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

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
Absent: None

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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and 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 LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Initiation of litigation: One Case. (Gov. Code Sec. 54956.9(c).)

3. **ADJOURNMENT**

   The Mayor adjourned the Closed Session at 7:30 p.m. to a City Council meeting in the Council Chamber.
January 2, 2001

REGULAR CHICO CITY COUNCIL MEETING
JANUARY 2, 2001 - MINUTES

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

1. CALL TO ORDER Mayor Herbert called the regular Chico City Council Meeting to order at 7:30 p.m.

1.1. Flag Salute — Those in attendance recited the Pledge of Allegiance.

1.2. Invocation — Bishop Vic Werlhof, Church of Jesus Christ of Latter Day Saints

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

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, Fire Chief Brown

1.5. Closed Session Announcement -None

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

2.1. ORDINANCE NO. 2214, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE FOR PURCHASE AND SALE OF SUPPLIES

The Council was provided with the Assistant City Manager’s memorandum dated 11/27/00 transmitting this ordinance which would implement changes to the City’s purchasing rules. At its meeting of 12/19/00 the Council accepted the Finance Committee recommendation for adoption of the ordinance and it received introductory reading at that time.

2.2. RESOLUTION NO. 79 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

By memorandum dated 12/18/00, the City Attorney forwarded this resolution and requested authorization to destroy certain City Attorney Office records over two years of age. The City Attorney recommended adoption of the resolution.

2.3. RESOLUTION NO. 80 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN FINANCE DEPARTMENT RECORDS

By memorandum dated 12/14/00, the Finance Director forwarded a resolution, approved by the City Attorney as required by California Government Code § 34090, authorizing destruction of various Finance Department records per “Local Government Records Retention Guidelines” published by the City Clerks’ Association of California. The Finance Director recommended adoption of the resolution.
2.4. RESOLUTION NO. 81 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 - WEST 11TH AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated 12/13/00, the Community Development Assistant forwarded a report on the initiation of annexation proceedings for a single 7260 square foot parcel at 348 West 11th Avenue. The parcel proposed for annexation contains a single family residence. The site was designated and prezoned for low density residential use. The annexation was initiated to allow connection to the sanitary sewer system and abandonment of the failed septic system. The Community Development Assistant recommended adoption of the resolution.

2.5. APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON DECEMBER 12, 2000

The Council was provided with copies of the minutes of its meeting held on 12/12/00.

The motion to approve the Consent Agenda as read, carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. A. REVIEW AND CONSIDERATION OF BIDWELL PARK AND PLAYGROUND COMMISSION’S CONCEPTUAL APPROVAL OF AN ALIGNMENT FOR THE ANNIE BIDWELL TRAIL - BIDWELL PARK

By memorandum dated 12/20/00, the Park Director reported that the Bidwell Park and Playground Commission conceptually approved a potential alignment for the Annie Bidwell Trail in Bidwell Park. The Council was provided with copies of the Botanical Resources Assessment prepared for the proposed Annie Bidwell Trail. The Commission’s decision was the product of several public meetings and discussion. Selecting the conceptual alignment was a necessary step in completing the environmental review. The next step was to make a preliminary determination of level of the environmental review that will be required. It should be noted that the alignment proposed by Caryn and Michael Jones was reviewed as one of the project alternatives. The City Council asked to be informed of that determination prior to proceeding if more than a negative declaration was required. The Bidwell Park and Playground Commission and Park Director recommended proceeding with the project as presented.

The Council was also provided with additional information received from Caryn and Michael Jones on 12/22/00 regarding the Annie Bidwell Trail.

Councilmember Bertagna commented that he had requested this item be agendized after receiving numerous comments and questions from citizens. Park Director Beardsley explained that the Park Commission wanted to use existing trails. Some trails weren’t wide enough and would require substantial work in order to bring them up to a useable level. The intent of the trail was that there was a need for improved access to the area. The proposal is for a 4-ft wide trail to accommodate walking, hiking, equestrian and biking. One of the things discussed by the Commission was that once the main trail was built, there would be nothing wrong with entertaining additional low usage trails that would protect sensitive areas.

The Mayor asked for comments from the public.
Caryn Jones addressed the Council regarding how Chico was growing and how Horseshoe Lake had been impacted by the number of people utilizing the area. She felt that the solution was more trails, therefore, dispersing the number of people throughout the park. Caryn Jones also stated that she and her husband Michael would like to extend the offer to build the upper Annie Bidwell trail. The areas that they were in disagreement over were Alligator Day Camp and up near Brown's hole. She told Council that, originally, there was a concern expressed over the wetlands and how it was difficult to obtain permits. After further research, she stated that if you do not use fill material in the wetland area, a permit is not needed.

Councilmember Keene asked Caryn Jones if costs were available for material and time. Caryn Jones said that they had not finalized any numbers, but were quite familiar with the costs associated with this endeavor as her husband has built numerous trails.

Councilmember Wahl questioned Caryn Jones as to what the Jones didn’t like about the proposed trail by the Commission. She stated that the trails proposed by the Commission were very high up and did not take in the scenic areas.

Councilmember Kirk stated she had a problem with creating new trails when there were trails already established. She asked if it was possible to use the main trail with the loops. Councilmember Wahl asked Caryn Jones how much of an increase in accessibility to those areas would there be with their proposal. She responded that more families would be able to access the areas.

Josephine Berdino addressed the Council and stated that she did have the opportunity to walk the entire proposed trail areas. However, the area that she walked raised concerns about additional erosion problems. She was also concerned about flowers that were endangered and how additional trails would impact those species. If developers were being forced to mitigate the impacts on such plants then the City should also provide mitigation. Overall she felt that the City should utilize existing trails.

Helen Ost supports a well designed trail on the southside. However, she was concerned about a 4-ft trail for equestrians and bicyclists. She supported the decision of the Commission and had presented some written information to the Council as additional information.

Billie Bresnahan, has been a volunteer on the Yahee Trail. She was concerned about a trail created by volunteers because there had been no maintenance by the City on Yahee trail. Trail maintenance would be difficult on new trails.

Suzanne Gibbs thought that this was a matter for the Park Commission and felt that staff was qualified to carry out the direction of the Commission. If the City does create new trails it should be done in the best possible way. She felt that the City should use existing trails where appropriate, avoiding wetlands, drainage areas or use bridges over the areas.

Council took a 10 minute break at 8:40 p.m.

The Mayor reconvened the meeting and explained there had been new equipment installed that would assist with monitoring the three minute rule for speakers addressing the Council.

Lisa Stallings, who develops wetland areas, stated that it is really expensive to build around these areas. It’s not just buying the project but maintaining it. She felt that the Jones had done so much and urged the City to maintain the trail if built.

Kimberly King, a former Park Commissioner, stated that she did not really understand the requirements of a trail until she had walked the whole area. She felt that Council should walk it in order to see the various options. She was concerned over the extent of the clearing along the trail proposed by the Jones.

A motion was made by Councilmember Bertagna and was seconded by Vice Mayor Kirk to
schedule a site visit.

John Copeland stated he used to be on the Park Commission and during the 80 years that Bidwell Park had been in existence there had been terrible mistakes, along with some beautiful changes. He urged the Council to take that into consideration.

Glenn Dunning stated that the purpose of a trail is to get from point “A” to point “B”. He did not feel that a trail was supposed to be easy nor was the original thought to open up all the land to all of the people. The Commission did decide to look and use the Jones’ proposed trail. He couldn’t believe that anyone would want to build a 4-ft trail, 12 feet high in some of the most beautiful areas in the park.

Councilmember Keene wanted to make sure that people have access to that area that may not necessarily have it now. Councilmember Wahl questioned how much access would be available if the City built the trail. Park Director Beardsley stated that accessability would increase significantly.

Councilmember Jarvis questioned the need for an EIR if the Jones’ proposed trail was selected. Staff confirmed that the proposed trail by the Jones would require a full EIR and the Commission proposal would only require a negative declaration. City Manager Lando stated that if the Council decided to head in the direction of an EIR, then the City should bring in the Corps’ of Engineers.

Councilmember Wahl asked for a friendly amendment to direct staff to start a conceptual EIR. Councilmember Keene said he couldn’t support moving forward on an EIR at this time. Councilmember Bertagna did not accept the friendly amendment.

The motion by Councilmember Bertagna was to set 2/24/01 at 9:00 a.m., as a regular meeting of the Council for a site visit for the proposed Annie Bidwell Trail. Council also directed staff to convene the Park Commission for their attendance and to invite former commissioners who did extensive work on the trail.

The motion carried by the following vote:
Ayes: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Noes: None
Absent: None
Abstain: None

4.2 B. REVIEW AND CONSIDERATION OF DESIGNATING A POTENTIAL ALIGNMENT OF THE ANNIE BIDWELL TRAIL IN UPPER BIDWELL PARK.

By memorandum dated 12/20/00, the Park Director indicated that an initial route for the proposed Annie Bidwell Trail was marked and cleared earlier as part of the Bidwell Park and Playground Commission’s consideration of a future route. Following that review, the markings were removed and brush placed back on the route pending a final determination on the location of the trail and environmental review. Caryn Jones was requesting permission to re-mark an alignment that differs in some areas from the trail route conceptually approved by the Bidwell Park and Playground Commission at its meeting on 12/28/00. Absent environmental review and final decision on any route, the Park Director recommended the request be denied. No action was taken on this item.

