Planning Director approved use permits and fowl permits).
   d. Provision that the applicant pay the cost for review of an application by an independent consultant, if required.

   A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to adopt:

   **RESOLUTION NO. 74 00-01 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 252 - PLANNING DIVISION FEES**

   The motion carried by the following vote:

   | AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert |
   | NOES: None |
   | ABSENT: None |
   | ABSTAIN: Bertagna |

   2. That the wireless telecommunication facilities ordinance be amended to provide that an independent consultant review of a permit will be required **only** if the proposed facility is located outside of a permitted area, or if the emissions would exceed 80% of the federally permitted level. Council concurred to send this item to the Internal Affairs Committee for the amendment process.

   D. **(No Council action required)**
Reports and Communications. The Committee took no action on the following reports.

1. Memorandum dated 10/11/00 from the City Manager providing an update on Sewer (Trunkline and Water Pollution Control Plant) Development Impact Fees, and recommending that consideration of amendments to these fees be delayed until the 2002-03 Nexus Study Update in order to perform further analysis and research. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to accept the recommendations. Council concurred.

2. Supplemental Appropriation for Remote Control Tower for Heavy Rescue Unit (Information only, not recommended for approval). There was Council concurrence to discuss this issue as a budget issue in June.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 11/14/00

By memorandum dated 11/16/00, the Internal Affairs Committee provided a report on its meeting held on 11/14/00. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair. The matters considered by the Committee are listed below. By memorandum dated 11/27/00 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

Consent Agenda

A. (No Council action required)
Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 692. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 692, to establish “No Parking” on the west side, and correct discrepancies in existing “No Parking” on the east side of Ceanothus Avenue, north of East Avenue.

B. (No Council action required)
Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 693. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City of Chico Adopting Traffic Regulation Amendment No. 693, establishing “Prohibited Parking at All Times” and “Bike Lane” on Village Lane between East First Avenue and Karen Drive.

C. (No Council action required)
Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 695. The Committee (3-0) adopted the Resolution of the Internal Affairs Committee of the City of Chico Adopting Traffic Regulation Amendment No. 695, establishing “Handicapped Parking” at 263 East 19th Street.

Regular Agenda

D. (Council action required)
Approval of Code Amendment to Increase Period of Time for which the Approval of a Subdivision Map can be Extended. The Committee recommended (3-0) that the proposed ordinance be forwarded to City Council for approval, and that staff provided a report to the City Council clarifying and comparing current Code provisions regarding subdivision map extensions with the proposed amendments. The Council was provided with a memorandum dated 11/27/00 from Community Development Assistant Sellers clarifying that the proposed amendment would extend the time for expiration of a tentative subdivision map for a period not to exceed 60 months (rather than 36 months) beyond the original expiration date of the map. A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve the introductory reading...
ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO AUTHORIZE EXTENDING THE TIME FOR EXPIRATION OF TENTATIVE MAPS FOR NOT MORE THAN SIXTY (60) MONTHS — INTRODUCTORY READING

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

E. (Council action required)
Approval of Code Amendment Prohibiting the Storage of Junk on Private Property within the City. The Committee recommended (3-0) that the proposed ordinance be forwarded to the City Council for approval. (The below ordinance received introductory reading at Council’s meeting of 11/21/00.)

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt:

ORDINANCE NO. 2212 -- AN ORDINANCE OF THE COUNCIL OF CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROHIBIT THE STORAGE OF JUNK ON PRIVATE PROPERTY WITHIN THE CITY — FINAL READING AND ADOPTION

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

F. (Council action required)
Approval of Recommendation for a Code Amendment to Clarify Provisions relating to the Architectural Review Board. The Committee recommended (3-0):

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve the Committee’s recommendation:

1. That staff be directed to prepare a Code amendment (to be brought back to the Committee in January) to clarify that (a) for Architectural Review Board (ARB) projects with a discretionary application, ARB approval will not be final until the Planning Commission has granted the permit, which may include modification of ARB conceptual approval; and (b) Appeal of an ARB decision which includes Planning Commission approval of a discretionary application would be appealed to the Planning Commission, whereas ARB decisions for projects with no discretionary approval would be appealable to the City Council.
2. That the notices of Architectural Review Board hearings which are posted at the project sites be at least 11 x 17 inches in size.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

G. (No Council action required)
Consideration of City of Chico Draft Traffic Calming Program. The Committee (3-0) directed staff to incorporate the revisions requested at today’s meeting into the draft Neighborhood Traffic Management Program; apply the rank scoring system to previous neighborhood traffic calming requests and bring that information back to the Committee in January in order for it to determine the “threshold” score required for
a neighborhood plan to proceed; and then to schedule meetings with existing neighborhood associations in the City to receive public input on the draft Program, after which it will be submitted to the City Council for consideration.

4.5. **SCHEDULING OF INTERVIEW MEETING FOR APPOINTMENTS TO CITY BOARDS, COMMISSIONS, OR COMMITTEE**

By memorandum dated 11/28/00, the City Clerk forwarded the list of applicants for appointment to the City’s Boards, Commissions and Community Transit Committee, as well as the guidelines for making appointments. (Councilmembers would be provided with separate folders containing copies of all applications and other pertinent information to be brought to the interview meeting). The City Council scheduled December 12, 2000 at 7:00 p.m. to interview the applicants.