4.3 CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 12/12/00

By memorandum dated 12/14/00, the Internal Affairs Committee provided a report on its meeting held on 12/12/00. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair. The matters considered by the Committee were listed below. By memorandum dated 12/21/00 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

Consent Agenda
A. (Council action required to adopt resolution)
   Approval of Modification of Metered Parking Spaces on East 6th Street between Main and Wall Streets. The Committee recommended (3-0) that four metered spaces on East 6th Street between Main and Wall Streets be changed from 10-hour to 2-hour parking and that the implementing resolution be forwarded to the City Council for adoption. A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt:

   RESOLUTION NO. 82-00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
   ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 700)

   The motion carried by the following vote:
   Ayes: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   Noes: None
   Absent: None
   Abstain: None

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. 699. 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. 699, authorizing the removal of one parking space at 1500 Humboldt Road.

C. (No Council action required)
   Approval of Placement of Portable Speed Humps on Yosemite Drive. The Committee (3-0) approved installation of the temporary speed humps on Yosemite Drive as recommended by the Director of Public Works: to be initially installed adjacent to 1221 and 1246 Yosemite Drive for a trial period of one month, then relocated to the northerly end of Yosemite Drive adjacent to Canyon Oaks Country Club for a trial period of one month, and additional speed surveys to be conducted before and after installation of the speed humps and following removal to determine their effectiveness at reducing traffic speed. (Note that the speed humps will be installed some time within the next 30-120 days, depending on how long it takes to acquire them.)

   A motion was made by Councilmember Kirk and seconded by Councilmember Bertagna to extend the trial period to 60 days.

   The motion carried by the following vote:
   Ayes: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   Noes: None
   Absent: None
   Abstain: None

Regular Agenda

D. (No Council action required)
   Consideration of Loss of Parking due to Proposed Abandonment of the North Half Block of Chestnut Street between West 2nd and West 3rd Streets. The Committee (3-0) directed staff to conduct a neighborhood meeting regarding the closure of Chestnut Street and the University’s proposal for a visitors entrance, at which meeting alternatives and various options would be presented; and that notice of the meeting be posted at the student parking lots in the area and provided to all residents and property owners in the area, the University, the Associated Students, and the parents of students at Notre Dame School, after which this matter would be brought back to the Committee for further consideration.

E. (No Council action required)
   Consideration of Traffic Concerns at West 4th and Arcadian Avenues. 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. 702, authorizing the installation of stop signs on West 4th Avenue at its intersection with Arcadian Avenue and prohibiting parking on West 4th Avenue for 50 feet from the westerly curbline of Arcadian Avenue on public school days only between 7:30 a.m. and 3:00 p.m.

F. **(Council action required)**

**Consideration of Formulation of a Policy regarding Second-Party Engineering Review of Storm Drainage Plans for Proposed Developments.** The Committee recommended (3-0) if a third party engineer review of storm drainage plans submitted in connection with a proposed development was required, that the requesting parties pay for the cost.

A motion for approval was made by Councilmember Kirk and seconded by Councilmember Wahl.

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 on Item #3 only)**

**Consideration of Storm Drainage Plan Master Plan Issues**

1. **Floatable Pollution Reduction in the City’s Storm Water Discharge.** The Committee took no action on this report.

2. **Report on Little Chico Creek Diversion Structure and Flooding on Little Chico Creek.** The Committee directed the Director of Public Works to provide copies of this report to the following individuals who had expressed the concern: Rob Cheal, Mike Campos, and Ray Murdoch.

   A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to send this issue back to Internal Affairs to discuss again as Rob Cheal, Mike Campos and Ray Murdoch were not given proper notice of the meeting. The motion passed unanimously.

3. **Report on Riparian Vegetation Mitigation Ratio.** The Committee recommended (2-1, Bertagna voting no) that a guideline for riparian woody vegetation replacement in connection with the Storm Drain Master Plan be established at a ratio of 2:1, but not less than 1:1, and that the final requirement be determined on a case-by-case basis.

   A motion was made by Councilmember Keene and seconded by Councilmember Wahl to establish the riparian woody vegetation replacement ratio at 1:1.

   The motion carried by the following vote:

   Ayes: Bertagna, Keene, Nguyen-Tan, Wahl, Herbert
   Noes: Jarvis, Kirk
   Absent: None
   Abstain: None

G. **(Council action required)**

**Consideration of Proposal from Dolly Brown for a “Youth Shadow City Council”.** The Committee recommended (3-0) that Ms. Brown’s proposal for a “Chico Student Shadow City Council” be forwarded to the City Council for conceptual approval at its meeting of 1/2/01, with more details on the proposal to be provided for that meeting, and that it be submitted for final approval by Council at its 1/23/01 work session. The Council was provided with further information on the proposal submitted by Ms. Brown on 12/20/00.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to approve the “Youth Shadow City Council” for one semester and then be brought back for evaluation.
I. **(No Council action required)**

**Consideration of the Concept of Using Video Cameras for Red Light Traffic Signal Enforcement in the City**

The Committee concurred (3-0) that the Chief of Police be directed to provide more information on the proposal and bring it back to the Committee for further consideration in two months. The Council concurred to send this back to Internal Affairs and directed staff to notify individuals that have written the City regarding this issue.

J. **(No Council action required)**

**Reports and Communications**

Report on Traffic Regulation Amendment Adopted by the Director of Public Works. The Committee took no action on this report.

4.4. **CONSIDERATION OF CONVERTING BANEY LANE FROM A ONE-WAY TO A TWO-WAY STREET AND TRAFFIC CIRCULATION PROBLEMS IN THE VICINITY OF BANEY LANE AND BUSINESS LANE**

Councilmember Keene had requested consideration of the conversion of Baney Lane into a two-way street in order to alleviate traffic circulation in the area.

The Director of Public Works provided the following background information on traffic circulation in the area of Business and Baney Lanes. It must be noted that both Business Lane and Baney Lane are private streets. When Business Lane was developed, a traffic circulation analysis was performed and as a result, a legal access easement to pass through the Toys R Us parking lot to provide vehicular access to the traffic signal at E. 20th Street was requested and granted. At the time the Walmart development was proposed, a traffic analysis indicated that Business Lane could not accommodate the additional traffic which would be generated by the development. As a mitigation measure, the one-way designation for Baney Lane was established to prohibit users of Baney Lane to access Business Lane. Further, Baney Lane does not have an access easement over the Toys R Us property and therefore cannot legally use that route to access the E. 20th Street traffic signal.

Council concurred to send this issue to Internal Affairs for further review and recommendation. Staff was instructed to talk to all parties involved. A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to move the sidewalk in order to facilitate 2-way traffic flow.

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

5. **BUSINESS FROM THE FLOOR**

Councilmember Kirk asked that staff look at evaluating the stop sign at the corner of Yosemite and Idylewild as part of the evaluation of the speed humps.

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. Memorandum dated 12/13/00 from the Finance Director reported that the list of claims paid during the month of November 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 12/15/00 from the Chief of Police provided the annual report on the donation of unclaimed bicycles program to the Chico Unified School District.

6.3. Memorandum dated 12/19/00 from the Chief of Police transmitted the Citizens’ Option for Public Safety Grant Summary Report for the period of June - November 2000.

6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated
12/14/00 for Molly Gunn, 685 Manzanita Court.

6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/14/00 for Puerto Vallarta, 740 Mangrove Avenue.

7. **ADJOURNMENT**

The Mayor adjourned the meeting at 10:02 p.m. to Tuesday, January 23, 2001, at 9:00 a.m., in Conference Room No. One for a City Council work session.

Date Approved:

___________________________________ _______________________________________
City Clerk Mayor
1. **CALL TO ORDER** – The Mayor called the meeting to order at 9:00 a.m. in Conference Room 1, Chico Municipal Center, 411 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absents: None

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, Assistant Director of Public Works Martinez, Captain Klassen, Budget Officer Pierce

1.4. **CLOSED SESSION** — No Closed Session was needed

1.5. Closed Session Announcement — None

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **BUDGET REVIEW**

Agency staff 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 below documents for Items A and B for its information. Staff provided updated tax increment figures for the project areas at this meeting.

A. Chico Merged Redevelopment Project Area Fund Five Year Trends.

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

C. Discussion of status of proposal to merge project areas and/or free-up additional tax increment revenues from the Greater Chico Urban Area Redevelopment Project Area (GCUARPA).

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

6. **ADJOURNMENT**

The Mayor adjourned the Redevelopment Agency Meeting at 9:14 a.m. to a City Council meeting.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 9:15 a.m.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absent: None

4.2. **CONSIDERATION OF ALLOCATION OF FUNDS TO THE CATHOLIC LADIES RELIEF SOCIETY FOR EMERGENCY UTILITY BILL ASSISTANCE, AND DISCUSSION OF OTHER POSSIBLE RELIEF FROM THE IMPACT OF HIGH UTILITY BILLS** — At the request of staff, this item was moved up to be heard before the Consent Agenda.

Councilmembers Kirk and Jarvis had requested that the Council consider authorizing an allocation of $5,000 to the Catholic Ladies Relief Society for emergency assistance with utility bills for low income individuals and families, due to the energy crisis. Councilmember Wahl also requested possible discussion of other methods of relief from high utility bills.