4.6. **CONSIDERATION OF THE APPOINTMENT OF A YOUTH REPRESENTATIVE TO THE ARTS COMMISSION**

Councilmember Kirk had requested Council consideration of the appointment of a youth representative to the Arts Commission. This would be a non-voting member who would be able to give a youth perspective to Arts Commission matters, similar to the youth representative on the School Board. She proposed that the City advertise, recruit and appoint the youth representative during the biennial recruitment for other Board and Commission members. Council concurred to add a Youth Representative to the Arts Commission on a three-month rotation schedule.

4.7. **FUTURE MEETINGS**

Councilmember Kirk had requested the Council to consider rescheduling its July 3, 2001 meeting due to the Fourth of July holiday the following day. City Manager Lando indicated that it was a Charter Requirement to adopt the budget at the first regular meeting in July. Council concurred to reschedule the July 3, 2001 meeting to July 10, 2001.

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

5. **BUSINESS FROM THE FLOOR** --- None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Memorandum dated 11/28/00 from the City Clerk forwarding the County Clerk’s Certification of Sufficiency for the Referendum Petition requesting repeal of City Council Resolution No. 42 00-01 (adoption of a general plan amendment to designate the Otterson Drive Eastern Link - mid creek crossing as a collector route). Council consideration of action to be taken on the Referendum Petition will be scheduled for the 12/19/00 Council meeting.

6.2. Memorandum dated 10/27/00 from the Director of Public Works providing a report on the Parking Place Commission meeting held on 10/18/00.

6.3 California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 11/14/00 for Jazz and Supper Club, 501 Main Street.

7. **ADJOURNMENT**

The Mayor adjourned the meeting at 9:53 p.m. to a Closed Session meeting in Conference Room No. Two, after which the Council will adjourn to Tuesday, 12/19/00, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: January 23, 2001
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
DECEMBER 12, 2000 - MINUTES

Chico Municipal Center, Conference Room No. 1, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER The Mayor called the meeting to order at 7:00 p.m.

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

1.2. Roll Call. Present: Mayor Herbert and Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan and Wahl. Absent: None

Staff present:: City Manager Lando, City Attorney Frank, Park Director Beardsley, Planning Director Seidler, Senior Typist Clerk Floreani, and Administrative Analyst Young

2. CONSENT AGENDA - No Items

3. HEARINGS - No Items

4. REGULAR AGENDA

4.1. DISCUSSION OF APPOINTMENT PROCESS, INCLUDING QUALIFICATIONS OF APPLICANTS AND VOTING PROCEDURES USED

The Council was provided at the meeting with a worksheet listing all applicants by board or commission.

Mayor Herbert indicated that applicants would be interviewed in alphabetical order.

Councilmember Kirk explained the new voting procedure as outlined in Administrative Policy & Procedure No. 10-23.

The Council concurred with Councilmember Jarvis’ suggestion to eliminate the nomination step in the procedure (since it provided for unlimited numbers of nominations) and to nominate all applicants. The Council would then vote on each nominee and proceed to a second and third round of voting if necessary until the number of nominees receiving a majority vote equaled the number of positions available on each board or commission.

Regarding qualifications of applicants, Mayor Herbert noted that since there were special qualifications for some positions on the Parking Place Commission, Arts Commission and Architectural Review Board, applicants should let the Council know during their interview if they possessed these qualifications.

Councilmember Bertagna inquired whether there were three or four vacancies on the Bidwell Park and Playground Commission, since it was anticipated Steve O’Bryan would be resigning due to a conflict with serving on the School District Board.

City Manager Lando recommended the Council provisionally appoint a fourth member to the Park Commission, pending final confirmation of the appointment by Council after the required posting of vacancy notice.

Since some applicants had applied for more than one board or commission, the Council concurred with Councilmember Keene’s suggestion that the appointments be made in the following order: Planning Commission, Bidwell Park & Playground Commission, Airport Commission, Arts Commission, Architectural Review Board, Human Resources Commission and Parking Place Commission.
4.2. INTERVIEW APPLICANTS FOR APPOINTMENT TO THE COMMUNITY TRANSPORT ADVISORY COMMITTEE (CTAC)

Butte County Supervisors Dolan and Houx, and Chico City Councilmembers were provided with following: (1) Administrative Policy & Procedure No. 10-23, (2) list showing CTAC applicants, current members, and appointment guidelines, (3) attendance records, (4) copies of the applications, and (5) copy of Council Policy regarding CTAC.

Supervisors Dolan and Houx were not present at tonight’s meeting.

City Manager Lando advised that the Council had two appointments to make and the County had one. The Council could appoint without respect to jurisdiction, although Council usually appointed City residents.

Councilmember Kirk moved that Peggy Hargrove be removed from CTAC due to a poor attendance record, and that her position be declared vacant. The motion was seconded and carried unanimously.

Councilmember Jarvis moved that the Council decline to appoint applicants living in the County and that only City residents be interviewed. The motion was seconded and carried unanimously.

The following City applicants were present and interviewed by Council: Jay Harris and Jonathan Studebaker.

Councilmember Kirk moved to appoint Jay Harris, Jonathan Studebaker and Barbara Shockley to CTAC. The motion was seconded and unanimously carried.

Councilmember Kirk moved that Jay Harris and Jonathan Studebaker serve the full, four-year terms commencing on 01/01/01 and expiring on 01/01/05; and that Barbara Shockley be provisionally appointed to serve the two-year term (left by the removal of Peggy Hargrove from CTAC), commencing with final confirmation of her appointment by Council after the required posting of vacancy notice, and expiring on 01/01/03. The motion was seconded and carried with Councilmembers Bertagna, Keene, Kirk, Wahl and Herbert voting yes, and Councilmembers Jarvis and Nguyen-Tan voting No.

It was noted that one appointment to CTAC remained to be made by the County Board of Supervisors and staff would contact the Board to request this appointment be made.

4.3. INTERVIEW APPLICANTS FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

Councilmembers were provided with folders containing the following: (1) Administrative Policy & Procedure No. 10-23, (2) list of applicants, (3) appointment guidelines, (4) attendance records, (5) copies of applications, (6) copies of Chico Municipal Code and Charter provisions pertaining to each Board and Commission.

The following applicants were interviewed: Lee Altier, Debra Austin, Kathy Barrett, Troy Beglinger, Barbie Boeger, Dolly Brown, Kimberlee Candela, Michael Candela, Scott Coffman, Wendy Coggins, Sara Cooper, Rachelle Curtis, DNA.

The Council was in recess from 8:20 - 8:30 p.m.

Interviews with the following applicants continued: Judy DeMarois, Jolene Dietle, Tara Hames, John Jefsen, Caryn Jones, Kimberly King, Jeffrey Kissiar, Philip LaGrow, John Linhart, M. A. Meleka.

Councilmember Jarvis requested staff to keep a record of how many times a board or commission member abstained from voting or participating in decisions due to conflicts of interest.

The Council was in recess from 9:30 - 9:40 p.m.
Interviews with the following applicants continued: Russ Mills, Kirk Monfort, Michael Moran, Sandy Moran, Candy Murphy, Kamela Polo, Hafeez Rehman, Craig Sanders, Mary Schreiber, Allen Sherwood, Jennifer Spangler, Sharon Stone, Annemarie Sutton, Shelly Thornton, Jim Walker, Lorrin Ward, David Wood, Michael Worley and Claudia Wrazel.

A total of 44 applicants were interviewed tonight, including the two CTAC applicants.

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The Council was in recess from 11:10 - 11:20 p.m.
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The Council then made the below appointments to the City’s boards and commissions by majority vote (the applicants who received a majority of votes in the first round of voting did not exceed the number of positions available, so no additional rounds of voting were necessary).

All terms commence on 01/01/01 and expire on 01/01/05, except as indicated.

**PLANNING COMMISSION**
Jolene Dietle
Kirk Monfort
Craig Sanders (term expires 01/03)
Sharon Stone

**BIDWELL PARKS & PLAYGROUND COMMISSION**
Michael Candela
Wendy Coggins (term expires 01/03, will fill vacancy left by Steve O’Bryan after vacancy is posted)
Mary Schreiber
David Wood

**AIRPORT COMMISSION**
Michael Moran
Allen Sherwood

**ARTS COMMISSION**
Debra Austin
Kathy Barrett
Jennifer Spangler
Claudia Wrazel

**ARCHITECTURAL REVIEW BOARD**
Philip La Grow
John Linhart
Sandy Moran
Lorrin Ward

**HUMAN RESOURCES COMMISSION**
Jesse Allread
Kimberlee Candela
John Jefsen
Jeffrey Kissiar

**PARKING PLACE COMMISSION**
Barbi Boeger
William Dudman
Shelly Thornton

4.4. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None
5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS** -- None

7. **ADJOURNMENT**

   Meeting was adjourned at 11:30 p.m. to Tuesday, 12/19/00, 6:00 p.m. in Conference Room No. 2 for a closed session followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

   Date Approved: January 2, 2001

______________________________________  ______________________________________
City Clerk  Mayor
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
DECEMBER 19, 2000 - MINUTES

1. **CALL TO ORDER** – The Mayor called the meeting to order at 6:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1 Roll Call – Present: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert
Absent: None

Staff Present: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, and Personnel Director Erlandson

1.2 **ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2, CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Mayor Herbert announced that the City Council would adjourn to a closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisition of 1371 Humboldt Avenue, Assessor’s Parcel No. 004-374-027. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are Otis and Shirlon Dodge, the property owners (or such persons designated as their agent for the purpose of negotiations).

2. **CLOSED SESSION**

2.1 **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1371 HUMBOLDT AVENUE (DODGE).** Pursuant to Government Code Section 54954.8, the item of business to be discussed was a conference with the real property negotiator. The City’s negotiator was City Manager Tom Lando and the parties with whom negotiations were proposed to be conducted were the property owners Otis and Shirlon Dodge (or such persons designated as their agent for the purpose of negotiations). The property was identified as 1371 Humboldt Avenue Assessor’s Parcel No. 004-374-027. The items under discussion were instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

2.2 **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City’s negotiator. The names of the employee organizations that represent employees were Chico Police Officers Association (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

If the Council was unable to conclude its discussion of closed session items by 7:30 p.m., it could meet again in closed session at the end of this evening’s meeting.

3. **ADJOURNMENT**

The meeting adjourned at 7:20 p.m. to a Redevelopment Agency meeting in the Council Chamber.
ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING  
DECEMBER 19, 2000 - MINUTES

1. **CALL TO ORDER** - The Mayor called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street

1.1 Flag Salute. Those in attendance recited the Pledge of Allegiance

1.2 Invocation – Curtis Barbarick, Minister, Chico Church of Christ

1.3 Roll Call – Present: Council members Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert

1.4 Introduction of City Staff – City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Director of Public Works Ross, Community Development Director Baptiste, Park Director Beardsley, Chief of Police Efford, Planning Director Seidler, Community Development Assistant Sellers, Management Analyst Herman, Public Works Administrative Manager Halldorson, and Administrative Analyst Young.