Francis Balaam from the Catholic Ladies Relief Society provided Council with information regarding the program offered by this organization and the criteria used to determine eligibility.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna, to authorize an immediate disbursement of $5,000 and authorized the City Manager to disburse up to an additional $5,000.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

City Manager Lando provided the Council with an overview of the Utility Users Tax and the effect that the recent rate increases might have on this tax. One option could be to continue to collect the 5% – with a credit given back for the amount of increase. Councilmember Kirk suggested that any increase in revenue could perhaps be used for additional relief for emergency assistance with utility bills for low income individuals and families.

A motion was made by Councilmember Wahl and seconded by Councilmember Kirk to send the Utility Users Tax issue to the Finance Committee for review and possible recommendation(s).

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

2. **CONSENT AGENDA** — Items 2.1, 2.2, 2.5, and 2.7 were pulled from the Consent Agenda and heard under 4.1.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12.04.050 ENTITLED “DRUG FREE ZONES,” OF THE CHICO MUNICIPAL CODE TO DESIGNATE PLAZA PARK AS A DRUG FREE ZONE — INTRODUCTORY READING** — this item was removed from the Consent Agenda by Councilmember Nguyen-Tan and heard under 4.1.
2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE EAST SIDE OF YOSEMITE DRIVE - REZONE NO. 00-9 (National Golf Operating Partnership)** — **INTRODUCTORY READING** — this item was removed from the Consent Agenda by Councilmember Kirk and heard under 4.1.

2.3. **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 12/20/00, the Community Development Director reported 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 along the 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 has now failed twice by vote of the property owners. Most recently at the 8/15/00 Council meeting, subdivision residents voted to not create this CMD. At that meeting, Council directed staff to re-examine the CMD budget and meet with the neighbors to discuss modifications to the district budget. The public improvements have been installed and are complete. They would be accepted by the City pending formation of this Maintenance District.

Staff reviewed the district budget and decreased the annual assessment from $528/year/lot to $387/year/lot, (a 27% reduction). This represents a minimum level of service for maintenance. The most recent neighborhood meeting with City staff was held 12/19/00. The revised budget was discussed and a variety of related comments discussed. The neighbors at the meeting expressed a desire to try once again to form the CMD. The Chico Municipal Code requires that a new formation proceeding be initiated to form this maintenance district. 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 would be mailed to all of the property owners within the proposed district. The ballot would 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 recommended adoption of the resolution and that the City Clerk schedule the two public hearings.

2.4. **MINUTE ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OTIS AND SHIRLON DODGE TO ACQUIRE PROPERTY LOCATED AT 1371 HUMBOLDT AVENUE (ASSESSOR'S PARCEL NO. 004-374-027)**

**APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND ACQUISITION OF PROPERTY LOCATED AT 1371 HUMBOLDT AVENUE (ASSESSOR'S PARCEL NO. 004-374-027)**

At its 12/19/00 closed session meeting, the City Council authorized the City Manager to offer the owner of the property located at 1371 Humboldt Avenue the sum of $25,000 to acquire the property. The City's offer was accepted by the property owners on 12/21/00. The Minute Order would authorize the City Manager to enter into an agreement with Otis and Shirlon Dodge to acquire the property and the Supplemental Appropriation would allocate funding for the acquisition, site clearing, annexation, and staff costs from the Community Park Fund (330) in the amount of $39,200. The City Council was provided with a copy of the Community Park Fund Summary which reflected the estimated 06/30/01 fund balance. The Assistant City Manager recommended approval of the Minute Order and Supplemental Appropriation.

2.5. **APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND FIVE YEAR UPDATE TO THE CITY'S STREET TREE INVENTORY** — this item was removed from the Consent Agenda by Councilmember Keene and heard under 4.1.
2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATIONS FOR PROJECTS TO BE FUNDED WITH SURPLUS ASSESSMENT DISTRICT CONSTRUCTION FUNDS

At its meeting held 1/21/00, the City Council adopted a motion of intent to conceptually approve a list of projects which could be funded from assessment district funds in which there are unexpended construction funds. The supplemental appropriations listed below would formally allocate funds for the specific projects:

A. California Park 1A Assessment District - Allocate $28,289 from the California Park 1A Assessment District Fund (425) for the overlay and repair of a portion of California Park Drive. The City Council was provided with a copy of the California Park 1A Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

B. California Park 1B and 1C Assessment District - Allocate $5,837 from the California Park 1B and 1C Assessment District Fund (428) for traffic control measures within the district. The City Council was provided with a copy of the California Park 1B and 1C Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

C. Southeast Chico Sewer Assessment District - Allocate $36,962 from the Southeast Chico Sewer Assessment District Fund (431) for the construction of sanitary sewer trunkline facilities within Morrow Lane. The City Council was provided with a copy of the Southeast Chico Sewer Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

D. Forest Avenue Assessment District - Allocate $194,795 from the Forest Avenue Assessment District Fund (449) for the overlay and repair of Forest Avenue where streets are showing signs of deterioration, and irrigation and sprinkler repair as needed. The City Council was provided with a copy of the Forest Avenue Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

E. Sierra Sunrise Assessment District - Allocate $12,964 from the Sierra Sunrise Assessment District Fund (452) for a portion of the traffic signal at Sierra Sunrise Terrace and Bruce Road. The City Council was provided with a copy of the Sierra Sunrise Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

F. Village Park Assessment District - Allocate $188,631 from the Village Park Assessment District Fund (455) for the overlay and repair of a portion of Springfield Drive. The City Council was provided with a copy of the Village Park Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

G. Whitman Avenue Series A Assessment District - Allocate $38,538 from the Whitman Avenue Series A Assessment District Fund (458) for the overlay and repair of a portion of Whitman Avenue that has deteriorated. The City Council was provided with a copy of the Whitman Avenue Series A Assessment District Fund Summary which reflects the estimated 06/30/01 fund balance.

H. Northeast Chico Sewer Assessment District (NECSAD) - Allocate $130,205 from the Northeast Chico Sewer Assessment District Fund (434); $91,055 from the Northeast Chico Sewer Refunding No. 1 Assessment District Fund (437); and $95,444 from the Northeast Chico Sewer Refunding Assessment District Fund (440) for the overlay and repair of streets that were trenched during construction of NECSAD lines. The City Council was provided with a copy of each of the NECSAD Fund Summaries which reflect the estimated 06/30/01 fund balances.

The Director of Public Works recommended approval of the supplemental appropriations.

2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO ALLOCATE AB 2928 (TRANSPORTATION CONGESTION RELIEF) FUNDS TO OVERLAY BRUCE ROAD FROM EAST 20TH STREET TO THE SKYWAY — this item was requested to be removed from the Consent Agenda by Ed McLaughlin, a citizen, and heard under 4.1.
2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION TO BUDGET ADDITIONAL FEE REVENUE AND OPERATING EXPENSES FOR THE HOUSEHOLD HAZARDOUS WASTE FACILITY**

In November 1999, the City Council was provided with a proposal from Butte County to assume responsibility for the City’s Household Hazardous Waste Facility. The County hired a consultant to facilitate the transfer of the facility, including preparation of the necessary agreements, and it was anticipated that the City Council would consider this transfer prior to June 30, 2000. The transfer did not occur and the City Council allocated fee revenue and operating expenditures for a six month period by adoption of the final budget resolution. Since the transfer has not yet occurred, it was necessary to budget fee revenue and expenditures through the end of the fiscal year.

This supplemental appropriation would allocate an additional $108,000 for professional services expenses, $3,000 for lease expenses, and $111,000 in fee revenue from the Household Hazardous Waste Fund (866). The City Council was provided with a copy of the Household Hazardous Waste Fund Summary which reflects the estimated 06/30/01 fund balance. The Assistant City Manager recommended approval of the supplemental appropriation.

2.9. **APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR RISK MANAGEMENT PROGRAM COSTS RELATING TO SELF INSURED LOSSES AND CLAIM EXPENSES**

The Risk Manager requested approval of a supplemental appropriation in the amount of $70,000 to provide funding for costs related to self-insurance losses and tort claim expenses, including attorney fees, claims adjusting expense, and claim settlements. Due to unanticipated claim settlements and loss payments to date in this fiscal year, and associated attorney's fees, litigation and adjusting expenses, it was anticipated that the amount of money budgeted would be insufficient to pay for claims and related expenses for the remainder of the 2000-01 fiscal year. The City Council was provided with a copy of the General Liability Insurance Reserve Fund Summary which reflects the estimated 06/30/01 fund balance. The Risk Manager recommended approval of the supplemental appropriation.

2.10. **APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR CONTRACTING GRANT WRITING SERVICES**

At its meeting held 11/21/00, the City Council requested a recommendation regarding a program to take advantage of potential grants resulting from the passage of Propositions 12 and 13 and to enable the City to actively compete for grants from other sources. By memorandum dated 01/16/01 the Park Director recommended contracting for such grant identification and grant writing services to assist the City in securing grant funds from per capita and competitive state and federal grant sources. This Supplemental Appropriation would allocate $15,000 from the Park Fund (002) for such professional services. The Park Director recommended approval of the supplemental appropriation.

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

By memorandum dated 12/20/00, the Finance Director submitted the City’s Statement of Investment Policy as required by California Government Code §53646, and as set forth in Administrative Procedure and Policy No. 15-13. The Finance Director recommended that no changes be made to the existing policy.