1.5 Closed Session Announcement – None.

2. **CONSENT AGENDA**

2.1 **RESOLUTION NO. RDA 8-00 – RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING SUBORDINATION OF THE CHICO REDEVELOPMENT AGENCY LOAN TO MIKE’S MOBILE WINDSHIELD TO CONSTRUCTION AND PERMANENT FINANCING FOR DEVELOPMENT OF CHICO MUNICIPAL AIRPORT PROPERTY PREVIOUSLY PURCHASED FROM AGENCY BY MIKE’S MOBILE WINDSHIELD, INC.**

In February 2000, Mike’s Mobile Windshield purchased a 1.67 acre parcel at the Chico Municipal Airport from the Redevelopment Agency for expansion of its mobile windshield repair business. Mike’s Mobile Windshield also received financial assistance for the sale in the form of a low interest mortgage loan in exchange for job creation. By memorandum dated 12/4/00, Management Analyst Herman submitted a request from Mike’s Mobile Windshield that the Redevelopment Agency consider approving a Subordination Agreement that would place the Agency’s mortgage loan in third position to construction and permanent financing for the development of the property. This item would be considered by the Economic Development Committee at its 12/14/00 meeting and if not recommended for approval, should be removed from the Consent Agenda.

The Council was provided with additional information at tonight’s meeting indicating that the Economic Development Committee recommended approval of this matter at its 12/14/00 meeting.

Councilmember Bertagna announced he would abstain from voting on this matter.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt Resolution No. RDA 8-00. The motion carried by the following vote:

**AYES:** Councilmembers Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert

**NOES:** None

**ABSTAIN:** Councilmember Bertagna

**ABSENT:** None

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA** – No items

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

6. **ADJOURNMENT.** The Redevelopment Agency adjourned to a City Council meeting.
1. **CALL TO ORDER**

1.1 Roll Call

2. **CONSENT AGENDA.**

Item 2.8 was removed from the Consent Agenda by Councilmember Bertagna, and was considered at that point on the agenda.

Item 2.9 (which was added by posted addendum) was removed from the Consent Agenda by Councilmember Nguyen-Tan and considered at the end of the Regular Agenda under Item 4.6, in order to provide copies of the posted addendum to Councilmembers who had not received it.

2.1. **ORDINANCE NO. 2213 - ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO AUTHORIZE EXTENDING THE TIME FOR EXPIRATION OF TENTATIVE MAPS FOR NOT MORE THAN SIXTY (60) MONTHS - FINAL READING AND ADOPTION**

By memorandum dated 11/27/00, the Community Development Assistant reports that this ordinance will extend the time for expiration of a tentative subdivision map for a period not to exceed 60 months (rather than 36 months) beyond the original expiration date of the map, consistent with the State Map Act. The ordinance was recommended for adoption by the Internal Affairs Committee, and received introductory reading at the City Council’s meeting of 12/5/00.

2.2. **RESOLUTION NO. 76 00-01 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ADD THE POSITION OF ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR TO THE MANAGEMENT TEAM AND ESTABLISH THE SALARY RANGE FOR THE POSITION**

By memorandum dated 12/4/00, the Personnel Director reports that it is necessary to amend the Management Team Pay and Benefits Resolution to add the new job position of Assistant Community Development Director to the Management Team. This new position was authorized by the City Council at its 11/21/00 work session at the pay level discussed at that time, and additional costs for the position will be included in the supplemental appropriation which will cover all of the approved changes from that meeting. The Personnel Director recommended adoption of the resolution.


By memorandum dated 12/4/00, the Personnel Director reports that this is a “housekeeping” resolution which amends that portion of the City of Chico’s Conflict of Interest Code which lists the required disclosure categories of designated city officials pursuant to the requirements of the Political Reform Act. This year’s revisions add the new positions of Public Works Administrative Manager and Assistant Community Development Director, add a Management Analyst position to the City Manager’s Office, and differentiates the two Projects Manager positions in the Community Development Department. The Personnel Director recommended adoption of this resolution.
2.4. MINUTE ORDER NO. 33-00 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CHARLES AND ELIZABETH MOORE FAMILY 1982 REVOCABLE TRUST, TO ACQUIRE A BICYCLE PATH EASEMENT ALONG THE MIDWAY, EAST OF HEGAN LANE, FOR THE CONSTRUCTION OF THE MIDWAY BICYCLE PATH (ASSESSOR PARCEL NOS. 040-310-026/034.036/082)

At its meeting held 1/25/00, the City Council authorized the City Manager to negotiate the acquisition of a bicycle path easement along The Midway, east of Hegan Lane, for the construction of the bicycle path along The Midway between east Park Avenue and Hegan Lane. This minute order will authorize the City Manager to enter into an agreement with the Charles and Elizabeth Moore Family 1982 Revocable Trust to acquire approximately 28,927 square feet of bicycle path easement. Funds for the acquisition have been included in the 2000-01 annual budget. The assistant City Manager recommended approval of the Minute Order.

2.5. MINUTE ORDER NO. 34-00 - AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT FOR THE INDOOR SHOOTING RANGE - BIDWELL PARK (CITY OF CHICO AND CHICO ROD AND GUN CLUB) FOR AN ADDITIONAL FIVE YEAR TERM

At its meeting of 10/30/00, the Bidwell Park and Playground Commission recommended (5-2) approval of an amendment to the current lease with the Chico Rod and Gun Club, Inc. to extend the lease term by five years. In addition, under the terms of the amendment, the Club will provide an annual report of usage, revenues and expenses for the facility. The Bidwell Park and Playground Commission and Park Director recommended approval of the minute order.

2.6. MINUTE ORDER NO. 35-00 - AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS FOR USE OF SPACE IN MUNICIPAL CENTER BY COUNTY, STATE OR FEDERAL ELECTED OFFICIALS

Elected officials representing the Chico community have in the past requested use of any vacant office space in the Municipal Center for use as a field office. Staff recently received a request from Senator Oller for this purpose. The City Council has previously authorized use on a case-by-case basis. This minute order would give the City Manager authority to negotiate and execute agreements for the use of space in the Municipal Center by elected County, State or Federal officials representing Chico upon request, with negotiated terms giving primary consideration to the City's needs at the time of the request. The City Manager recommended approval of the minute order.

2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND THE ANNUAL PAYMENT FOR THE ANIMAL SHELTER ACQUISITION

By agreement dated 09/14/94, the City agreed to acquire an addition to the City-owned animal shelter building located at 2579 Fair Street in ten annual installments of $21,400 (Capital Project No. 00383). The seventh annual payment was inadvertently omitted from the 2000-01 budget and this Supplemental Appropriation would correct that error by allocating $21,400 from the Building and Facility Improvement Fund (301). The City Council has been provided with a copy of the Building and Facility Improvement Fund Summary which reflects the estimated 06/30/01 fund balance. Pursuant to the authority granted by Annual Budget Policy No. C.2., and because the acquisition was previously approved by the City Council, this request is being submitted directly to the City Council without prior consideration by the Finance Committee. The City Manager recommended approval of the Supplemental Appropriation.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve all of the Consent Agenda items except Item 2.8 (considered below) and Item 2.9 (considered at the end of the Regular Agenda under Item 4.6). The motion carried by the following vote:

AYES: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert
NOES: None
ABSENT: None
2.8. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS

The Council was provided with a memorandum dated 12/6/00 from the City Clerk providing the Council with a list of committees, agencies and organizations upon which Council representatives were now serving. The Council was also provided with a memorandum dated 12/12/00 from Administrative Analyst Young forwarding a list of the Mayor’s recommended appointments. The Council was requested to adopt a motion confirming the Mayor’s recommended appointments.

Councilmember Bertagna indicated he was interested in working as a liaison with the Downtown Chico Business Association (DCBA). He requested appointment as an alternate DCBA liaison (the Mayor had recommended Councilmember Wahl as the DCBA liaison).

A motion was made by Councilmember Keene, and seconded by Councilmember Bertagna, to approve the Mayor’s recommended appointments with the addition of Councilmember Bertagna as an Alternate DCBA Liaison. The motion carried by the following vote:

AYES: Councilmembers Bertagna, Keene, Kirk, Nguyen-Tan, and Herbert
NOES: Councilmember Jarvis
ABSENT: None

Councilmember Jarvis objected to the recommended appointments because she said she had been removed from several of her former positions, including Chair of the Internal Affairs Committee, and she wanted the public to know why she voted no on the recommended appointments.

Mayor Herbert responded that Council members had been requested to contact him regarding their interests and concerns with his recommended appointments.

A motion was made by Councilmember Nguyen-Tan, and seconded by Councilmember Keene, that Councilmember Jarvis be appointed as the alternate representative to the Butte County Association of Governments (BCAG). The motion carried by the following vote:

AYES: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert
NOES: None
ABSENT: None

2.9. (This item was added to tonight’s agenda by an Addendum posted on 12/15/00. It was removed from the Consent Agenda by Councilmember Nguyen-Tan and considered under Item 4.6.)

APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ASSISTANCE TO THE CSU, CHICO CENTER FOR ECONOMIC DEVELOPMENT FOR THE TRI COUNTIES ECONOMIC FORECAST CONFERENCE TO BE HELD IN CHICO

3. NOTICED PUBLIC HEARINGS – No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

(Item 2.9, which was removed from the Consent Agenda, was considered at the end of tonight’s agenda under Item 4.6.)

4.2. CONSIDERATION OF OPTIONS REGARDING THE REFERENDUM PETITION REQUESTING REPEAL OF CITY COUNCIL RESOLUTION NO. 42 00-01 (ADOPTION OF A GENERAL PLAN AMENDMENT TO DESIGNATE THE OTTERTON DRIVE EASTERN LINK – MID CREEK CROSSING AS A COLLECTOR ROUTE)

By memorandum dated 12/11/00, the City Clerk reported that a referendum petition on the Otterson Drive Extension had been submitted and verified to have the requisite number of signatures. The City Council,
at its 12/5/00 meeting, acknowledged receipt of this referendum. The City Council now had the following options in response to that petition:

1. Rescind Resolution No. 42 00-01, adoption of a general plan amendment to designate the Otterson Drive Eastern Link-mid creek crossing as a collector route; or

2. Call for a special election to be held between April 15, 2000 and May 15, 2001; or

3. Call for the election to be held on the next regularly scheduled general election date.

If an election was called, the Council should determine if it would be a regular or mailed ballot election. Action on this issue could be taken at this meeting and the City Council was requested to direct staff as to how to proceed.

The Council was provided with the following additional information at tonight’s meeting: (1) memorandum dated 12/19/00 from the City Manager outlining estimated costs for a special election; (2) letter dated 12/14/00 from Mike Smith forwarding the Neighbors for Environmental & Fiscal Responsibility recommendation that the Council rescind its decision regarding Otterson Drive; (3) letter dated 12/18/00 from the Bidwell Park & Playground Commission supporting acquisition of the property for a creekside greenway; (4) letter received 12/19/00 from Billie Breshman requesting Council to delay construction of a bridge over Comanche Creek.