2.12. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON NOVEMBER 7, DECEMBER 5 AND DECEMBER 19, 2000**

The Council was provided with copies of the minutes from its meeting held on 11/7/00, 12/5/00, and 12/19/00.
2.13. CONFIRMATION OF PROVISIONAL APPOINTMENTS MADE TO THE BIDWELL PARK AND PLAYGROUND COMMISSION AND TO THE COMMUNITY TRANSIT ADVISORY COMMITTEE

At its meeting of 12/12/00 the Council made two provisional appointments, directing that the appointments be confirmed after the required posting of vacancy notices. The notices of vacancies have been posted by the Clerk's office for the required period. The Council may now confirm its appointment of (1) Wendy Coggins to the Bidwell Park & Playground Commission, to fill the term of Steve O'Bryan, commencing on 01/23/01 and expiring on 01/01/03; and (2) Barbara Shockley to the Community Transit Advisory Committee, to fill the term of Peggy Hargrove, commencing on 01/23/01 and expiring on 01/01/03.

2.14. ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS

Pursuant to the provisions of Section 1109 of the City’s Charter, an independent auditor hired by the City to perform an annual audit of the books, financial records and related documents of the City shall submit to the council a report on the audit for the preceding fiscal year on or before the first regular City Council meeting in February.

By memorandum dated 12/20/00, the Finance Director submitted the Annual Financial Report of the City of Chico, the Chico Redevelopment Agency Component Unit Financial Report, the Chico Public Financing Authority Component Unit Report, Single Audit Reports, the Management Letter, and the Transportation Development Act Funds Financial Report. The Finance Director recommended that the reports be referred to the Finance Committee for review.

The motion to approve the Consent Agenda with Items 2.1, 2.2, 2.5, and 2.7 removed to be heard under Item 4.1, carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

3. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12.04.050 ENTITLED “DRUG FREE ZONES,” OF THE CHICO MUNICIPAL CODE TO DESIGNATE PLAZA PARK AS A DRUG FREE ZONE — INTRODUCTORY READING — this item was pulled by Councilmember Nguyen-Tan to ask staff for further clarification.

By memorandum dated 12/15/00, the Park Director reported that the Bidwell Park and Playground Commission recommended approval of designating Plaza Park as a drug free zone. Such designation would be pursuant to California Health and Safety Code Section 11380.5 which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of city parks and playgrounds. The Bidwell Park and Playground Commission and Park Director recommended adoption of the ordinance.

Chief of Police Efford stated that drug-free zones are used predominantly in parks where significant drug transactions are occurring. This zone would allow a mandatory additional one-year sentence if convicted of possession or sales.

Councilmember Jarvis suggested postponing the approval of this ordinance in order to allow staff the time to compile the statistics on how this zone has decreased the number of drug transactions occurring at One Mile and the Children’s Park. Councilmember Nguyen-Tan was concerned that this designation displaces drug sales to other parts of the city and in addition, was not an equal application of law. He also agreed that information should be provided to the Council to see if our existing “Drug Free Zones” were working.
A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve the Introductory Reading of the Ordinance and to have the Chief of Police prepare a report for Council regarding the impact of this zoning on city parks currently designated as “Drug Free Zones,” including statistics on arrest numbers before and after zone change and penalties for those convicted:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12.04.050 ENTITLED “DRUG FREE ZONES,” OF THE CHICO MUNICIPAL CODE TO DESIGNATE PLAZA PARK AS A DRUG FREE ZONE.

The motion passed by the following vote:
AYES: Bertagna, Keene, Kirk, Wahl, Herbert
NOES: Jarvis, Nguyen-Tan

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE EAST SIDE OF YOSEMITE DRIVE - REZONE NO. 00-9 (National Golf Operating Partnership) — INTRODUCTORY READING— this item was removed from the Consent Agenda by Councilmember Kirk for further clarification

By memorandum dated 12/19/00, Associate Planner Claudia Sigona reported that at the Planning Commission meeting of 12/14/00, the Commission voted 4-0 to recommend City Council adoption of a proposed mitigated negative declaration and approval of Rezone No. 00-9 which would rezone the 0.29 acres located on the east side of Yosemite Drive, approximately 300 feet south of California Park Drive, portion of Assessor’s Parcel No. 011-030-133, from OS-1 Primary Open Space to R1 Low Density Residential. A public hearing on this Rezone has been scheduled for Council’s meeting of 2/6/01. In response to Councilmember Kirk, the Planning Commission and Planning Director recommended introduction of the ordinance. Planning Director Seidler indicated that staff would revise the initial study to eliminate the oak tree mitigation since the tree was on the adjacent property, not this parcel.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to introduce by title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE EAST SIDE OF YOSEMITE DRIVE – REZONE NO. 00-9 (National Golf Operating Partnership)

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
NOES: Kirk

2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND FIVE YEAR UPDATE TO THE CITY’S STREET TREE INVENTORY — this item was removed from the Consent Agenda by Councilmember Keene for further clarification

The City’s initial inventory of all street tree and planting locations within the incorporated territory of the City of Chico was completed in January 1996, and the Park Director recommended a five-year update of the existing database in order to determine future work programs. This supplemental appropriation would allocate $15,000 from the Park Fund (002) to hire a Special Projects Worker to update the inventory. The City Council was provided with a copy of the Park Fund Summary which reflects the estimated 06/30/01 fund balance. The Park Director recommended approval of the supplemental appropriation.

Councilmember Keene indicated that the information on the supplemental appropriation was not adequate for Council to determine the need to spend $15,000 on conducting an inventory on City trees. More detail is needed on all future supplemanta10s. Councilmember Jarvis agreed. Mayor Herbert asked staff if there was some way to update the tree count inventory more regularly and include it in the annual operating budget, instead of making it a major project every five years. Park Director Beardsley indicated that visiting over 20,000 trees each year was not possible. The issue that staff was trying to resolve was the problem created by trees impacting driveways. Councilmember Kirk questioned whether the $15,000 was in addition to the $11,000 listed in the CIP. Park Director Beardsley indicated that only an additional
$4,000 was needed.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to approve the supplemental appropriation in the amount of $15,000 and to remove the project from the CIP.

The motion carried by the following vote:
AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Bertagna

### 2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO ALLOCATE AB 2928 (TRANSPORTATION CONGESTION RELIEF) FUNDS TO OVERLAY BRUCE ROAD FROM EAST 20TH STREET TO THE SKYWAY — this item was removed from the Consent Agenda at the request of Ed McLaughlin

At its meeting held 11/21/00, the City Council was advised that with the passage of AB 2928, Transportation Congestion Relief, the City recently received $395,144. The funds are to be used for street and highway pavement maintenance, including rehabilitation, reconstruction, and associated facilities. The Council was advised that it would be presented with a supplemental appropriation to budget the revenue and expenditures for specific projects at this meeting. This supplemental appropriation would budget the revenue and expenditures to fund the overlay of Bruce Road from East 20th Street to The Skyway from the Gas Tax Fund (307). The City Council was provided with a copy of the Gas Tax Fund Summary which reflects the estimated 06/30/01 fund balance. The Director of Public Works recommended approval of the supplemental appropriation.

Ed McLaughlin addressed the Council regarding his concern that the work proposed on Bruce Road did not include the addition of bicycle lanes.

Director of Public Works Ross addressed those concerns and explained that wetlands were on both sides of the road prohibiting widening unless permits were obtained. The proposed repairs would just keep the road serviceable. City Manager indicated staff would attempt to add one two foot bicycle lane on each side if possible.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the supplemental appropriation to overlay Bruce Road from East 20th Street to the Skyway.

The motion passed by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

### 4.3. BUDGET REVIEW

A. **General Review**. City staff provided an overview of the 2000-01 annual budget. The City Council was provided with a copy of the General and Park Funds Projected Trends. The only change reflected was the ending fund balance adjusted to include the allocations approved by the City Council at its 11/21/00 work session.

B. **Consideration of the Establishment of an Emergency Reserve Fund**. The Council was provided with a memorandum dated 1/11/01 from the City Manager explaining this proposal. Council agreed that there was need to establish the Emergency Reserve Fund and that criteria for accessing the fund should be established.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to allocate $505,741 to create an Emergency Reserve Fund and have the Finance Committee develop a policy which would be tied to objectives and would include conditions under which the funds would be allocated.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
4.4. CONSIDERATION OF SUPPLEMENTAL APPROPRIATION TO FUND ENGINEERING DESIGN TO REPLACE THE DAM AT ONE MILE RECREATION AREA (SYCAMORE POOL)

At its meeting held 11/21/00, the City Council considered the report prepared by Borcalli & Associates regarding options to replacing the dam at the One Mile Recreation Area and the Bidwell Park and Playground Commission's support of the consultant's recommendation to pursue an inflatable/steel dam to replace the existing structure. The Council directed staff to proceed with environmental review and submit a request to fund preparation of plans and specifications at this meeting. By memorandum dated 12/16/00, the Park Director advised that the Planning Division has determined the project to be categorically exempt from environmental review and requested approval of a supplemental appropriation to allocate $35,000 for construction plans and specifications from the Park Fund (002). If the City Council accepts the recommendation, a supplemental appropriation confirming the Council's action would be processed following this meeting. The Bidwell Park and Playground Commission and the Park Director recommended approval of the supplemental appropriation.

Councilmember Keene asked for more information on why the $35,000 was needed for plans. Park Director Beardsley said that to date, $10,000 has already been spent on the review of the need to replace the dam. The additional $35,000 would allow for $5,000 to be used to prepare the bid plan and the other $30,000 would be used for the engineering of the site itself. Mayor Herbert asked about the $26,000 that is listed in the Capital Improvement Plan (CIP). Park Director Beardsley indicated that the $26,000 would be used for the cash match on grants and Prop 12 funds and that the CIP would be decreased to reflect this supplemental.

Councilmember Keene stated that he would be willing to look at a not-to-exceed amount but clearly wanted an explanation of what we are spending money on. A motion was made by Councilmember Keene and seconded by Councilmember Jarvis for conceptual approval of the $35,000 subject to prior review and approval by the City Manager of the consultant's proposal for the work prior to executing a contract for the services.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.5. CONSIDERATION OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING TO COMPLETE THE INITIAL SITE CHARACTERIZATION STUDY AND RISK ASSESSMENT STUDY FOR THE UPPER PARK GUN RANGE CLEANUP AND INITIAL SITE CHARACTERIZATION STUDY FOR THE FORMER POLICE PISTOL RANGE ADJACENT TO THE BIDWELL MUNICIPAL GOLF COURSE

By memorandum dated 12/16/00, the Park Director presented the status of the analysis of lead and skeet fragments at the former rifle/skeet range in Upper Bidwell Park. Prior to making recommendations on target clean-up levels and related costs, additional data was required for the area around Horseshoe Lake. In addition, at its 10/27/00 meeting, the Bidwell Park and Playground Commission recommended the former pistol range be added to the project. The costs to accomplish the needed tasks were $52,000 and $30,000 respectively. Clean-up of the former rifle/skeet range would allow for the preparation of a long term master plan for the area. If the City Council accepted the recommendation of the Bidwell Park and Playground Commission, a supplemental appropriation confirming the Council's action would be processed following this meeting. The Bidwell Park and Playground Commission and the Park Director recommended approval of the supplemental appropriation.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve only the supplemental appropriation of $52,000 for the clean-up of the rifle range only and that the Council be provided with a copy of the consultant's proposal.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.6. REVIEW AND CONSIDERATION OF POTENTIAL SOURCES OF FUNDING THAT COULD BE USED
TO ADDRESS EROSION ISSUES ALONG THE LINDO CHANNEL GREENWAY BETWEEN MANGROVE AND MANZANITA AVENUES

At its meeting held 11/21/00, the City Council considered a report prepared by Interactive Design that identified two areas of significant erosion between Mangrove and Manzanita Avenues. At the meeting, the Council directed that research be done to determine what, if any, grant funds may be available to stabilize the stream bank at the two sites. By memorandum dated 1/16/00, the Park Director reported that two potential competitive grant sources may be available to address erosion issues along the Lindo Channel Greenway.

The City Manager stated he had a conflict and left the Conference Room. Staff provided further information to the Council regarding the possibility of obtaining a grant to assist with the erosion issues along Lindo Channel. In order to make the grant work, staff would need to work closely with all affected neighbors and that could take up to 6 - 8 months.

Comments were received from Roger Cole, who would be assisting staff with the development of the grant application. He indicated that while they were still waiting for DWR’s guidelines, they could start to work on the application. He confirmed that the application could be completed by March. Valerie Converse urged Council to proceed with the first proposal and thanked them for their assistance with this on-going problem.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to authorize staff to submit a grant application for a California Department of Water Resources Urban Streams Restoration Program grant, to begin environmental review, to conceptually approve a supplemental appropriation to allocate $5,000 for preparation of the grant application, and $20,000 for completion of environmental review, and to direct staff to prepare a formal supplemental appropriation for Council consideration at its 2/6/01 meeting. Staff was also requested to keep the Council updated throughout the process.

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.11. CONSIDERATION OF MINUTE ORDER NO. 02-01 — AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A TWO-YEAR TRAFFIC GRANT

The Police Department was recently notified that the City was eligible to apply to the State of California Office of Traffic Safety for a two-year grant that would be used to fund a program directed at reducing the number of traffic collisions in the City by targeting suspended, revoked and unlicensed drivers. This program would utilize two Motorcycle Officers and one Community Service Officer. The grant would cover 100% of the total costs for the first year (including salary and benefits for all personnel as well as all associated equipment and training costs) and 50% of the costs for the second year. The City would be responsible for funding all three positions beginning with year three. This Minute Order would authorize the City Manager to submit the application as well as accept the grant should it be awarded. The Chief of Police recommended approval of the Minute Order.

Councilmember Kirk asked for further clarification on how this grant would assist targeting unlicensed and uninsured motorists and whether or not officers now have the authority to pull over a repeat offender. The Police Chief indicated that staff currently has the authority to stop repeat offenders and this grant would provide two additional officers and one Community Service Officer. Statistics would be compiled and reported to the State on a quarterly basis. Councilmember Kirk questioned the need for an additional Community Service Officer (CSO). The Police Chief indicated that because CSO’s are non-sworn, they cost a lot less than an officer and there are numerous administrative tasks that they can perform for the City. He also indicated that once the grant expired, those officers would work wherever needed, although the City will then be the sole funding source. Council requested copies of the grant application and quarterly reports on results of meeting the goals of the grant.
A motion was made by Councilmember Kirk and seconded by Councilmember Bertagna to approve Minute Order No. 02-01.

The motion passed by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.12. APPROVAL OF ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) NO. 10-39, ENTITLED “ASSESSMENT DISTRICTS - DISPOSITION OF SURPLUS MONEY”

At its meeting held 11/21/00, the City Council was provided with background information and potential alternatives for disposition of the surplus monies in the construction, redemption and reserve funds of the City's assessment districts. The Council was advised that a recommended policy would be presented for Council consideration at this meeting. By memorandum dated 1/10/01, the Finance Director forwarded a proposed AP&P which established a policy for the distribution of surplus money remaining in the Assessment District funds. The City Manager and Finance Director recommended approval of Administrative Procedure & Policy No. 10-39.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to approve Administrative Procedure & Policy No. 10-39, with it noted that the $1,000 limit would be eliminated.

The motion passed by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None


By memorandum dated 1/11/01, the Community Development Director summarized the scope of the construction plans for improvements to the Old Municipal Building and the status of efforts to identify potential tenants who might participate in the construction costs associated with these improvements and recommended that staff be directed to continue to identify parties interested in participating in the project construction costs in return for lease space.

It was also being recommended that the City Manager be authorized to negotiate lease agreements for the Old Municipal Building and that consideration of funding for the construction of the historic, seismic and accessibility improvements be referred to the Redevelopment Committee.

Staff indicated that they had been unsuccessful in locating anyone interested in participating in the construction plans. Parking seemed to be the issue. Staff had been contacted by the University. Councilmember Keene expressed concern over a long-term lease with the University that might prevent the City in the future from using the building if it was needed. Council concurred to have staff continue the discussions and contact others now that construction costs had been identified and to provide Council with a memorandum regarding the cost of seismic and ADA improvements only.

The Council recessed for lunch at 11:53 a.m.

The meeting reconvened at 1:30 p.m.

4.7. HEARING ON PUBLIC USE AND NECESSITY OF ACQUIRING PROPERTY LOCATED AT 1500 HUMBOLDT ROAD BY EMINENT DOMAIN (ASSESSOR'S PARCEL NO. 002-060-016)

At its meeting held 11/21/00, the City Council authorized the City Manager to prepare a resolution to acquire the property located at 1500 Humboldt Road by eminent domain from Hignell and Hignell for future expansion of the City's Police Facilities. By memorandum dated 01/12/01, the Assistant City
Manager recommended adoption of the resolution and provided a copy of the 12/27/00 letter by which the property owners were advised of the City’s intent to acquire the property through eminent domain. The owners were advised that if they wish to be heard at this meeting, a request should be submitted in writing to the City Clerk within 15 days of the date of the letter. On 01/03/01 Doug Hignell advised City staff that he did not wish to speak at this meeting.

The Mayor opened the hearing to the public. John Merz asked for further clarification as to why the owner wanted the City to process the sale in such a manner. The City Manager indicated that the property is of interest because it is directly adjacent to the City’s Police Facilities and Municipal Services Center, that expansion of the City’s Police Facility is included in the Nexus Study, that the facility would meet the department’s 20 year needs, and that acquiring this site would replace the need to build a new facility estimated to cost $3.6 million.

A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to adopt:

RESOLUTION NO. 84 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN FOR FUTURE EXPANSION OF THE CITY OF CHICO POLICE FACILITIES (1500 HUMBOLDT ROAD)

The motion passed by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.8. HEARING REGARDING THE CITY OF CHICO 2001/02 - 2005/06 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

By memorandum dated 12/18/00 Public Works Administrative Manager Halldorson presented 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 with those comments having been incorporated into this document. The CIP contains projects considered necessary within five years, beginning with fiscal year 2001/02 and provides an overview of the projects, expenditures, and revenues in a clearly defined manner. The detail pages for the projects contain various information including, the project and project description, category, funding source, any prior expenditures, the year in which funding was anticipated to be available, and when appropriate, and a map depicting the location of the project. Capital projects funded in the current budget are 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.