The following letters were distributed by citizens to the City Council at tonight’s meeting: (1) letter dated 12/19/00 from Emily Alma urging the Council to rescind its decision on the Otterson Drive project; and (2) letter dated 12/19/00 from Luisa Garza, Chair of the Neighbors for Environmental and Fiscal Responsibility (NEFR) Toxic Task Force, requesting the Council to establish a joint Task Force to study the petroleum leaks under the Midway.

City Manager Lando summarized the City Clerk’s memorandum outlining the Council’s options and his memorandum distributed tonight regarding cost estimates for a traditional precinct election($79,000), a mailed ballot election performed by the County ($62,500), and a mailed ballot election performed by a private consultant ($48,000 - $60,000).

Councilmember Jarvis inquired whether a special election had to be held on the first Tuesday of the month, and City Attorney Frank responded that it did not.

Councilmember Jarvis stated she felt strongly that tonight’s discussion should be postponed until the University students were back in town, especially if the Council was inclined to set the date of a special election for a time when the University was not in session. She requested that consideration of the options regarding the Otterson Drive referendum be postponed until February when the students were back. No other Councilmembers spoke in support of postponing this matter until February.

Mayor Herbert opened the public hearing.

The following individuals urged the Council to rescind its approval of the Otterson Drive extension, most of whom also requested that if a special election was called instead to put the issue to the voters, that it be held during the Spring while the University was still in session so that those employees and students would be in town and have the opportunity to vote on the issue: Mark Williams; Amos Clifford, who read the 12/19/00 letter submitted tonight from Luisa Garza; Helen Ost; Kirk Monfort; Lynn Jansen; Nancy Park; Dave Murray; Jon Luvaas; and Kathy Faith.

Darlene Thomasson, representing the owners of the property where the Otterson Drive extension project was to be located, stated that if the Council rescinded its approval of the project and did not purchase the property by June, the owners would develop the property.

The following individuals urged the Council not to rescind its decision regarding Otterson Drive, to call a special election to put the issue to the voters, and to set the election for June 5, 2001, in order to allow time for parties on both sides of the issue to prepare factual arguments for the election: Todd
The following individuals urged the Council to rescind its approval of the Otterson Drive extension, most of whom also requested that a special election was called instead to put the issue to the voters, that it be held during the Spring while the University was still in session so that those employees and students would be in town and have the opportunity to vote on the issue: Steve Schuman; Rachel Oriana Schraeder; and Emily Alma.

Ms. Alma also requested the Council to consider purchasing the property first and then deciding whether to build a park or a bridge, suggesting that such an advisory measure might be added to the ballot if an election were called.

Steve O’Bryan spoke in favor of calling an election on the issue.

Rollie Berger urged the Council not to rescind the decision, but to establish a procedure for presentation of the facts to the voters, feeling there had been too much mis-information regarding the Otterson Drive project.

Karen Laslo urged the Council to consider input from the proponents of the referendum petition, NEFR, before making any decisions regarding the type of election or date of election.

Bob Ray and Richard Elsom supported rescission of the Otterson Drive project approval, but felt strongly that if an election were called, that it be held in the spring before the University recessed for the summer. They felt an election held in June would disenfranchise the student community.

Mike Jensen felt there were contamination problems associated with the subject property, and it would not be advisable for the City to purchase it due to liability issues.

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

Councilmember Bertagna moved: (1) that the City Council not rescind its decision approving the Otterson Drive extension project (City Council Resolution No. 4200-01); (2) that a Special Election be called for June 5, 2001 for the purpose of putting the question posed by the Otterson Drive Referendum Petition to the voters; (3) that a Committee of the Council be formed to assist in writing the ballot regarding the “no-project alternative” if the Otterson Drive bridge were not built (cost of alleviating the traffic circulation problem in that area, etc.); and (5) that the decision as to what type of election would be conducted (traditional precinct or mailed ballot) be scheduled for consideration by the Council in January. The motion was seconded by Councilmember Keene and voted on after the following discussion.

Councilmember Keene said he would like to be on the Committee to assist in drafting the ballot language so that the voters would understand that the “no-project alternative” of alleviating traffic problems in the area would be more expensive than the Otterson Drive extension project. Councilmembers Kirk and Bertagna indicated they would also like to be on the Committee to draft the ballot language.

City Manager Lando pointed out that the statutes governing referendum elections were fairly straightforward as to what the ballot language would be, that the City Attorney would be drafting the Impartial Analysis, and that Councilmembers should consider drafting arguments for and against the ballot measure.

Councilmembers Nguyen-Tan and Jarvis were opposed to holding the election in June rather than in May, when the University was still in session.

Councilmember Jarvis was also opposed to adding another advisory measure to the ballot, since it had
not been scheduled on tonight’s agenda for discussion.

Councilmember Kirk said she would support the motion if the election date were set for May, but would not support the June election date.

Councilmember Keene felt more time was needed in order to get all the information to the voters, particularly what the cost of the “no-project alternative” would be.

Councilmember Jarvis felt that if a measure regarding the “no-project alternative,” was to be placed on the ballot, the Council should also consider placing on the ballot the other Otterson Drive project alternatives and options such as the Eastern Link, the Northern Link, and the Western Link.

Councilmember Keene was opposed to the above request because the Referendum Petition addressed only the option that was approved by the Council.

Councilmember Bertagna reiterated his above motion, which had been seconded by Councilmember Keene. The motion carried by the following roll call vote:

AYES: Councilmembers Bertagna, Keene, Wahl, and Herbert
NOES: Councilmembers Jarvis, Kirk, and Nguyen-Tan
ABSENT: None

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The Council was in recess from 9:30 - 9:35 p.m.