Council requested the following changes:

• Move “CMA Hangar Development” from 2001-02 to Future Needs
• Reduce One Mile Dam Replacement Cost
• Delete “Street Tree Inventory”
• Delete Mobile Computerization Project - staff to request ten in 2001-02 budget
• Move Pedestrian Bridge – Day Camp from Future Needs to 2002-03
• Move “Upper Park Bridge End of Road” to Future Needs
• Move Forest/Humboldt Traffic Signal to 2003-04
• Move “Bruce/Humboldt Road Traffic Signal” to Future Needs
• Delete “Jail Management Software”

Additional comments:

• Provide future CIP to Council in binders
• Note to review East Avenue/Guynn Traffic Signal at 11/2001 budget meeting
• Horseshoe Lake pier – refer to Housing Officer to see if CDBG funds are available
A motion was made by Councilmember Keene and seconded by Councilmember Kirk to conceptually approve the CIP with the changes discussed and bring back the final document on the 2/20/01 agenda.

The motion passed by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.9. 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 agendized at the request of the City Council at its meeting held 11/21/00. The Council was provided with copies of the “2000 Update of Development Impact Fees Analysis and Recommendations (Nexus Study),” a resolution amending the City’s fee schedules accordingly, and Public Works Administrative Manager’s memo 12/26/00.

To comply with the Government Code, this Nexus Study updates the required nexus findings for development impact fees that provide funds for streets, bike facilities, street maintenance equipment, and administrative, parks, police and fire buildings. A nexus for development impact fees for water pollution control plant facilities and trunkline facilities would be heard by Council at a later meeting. Any fees modified by the resolution would become effective on the 61st day following adoption.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to adopt:

RESOLUTION NO. 85-00-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE – AMENDMENT NO. 253 (TRANSPORTATION FACILITY FEES AND BUILDING AND EQUIPMENT FEES)

The motion passed by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.10. CONSIDERATION OF ALCOHOL ISSUES AND ENFORCEMENT, INCLUDING HALLOWEEN AND ST. PATRICK’S DAY

By memorandum dated 01/03/01, the Chief of Police provided statistics regarding the Halloween 2000 event and his recommendations for future handling of this holiday celebration including appointment of a Halloween Task Force.

The Council was provided again with copies of the memorandum dated 12/5/00 from the Special Events Steering Committee submitting a report and recommendations regarding Halloween and requesting Council direction regarding future un-sponsored events and the role of the Steering Committee.

The Mayor opened the hearing to the public. Walt Shafer, representing CSU, urged the Council to scale down the event. Lisa Michels, Katrina Davis and Bob Ray also addressed Council.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to refer the issue of scaling down the event to the Council subcommittee, with Councilmember Wahl substituting for Vice Mayor Kirk. The subcommittee would look at alcohol usage, food vendors, restrooms, masks and lights. Task Force members would be invited to provide background information and direction to the
committee, along with input from the former Halloween volunteers and VIPS. A report would be brought back to Council by the 2nd meeting in April.

Councilmember Jarvis felt that the emphasis should be in making the event safer, not smaller and that the focus should be on eliminating alcohol usage and violence. Councilmember Keene felt that his motion encompassed the issue of alcohol usage and violence.

The motion passed by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
NOES: None

4.13. CONSIDERATION OF ACQUISITION OF ALTERNATIVE FUEL VEHICLES

By memorandum dated 12/27/00 the Director of Public Works presented information on alternative fuel vehicles and requested authorization to lease two electric vehicles. The lease of these vehicles would be in lieu of the purchase of two standard vehicles which have been included in the 2000-01 budget. It was recommended that the Director of Public Works, in consultation with the City Manager, be authorized to lease two electric vehicles.

Assistant Director of Public Works Martinez presented an overview on the possibility of utilizing alternative fuel vehicles. Councilmember Keene asked for additional information regarding the disposal and cost of batteries. City Manager Lando asked for approval to have staff look at the life cycle and costs of an alternative fuel vehicle to bring back during the next budget cycle which would give staff a couple of months for additional research and to develop a recommended budget policy. Council concurred.

4.15 FUTURE MEETINGS

The Council will meet at 6:00 p.m. on February 6, 2001, prior to the City Council Meeting for a Closed Session regarding Labor Negotiations. Dinner will be provided to Council.

4.16. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

4. BUSINESS FROM THE FLOOR — None

5. REPORTS AND COMMUNICATIONS. The following reports and communication items were provided for the Council’s information.

6.1. Memorandum dated 1/11/01 from the City Manager providing background information on transit funding and the status of the Countywide Consolidated Transit Services Advisory Committee recommendations. (Council had been previously provided with the Transit Consolidation Study Summary Report and it was provided again with this memorandum.) The Finance Committee had preliminary discussions regarding the transit consolidation proposal, and will act as a subcommittee to meet with County representatives on the proposal. A presentation on the report would be made to the Butte County Association of Governments on 2/22/01.

6.1. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/26/00 for the Korner Market, 1455 Chestnut Street. Copies available from the City Clerk.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/27/00 for the 99 Cents Plus Grocery Inc, 598 East 8th Street. Copies available from the City Clerk.

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 1/4/01 for the Creekside Inn, 305 Nord Avenue. Copies available from the City Clerk.
7.  **ADJOURNMENT**

The meeting was adjourned at 3:43 p.m. to Tuesday, February 6, 2001, at 6:00 p.m. in Conference Room No. 2 for a closed session, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved:

____________________________________  ______________________________________
City Clerk                                      Mayor
1. **CALL TO ORDER** — The Mayor called the meeting to order at 6:00 p.m. at the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and 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 LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

2.3. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Significant exposure to litigation: Two Cases (Gov. Code Sec. 54956.9(b).)

2.4. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney will review the following: *Neighbors for Environmental and Fiscal Responsibility (NEFR), Michael A. Smith, et al., v. City of Chico, et al.*, Petition for Writ of Mandamus, Butte County Superior Court Case No. 125106. (Gov. Code Sec. 54956.9(a).)

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

3. **ADJOURNMENT**

Adjourned at 7:28 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:35 p.m.

1.1. Flag Salute

1.2. Invocation — Reverend Peter Hansen, St. Augustine of Canterbury Episcopal Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

                   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, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Housing Officer McLaughlin

1.5. Closed Session Announcement — None

2. **CONSENT AGENDA** — No items

3. **NOTICED PUBLIC HEARINGS** — No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON JANUARY 8, 2001**

By memorandum dated 1/17/01, the Finance Committee provided a report on its meeting held on 1/8/01, at which time the matters listed below were considered. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. By memorandum dated 1/22/01 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

Consent Agenda

A. **Approval of Amendment to the City’s Fee Schedule to Establish a Fine for Parking in Police Parking Zones.** The Committee recommended (3-0) that the resolution implementing an amendment to the City’s Fee Schedule to establish a $30.00 fine for parking in Police Parking Zones be forwarded to the Council for adoption. (Council action required)

A motion was made by Councilmember Kirk and seconded by Councilmember Nguyen-Tan to adopt:

RESOLUTION NO. 87 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 255 - PENALTIES FOR PARKING VIOLATIONS)

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None
Regular Agenda

B. Consideration of the Recommendations from the Countywide Consolidated Transit Services Advisory Committee regarding Consolidating the Transit Systems within Butte County. The Committee took no action on this matter, directing staff to submit the Transit Consolidation Study Report, along with additional background information on transit funding and the current agreement with the County, to the City Council for information only at its 1/23/01 work session meeting. (No Council action required)

C. Consideration of Report on Cost Analysis of Using Trolleys instead of Regular Buses on the Chico Area Transit System. The Committee took no action on this matter, directing staff to report back with more information on the expected life of trolleys and buses, and on the cost of retaining the consultant firm of Nelson\Nygaard to analyze the City’s transit routes and types of vehicles. (No Council action required)

D. Consideration of Policy for Subordination of Mortgage Subsidy Program Loans. The Committee recommended (3-0): (Agency action required)

A motion was made by Councilmember Kirk and seconded by Councilmember Wahl for the:

1. approval of a Mortgage Subsidy Program (MSP) Policy which would allow resubordination of MSP loans if certain conditions were met, and which would provide that if the principal of an MSP loan were paid off in full as part of the refinancing, the interest balance would remain outstanding; and

2. that staff be directed to notify all of the MSP borrowers regarding this new policy.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

E. Rescheduling of the Committee’s Regular Meeting Date. The Committee (3-0) agreed to change its regular meeting date from the first Monday to the first Wednesday of the month at 4:00 p.m. (It was later discovered that Conference Room No. One was being used by the Architectural Review Board for its meetings on that day and time, so the Finance Committee would be meeting in Conference Room No. Two instead.) (No Council action required)

5. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

6. ADJOURNMENT

Adjourned at 7:44 p.m. to a City Council meeting.
1. **CALL TO ORDER**

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. **CONSENT AGENDA** — Items 2.1 and 2.2 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Kirk to approve the following Consent Agenda:


2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO CHANGE THE ZONING CLASSIFICATION ON A PORTION OF THE PROPERTY FROM R3 MEDIUM HIGH DENSITY RESIDENTIAL TO OR OFFICE RESIDENTIAL AT 287 RIO LINDO AVENUE, ASSESSOR’S PARCEL NO. 006-120-015 (Ferrini) — INTRODUCTORY READING** — this item was removed by Councilmember Kirk from the Consent Agenda and heard under Item 4.1.

2.3. **RESOLUTION NO. 88 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 1/5/01, the Community Development Assistant reported that City approval of the Anderson Subdivision required the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This 22-lot single-family residential subdivision is located on the west side of Mariposa Avenue, 1,320 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.


By memorandum dated 1/18/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of an 83.5 acre parcel on the north side of Eaton Road and west of The Esplanade (Property owners: Joan Stewart, John Fabian, Jacquelyn Brown and James Scarff). No development of the subject property has been proposed. The site currently contains an orchard. The property is currently designated and zoned for mixed use development. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.5. **RESOLUTION NO. 90 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 - 123 HENSHAW AVENUE / A.P. NO. 006-530-029

By memorandum dated 12/28/00, the Director of Public Works reported that in accordance with a petition from the property owner, York E. Bourgeois, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 12/28/00 attached to the resolution.

These assessments were 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.

2.6. RESOLUTION NO. 91 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 - 348 W 11TH AVENUE / A.P. NO. 003-594-007

By memorandum dated 12/28/00, the Director of Public Works reported that in accordance with a petition from the property owners, Brian Martin Faith and Cassandra Sever Faith, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 12/28/00 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.

2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND THE PREPARATION OF A GRANT APPLICATION AND ENVIRONMENTAL REVIEW FOR LINDO CHANNEL STREAM BANK PROTECTION

By City Council motion at its meeting held January 23, 2001, the City Council authorized the Assistant City Manager to submit a grant application for a California Department of Water Resources Urban Streams Restoration Program grant for funding to assist private property owners in a stream bank protection project along Lindo Channel in the vicinity of Brookwood Way and Nicole Lane, and to begin environmental review. The motion also conceptually approved a supplemental appropriation to provide funds for preparation of the grant application ($5,000) and completion of environmental review ($20,000). This supplemental appropriation would allocate funds in the amount of $25,000 from the Park Fund (002). The Park Director recommended approval of the supplemental appropriation.

2.8. APPROVAL OF DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - 2051 WHITMAN AVENUE, CHICO

By memorandum dated 1/3/01 from the Community Development Director, staff recommended that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of an off-sale alcoholic beverage license for Richmar Foods, Inc., dba Food 4 Less, located at 2051 Whitman Avenue.

2.9. ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 1999-00

By memorandum dated 12/28/00, the Housing Officer previously distributed this Report to Council. Community Redevelopment Law required 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 recommended acceptance of the report.

2.10. ACCEPTANCE OF REPORT ON ATTENDANCE OF BOARD & COMMISSION MEMBERS FOR CALENDAR YEAR 2000

By memorandum dated 1/16/01, the City Clerk forwarded the Attendance Report for Board and Commission members for the calendar year 2000. Pursuant to past Council policy, the City Council is to be informed annually of the attendance of the membership of the City’s Boards and Commissions. Staff recommended acceptance of the Attendance Report.
The motion to approve the Consent Agenda as read, carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON REZONE NO. 00-9 (NATIONAL GOLF OPERATING PARTNERSHIP)

By memorandum dated 12/19/00, Associate Planner Sigona reported that at the Planning Commission meeting of 12/14/00, the Commission voted (4-0-1, Wolfe absent) to recommend City Council adoption of a proposed mitigated negative declaration and approval of Rezone No. 00-9 which would rezone the 0.29 acres located on the east side of Yosemite Drive, owned by National Golf Operating Partnership, approximately 300 feet south of California Park Drive, portion of Assessor’s Parcel No. 011-030-133, from OS-1 Primary Open Space to R1 Low Density Residential. Due to subsequent receipt of additional information, the Initial Study has been revised and was forwarded to the Council under separate memo dated 1/25/01. The Planning Commission and Planning Director recommended adoption of a mitigated negative declaration and approval of the rezone ordinance.

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:

ORDINANCE 2216 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE EAST SIDE OF YOSEMITE DRIVE - REZONE NO. 00-9 (National Golf Operating Partnership) — FINAL READING AND ADOPTION

The motion carried by the following vote:
AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

3.2. HEARING ON ANNEXATION OF HOLLY AVENUE ANNEXATION DISTRICT NO. 3 – this item will be heard on 2/20/01. The Mayor opened the hearing to the public and no one spoke.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA


By memorandum dated 12/15/00, the Park Director reported that the Bidwell Park and Playground Commission approved designating Plaza Park as a drug free zone. Such designation is pursuant to California Health and Safety Code Section 11380.5 which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of city parks and playgrounds. The Bidwell Park and Playground Commission and Park Director recommended adoption of the ordinance.

The Mayor opened the hearing to the Public. Charlie Prusser stated that it wasn’t the DCBA that brought forward the request for a “Drug Free Zone” designation for Plaza Park. He felt that drug problems should be treated, not punished with increased penalties. Bob Ray inquired as to the penalties currently in place for the possession or sale of controlled substances. Richard Elsom felt that the zone designation was not needed.
A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt Ordinance 2215, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12.04.050 ENTITLED “DRUG FREE ZONES,” OF THE CHICO MUNICIPAL CODE TO DESIGNATE PLAZA PARK AS A DRUG FREE ZONE.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Wahl, Herbert
NOES: Jarvis, Nguyen-Tan

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO CHANGE THE ZONING CLASSIFICATION ON A PORTION OF THE PROPERTY FROM R3 MEDIUM HIGH DENSITY RESIDENTIAL TO OR OFFICE RESIDENTIAL AT 287 RIO LINDO AVENUE, ASSESSOR’S PARCEL NO. 006-120-015 (Ferrini) — INTRODUCTORY READING — this item was removed by Councilmember Kirk who was concerned about the traffic counts and potential impact to the area.

By memorandum dated 1/22/01, Associate Planner Hanson reported that at the Planning Commission meeting of January 4, 2001 the Commission voted unanimously (7-0) to recommend approval of a rezon request by Armeda Ferrini to allow for future office development of the property. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption on 2/20/01. Staff indicated that they would bring back numbers at the hearing and that they would look at the traffic on the street and at parking. The Mayor opened the item to the public. No one spoke. Staff was requested to provide additional traffic impact information for the hearing on this rezon.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to approve:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO TO CHANGE THE ZONING CLASSIFICATION ON A PORTION OF THE PROPERTY FROM R3 MEDIUM HIGH DENSITY RESIDENTIAL TO OR OFFICE RESIDENTIAL AT 287 RIO LINDO AVENUE, ASSESSOR’S PARCEL NO. 006-120-015 (Ferrini)– introductory reading

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.2. CONSIDERATION OF WHETHER TO HEAR AN APPEAL BY EVERETT BEICH OF A BIDWELL PARK AND PLAYGROUND COMMISSION DECISION TO REQUIRE A PORTION OF A STRUCTURE TO BE REMOVED FROM THE LINDO CHANNEL GREENWAY

By memorandum dated 1/29/01, the Park Director reported that Everett Beich, owner of the Pleasant Valley Mobile Estates, has appealed the 12/18/00 decision of the Bidwell Park and Playground Commission’s (BPPC) to require removal of a portion of a mobile home from City property (Lindo Channel Greenway). In making its decision, the BPPC rejected a proposal for a long term lease that would allow the mobile home to stay in place in exchange for public access to existing private property. The Park Director’s report includes the background information provided to the BPPC, and the draft minutes of the 12/18/00 BPPC meeting concerning this matter. The City Council may either take no action, thereby upholding the decision of the Park Commission; or schedule a hearing on the appeal for a future meeting.

The Mayor opened the hearing to the public. Carl Leverenz addressed the Council regarding the difficulty
of the appeal until further information was received regarding legislation that may impact the decision. The City Manager disqualified himself from the discussion due to a conflict.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to hear the appeal on 3/6/01.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

Council recessed for a ten minute break at 8:24 p.m.

---

4.3. **CONSIDERATION OF MATTERS RELATING TO THE JUNE 5, 2001 SPECIAL MUNICIPAL ELECTION REGARDING THE OTTERSON DRIVE REFERENDUM**

By memorandum dated 1/29/01, the City Clerk forwarded information on estimated election costs, resolutions to be considered for adoption in connection with calling the election, information on the legal requirements for a referendum election, and an election schedule for the 06/05/01 Special Municipal Election regarding the Otterson Drive Referendum.

**A. Determination of Type of Election (Mailed Ballot or Precinct Election).** The Council was requested to (1) chose one of the below options determining the type of election to be held; (2) adopt the resolution listed for that specific option, which calls for the election and directs the City Attorney to prepare the Impartial Analysis; and (3) authorize staff to process a supplemental appropriation allocating the necessary funds.

1. **Option 1: Mailed Ballot Election.** Staff recommended that if the Council chooses a mailed ballot election, the firm of Martin & Chapman, independent consultants, be retained to conduct the election. The estimated cost is $55,000, including County and City costs.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A SPECIAL MUNICIPAL ELECTION ON JUNE 5, 2001, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY OF CHICO, BY MAIL BALLOT, A PROPOSED GENERAL PLAN AMENDMENT REGARDING THE EXTENSION OF OTTERSON DRIVE

2. **Option 2: Precinct Election.** If the Council chose this option, staff recommended, due to the complexities of conducting a precinct election, that the County of Butte be requested to conduct the election. The estimated cost is $79,000.


The Mayor opened the matter for public input. Bob Ray, Gerald Rogan, Janet Allenspach, Dave Murray, Patricia Puterbaugh, Len Vensen, Christine Rose, Brian Jones, Charles Poteet, Michael Worley, Chris Nelson, Bruce Balgwyn, and Michael Pike urged the Council to call for a mailed ballot election in order to include the CSU students. The Council clarified that absentee ballots would also be available for the students to utilize in a regular precinct
Laurel Blankenship expressed her concern over the wording on the measure. It should not be confusing and needs to state that the approval of the measure would be approving an amendment of the General Plan. Mike Smith was concerned over the wording of the proposed ballot text and the confusion caused by indicating that the City would be increasing the amount of greenway when in fact, the EIR indicates that we would be decreasing the amount with the project. Emily Alma urged Council to include the wording that states that the greenway would be reduced in order to build the road. She also stated that toxic contamination has nothing to do with the Otterson Drive Extension. The County would be responsible for any clean up.