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4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON 12/04/00

By memorandum dated 12/5/00, the Finance Committee provided a report on its meeting held 12/4/00 at which time the matters listed below were considered. Committee members present were Councilmember Herbert, Lange, and Bertagna (substituting for Keene, Chair). The Council was also provided with a memorandum dated 12/11/00 from the City Clerk forwarding copies of the documents that were provided to the Committee.

4. Consideration of Proposed Changes to the City’s Purchasing Rules. The committee recommended (3-0) adoption of the ordinance implementing the changes to the City’s Purchasing Rules as recommended by staff.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE FOR PURCHASE AND SALE OF SUPPLIES – INTRODUCTORY READING

Councilmember Keene moved introductory reading of the ordinance. The motion was seconded by Councilmember Bertagna and carried by the following vote:

AYES: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert
NOES: None
ABSENT: None

B. Consideration of the Establishment of Monthly Sanitary Sewer Lift Station fees pursuant to Chico Municipal Code Section 15.36.062. The Committee recommended (3-0) that monthly lift station fees be established for the following Lift Station Areas recommended by staff: Chico Municipal Airport, Henshaw, Henshaw/Guynn, the Esplanade, Northwest Chico, and Oates Business Park.

Councilmember Keene moved adoption of Resolution No. 78 00-01. The motion was seconded by Councilmember Bertagna and carried by the following vote:

**AYES:** Councilmembers Bertagna, Jarvis Keene, Kirk, Nguyen-Tan, Wahl and Herbert

**NOES:** None

**ABSENT:** None

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**THE CITY COUNCIL CONVENED AS THE CHICO REDEVELOPMENT AGENCY FOR THE PURPOSE OF CONSIDERING ITEM #C BELOW**

C. **Consideration of Increasing the Sales Price Limit for the Mortgage Subsidy Program.** The Committee recommended (3-0) that the sales price limit in order to qualify for the Mortgage Subsidy Program be increased from $115,000 to $125,000, as recommended by staff.

Councilmember Kirk moved approval of the Finance Committee recommendation that the Mortgage Subsidy Program sales price limit be increased from $115,000 to $125,000. The motion was seconded by Councilmember Bertagna and carried by the following vote:

**AYES:** Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert

**NOES:** None

**ABSENT:** None

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**THE CHICO REDEVELOPMENT AGENCY RECONVENED AS THE CITY COUNCIL**

D. **Consideration of Appeal by Dan Hays of Director of Public Works Determination in connection with Ivy Street Business Park.** The Committee recommended (3-0) that the City pay either the total design cost for the Ivy Street extension, or one-half the cost of the additional one and one-fourth inches of asphalt concrete overlay required, whichever is determined to be less, up to an amount of $10,000, based upon revising the Nexus Study to characterize this portion of the work as building oversized facilities.

Councilmember Kirk asked for clarification of the Committee’s recommendation, since it appeared from reading the Committee minutes that oversizing had not been required.

City Manager Lando explained that he had recommended to the Committee this compromise solution to Mr. Hays’ appeal since it could be interpreted that some oversizing had been required by the City when it changed the traffic index factor used to calculate the depth of overlay to accommodate traffic from other property that would be connecting to Ivy Street from the west. He added that if the Council did not accept the Committee’s recommendation on the appeal, it could schedule the appeal for hearing before the full Council.

Tim Bousquet informed the Council that the guard rail and then the saw horses which had been installed to prevent Ivy Street from connecting to 22nd Street had been removed, and businesses and their employees in the area were driving between the two, causing ruts in the road and an unsafe condition.

City Manager Lando responded that the Director of Public Works would investigate and remedy the situation.

Councilmember Keene moved to accept the Finance Committee recommendation for a compromise solution to the Dan Hays appeal. The motion was seconded by Councilmember Bertagna and carried by the following vote:

**AYES:** Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert
E. **Report on Cost Analysis of using Trolleys instead of Regular Buses on the Chico Area Transit System.** The Committee took no action on this report.

Councilmember Keene indicated he had requested this report and would be bringing it back to the Committee for further discussion, since he had been absent at the 12/4/00 meeting.

Councilmember Keene recommended acceptance of the Finance Committee report of its meeting held on 12/4/00. The motion was seconded by Councilmember Bertagna and carried by the following vote:

**AYES:** Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert  
**NOES:** None  
**ABSENT:** None

4.4 **FUTURE MEETINGS**

The Council was requested to consider standing meeting dates and times for the Finance Committee, the Internal Affairs Committee, and the Economic Development Committee, in the event the current dates and times need to be changed to fit in with new Committee members’ schedules. In addition, if the current Finance Committee meeting date was retained, the January Finance Committee must be rescheduled since it fell on 1/1/01, the New Years Day holiday.

Internal Affairs Committee members (Jarvis, Kirk, and Bertagna, Chair) concurred that the existing meeting date and time would probably be fine, but that it could be discussed at the Committee’s 01/09/01 meeting.

Finance Committee members (Nguyen-Tan, Wahl, and Keene, Chair) agreed to schedule the January Committee meeting for 01/08/01 at 4:00 p.m., at which time the Committee could discuss its standing meeting date and time.

Economic Development Committee members (Keene, Wahl, and Kirk, Chair) agreed to retain the existing meeting date and time of the second Thursday of the month at 4:00 p.m.

4.5 **ITEM ADDED AFTER POSTING OF THE AGENDA**

Councilmember Jarvis moved to determine that there was a need to take immediate action on the below matter and that the need for action came to the attention of the City subsequent to the posting of tonight’s agenda. The motion was seconded by Councilmember Kirk and carried by the following vote:

**AYES:** Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert  
**NOES:** None  
**ABSENT:** None

**CONCEPTUAL APPROVAL ACCEPTING ASSESSOR’S PARCEL NO. 011-030-016 (ED AND JULIE JOHNSON) FOR OPEN SPACE IN EXCHANGE FOR SANITARY SEWER ASSESSMENTS LEVIED BY SOUTHEAST CHICO SEWER ASSESSMENT DISTRICT**

By memorandum dated 12/19/00, the City Manager reported on this matter which did not appear on the posted agenda. Council was being asked to consider it tonight because there was a need to take immediate action. The Johnson’s were not willing to enter into an agreement allowing the City to enter their property for water and soil testing unless conceptual approval was received by Council for this exchange.

Data from testing the Johnson’s property was required to complete the site investigation for the entire
dump site as required by the Regional Water Quality Control Board and DTSC under the AB 2061 site designation. The city could not proceed through the process without the data from the testing of the Johnson property. These agencies specifically had requested that the City collect water and soil gas data (gas vapors in the soil). The soil gas data could only be collected under relatively dry conditions and the fact that this last month had been relatively dry and that January generally brought the winter rains was deemed an item needing immediate action. If the consultant was unable to collect the data during this warm “window,” it might be that the data could not be collected until the site dried out this spring, further delaying the process. The City Manager recommended that conceptual approval of the exchange of sanitary sewer assessments for open space designation be made.

Councilmember Jarvis moved to accept the City Manager’s recommendation that an agreement with the Johnson’s for the exchange of sanitary sewer assessments for open space designation be conceptually approved. The motion was seconded by Councilmember Kirk and carried by the following vote:

AYES: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert
NOES: None
ABSENT: None

4.6 ITEM REMOVED FROM THE CONSENT AGENDA

2.9 APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ASSISTANCE TO THE CSU, CHICO CENTER FOR ECONOMIC DEVELOPMENT FOR THE TRI COUNTIES ECONOMIC FORECAST CONFERENCE TO BE HELD IN CHICO

By memorandum dated 12/14/00, Management Analyst Herman submitted the recommendation from the Economic Development Committee that the City Council approve allocating funds to CSU, Chico Center for Economic Development for a portion of the cost to mail fliers for its Tri-Counties Economic Forecast Conference to be held in Chico in January 2001. This Supplemental Appropriation would allocate $1,000 from the General Fund (001). If the City Council approved the funding, a confirming Supplemental Appropriation will be processed to budget the funds. The Economic Development Committee recommended approval of the Supplemental Appropriation.

Councilmember Nguyen-Tan removed this from the Consent Agenda because although he supported the allocation of funds for the Conference, he was concerned that the $50 registration fee to attend the Conference would preclude the general public from attending, and he felt use of public funds should benefit the public in general. He suggested that the supplemental appropriation be approved with the condition that the organizers either video tape or provide an audio transcript of the Conference for people who could not afford to attend.

City Manager Lando suggested that another condition be added that the organizers allow 20 individuals to attend the conference at no cost as scholarships.

Councilmember Jarvis added that the scholarships should be provided only to people of low income.

Councilmember Nguyen-Tan moved approval of a Supplemental Appropriation allocating $1,000 to the CSU, Chico Center for Economic Development for a portion of the cost to mail fliers for its Tri-Counties Economic Forecast Conference to be held in Chico in January 2001, with the conditions: (1) that 20 scholarships be made available to low income persons to attend the Conference at no cost; and (2) that the organizers of the Conference produce either video tapes or audio transcripts of the event in order to make it available to those who could not afford to attend. The motion was seconded by Councilmember Jarvis and carried by the following vote:

AYES: Councilmembers Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl and Herbert
NOES: None
ABSENT: None

5. BUSINESS FROM THE FLOOR
Members of the public could address the council at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The council could not take any action at this meeting on requests made under this section of the agenda.

Robert Mullins addressed the Council regarding problems he had encountered with Chico Police Officers canvassing his neighborhood and in the process, treating him in a rude manner when he refused to give them his name because he had no information to offer regarding the incident under investigation. He felt it should be brought to the Council’s attention that some Police Officers were rude in their treatment of civilians.

City Manager Lando and Chief of Police Efford indicated they would contact Mr. Mullins, or he could contact the City Manager in order to set up a meeting and discuss his concerns.

6. REPORTS AND COMMUNICATIONS

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

6.1 By memorandum dated 12/4/00, the Special Events Steering Committee submitted a report and recommendations regarding Halloween and requested Council direction regarding future unsponsored events and the role of the Steering Committee. This matter would be scheduled for Council discussion at the 01/23/01 Council Work Session.

Councilmember Jarvis requested that the Council’s Special Events Coordinating Committee (Councilmembers Bertagna, Keene and Kirk) convene prior to the Council’s 01/23/01 work session to consider the Special Events Steering Committee’s recommendations and formulate a recommendation to the full Council.

City Manager Lando indicated he would try to arrange a meeting of the Council’s Committee as soon as possible.

6.2 Memorandum dated 12/4/00 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. ADJOURNMENT

The meeting was adjourned at 10:15 p.m. to Tuesday, January 2, 2001, at 7:00 p.m., in Conference Room No. 2 for a closed session if scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: January 23, 2001

___________________________________ _______________________________________
City Clerk Mayor