Todd Kimmelshue urged the Council to go forward with a regular precinct election and that by doing so would decrease the chance of voter fraud. Bill Brouhard also encouraged the Council to not go with a mailed ballot election. Suzanne Gibbs indicated that there were only 1000 members in the Chamber which was not representative of all business owners in the City.

Councilmember Keene stated that calling for a precinct election did not preclude the students from voting on this issue. Councilmember Bertagna and Mayor Herbert encouraged those students to request absentee ballots and cast their votes.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to call for a mailed ballot election. The motion failed by the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to adopt:

RESOLUTION 9200-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A SPECIAL MUNICIPAL ELECTION ON JUNE 5, 2001, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY OF CHICO A PROPOSED GENERAL PLAN AMENDMENT REGARDING THE EXTENSION OF OTTERTON DRIVE AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY STATEWIDE OR LOCAL ELECTION TO BE HELD ON JUNE 5, 2001, with the changes as follows on Exhibit “A”:

The text of the measure is:

“Shall the General Plan of the City of Chico be amended to allow construction of Otterson Drive improvements extending to the intersection of Park Avenue and East Park Avenue, which includes the purchase and preservation for public use of creekside greenway adjacent to the proposed bridge and road extension, as set forth in City Council Resolution No. 4200-01?”

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Council concurred to extend the Council meeting until 11:15 p.m.
B. **Submittal of Arguments For and Against Otterson Referendum Measure.** By memorandum dated 1/30/01, the City Attorney described the process applicable to the submission of arguments for and against the Otterson Referendum Measure. (The anticipated deadlines for submittal of arguments and rebuttals were outlined in the election schedule contained in the City Clerk’s memorandum.)

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to authorize the submission of arguments for and against the measure and that Council would be designated as the writers of said arguments.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Council concurred to extend the Council meeting until 11:30 p.m.

C. **Consideration of Placing an Additional Advisory Measure on the 06/05/01 Ballot.** At its meeting of 12/19/01 the City Council indicated a desire to place an advisory measure on the same ballot. The language of that measure had not yet been developed. Based on the election time frame, staff recommended that consideration of any potential advisory measure be finalized for the Council’s 2/20/01 agenda.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to table this discussion until the 2/20/01 City Council meeting in order to allow time for the subcommittee to meet and discuss language for a possible advisory measure regarding a no-project alternative.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

D. **Discussion of Acquisition of the Thomasson Property.** Councilmembers Kirk and Nguyen-Tan requested Council discussion of City acquisition of the Thomasson property. Councilmember Nguyen-Tan expressed his concern regarding the current County zoning of this property which does not require appropriate setback requirements from the greenway. Councilmember Kirk thought that Council should start the discussions now in order to be prepared in case of a defeat of the general plan amendment in June. Councilmember Jarvis asked if the City could annex the property into the city so City standards and requirements could be applied to any development.

Council concurred to extend the Council meeting until 11:45 p.m.

**4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 1/9/01**

By memorandum dated 1/18/01, the Internal Affairs Committee provided a report on its meeting held on 1/9/01. Committee members present were Councilmembers Jarvis, Kirk, and Bertagna, Chair. The matters considered by the Committee are listed below. By memorandum dated 1/23/01 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.
Consent Agenda

A. Approval of Amendment to Chapter 10.20 of the Chico Municipal Code to Prohibit Back-In Parking in City Parking Lots. The Committee recommended (2-0, Jarvis absent) that the ordinance prohibiting back-in parking in City parking lots be forwarded to the City Council for adoption. (Council action required to introduce ordinance)

A motion was made by Councilmember Kirk and seconded by Mayor Herbert to approve the introductory reading of:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 10.20 OF THE CHICO MUNICIPAL CODE TO PROHIBIT BACK-IN PARKING IN CITY PARKING LOTS
– with modification to apply the prohibition only to angled parking.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

B. Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 703. The Committee adopted (2-0, Jarvis absent) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 703, establishing two handicapped parking spaces at 955/957 Normal Street. (No Council action required)

C. Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 705 - 670 Rio Lindo Avenue. The Committee adopted (2-0, Jarvis absent) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 705, authorizing 24-minute time limited parking at 670 Rio Lindo Avenue. (No Council action required)

Regular Agenda

D. Consideration of establishing prohibited parking on Raley Boulevard between Forest Avenue and Bruce Road between the hours of 2:00 a.m. and 7:00 a.m. The Committee (2-1, Bertagna voting no), continued this matter for one month in order to give the “homeless” that were parking their motor homes/recreational vehicles on Raley Boulevard more time to find alternatives. (No Council action required)

E. Consideration of Proposal from Elks Lodge and other Service Organizations for City Display of Flags on Patriotic Occasions. The Committee (3-0) expressed conceptual support for a service organization sponsored program for greater display of American flags in the City; directed Assistant Director of Public Works Martinez and Project Manager Wood to work with the service organizations in development of a proposal; and continued this matter for further consideration when a proposal was submitted. (No Council action required)

F. Review of Potential Effects on Residential Setbacks related to Amendments of the General Plan Noise Element Recently Adopted by the City Council. The Committee took no action on this matter, since it had been clarified by staff that the amendment to the Noise Element of the General Plan would have no effect on minimum setback requirements in residential areas. (No Council action required)
G. **Report on Amendment to Title 19 of the Chico Municipal Code Relating to the Review of Site Plans and Architectural Design for Projects with Discretionary Permits.** The Committee took no action on this report, which was provided for information only. (No Council action required)

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 any of the items.

   6.1. By memorandum dated 1/24/01, Senior Planner Tom Hayes forwarded the Annual Report of the General Plan. In accordance with State Law and the City's General Plan an annual report is prepared each year to report on the status of the Plan and progress toward its implementation.

   6.2. By memorandum dated 10/12/00, the Personnel Director forwarded the Equal Employment Opportunity Report for the period of 7/1/99 through 6/30/00. The Report has been reviewed and approved by the Human Resources Commission.

   6.3. Memorandum dated 1/24/01 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. Memorandum dated 01/12/01 from the Finance Director reporting that the list of claims paid during the month of December 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

   **COPIES AVAILABLE FROM THE CITY CLERK:**

   6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 01/10/01 for Panama Bar & Café, 177 East Second Street.

   6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 01/09/01 for University Bar/The Brickworks, 193 East Second Street.

   6.7. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 01/19/01 for Bustolinis Delicatessen, 800 Broadway.

7. **ADJOURNMENT**

   Adjourned at 11:50 p.m. to Tuesday, 2/20/01 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** — The Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

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 name 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 LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Initiation of litigation: One Case. (Gov. Code Sec. 54956.9(c).)

3. **ADJOURNMENT**

    Adjourned at 7:28 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED CHICO CITY COUNCIL MEETING
FEBRUARY 20, 2001 - MINUTES

1. CALL TO ORDER – The Mayor called the meeting to order at 7:32 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

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, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Principal Planner Figge, Sr. Planner Hayes, Airport Manager Grierson

1.5. Closed Session Announcement — None

NOTE: The following joint meeting with the Airport Land Use Commission was timed for 7:30 p.m. and was heard before the Council’s other Consent, Public Hearing, and Regular agenda items (which followed the Redevelopment Agency meeting.)

4. REGULAR AGENDA

4.3. JOINT MEETING WITH THE BUTTE COUNTY AIRPORT LAND USE COMMISSION (ALUC) REGARDING THE COMPREHENSIVE LAND USE PLAN (CLUP)

The City Council requested a meeting with the Butte County Airport Land Use Commission (ALUC) to discuss the adopted Comprehensive Land Use Plan for the Chico Municipal Airport. The City Council addressed their concerns regarding the land use designation assigned to three separate parcels previously discussed with ALUC.

Those areas included the Ravenwood property on Eaton Road, Greenline property and the Bidwell Ranch property. The City Manager felt that the issue regarding the Greenline property had satisfactorily been resolved and that there had been a compromise reached on the Ravenwood property. Bidwell Ranch was the greatest concern as a discretionary grant had been applied for with the Federal Aviation Administration (FAA) and how the CLUP designation could potentially affect the outcome of the grant application. Mayor Herbert stated that he totally supported the airport and the need to protect its future viability. He expressed his concern over ALUC’s adoption of the CLUP when they knew that there was the possibility of losing a $3.6 million dollar grant.

Representatives from ALUC included Norm Rosene, Nina Lambert, Don Walrich, Mr. Meleki, and Larry Reeling. Norm Rosene addressed Council’s concerns and stated that ALUC had discussed these issues many times with City staff. Bidwell Ranch was a touchy issue, and they had hired a consultant who was an expert in airport land use who helped guide ALUC through the process. During the two year process they involved the public to the greatest degree possible. He felt that the Plan could still be modified.

The City Council adjourned a Redevelopment Agency meeting following the ALUC discussion.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:32 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON FEBRUARY 7, 2001**

By memorandum dated 2/9/01, the Finance Committee provided a report on its meeting held on 2/7/01, at which time the matters listed below were considered. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. By memorandum dated 2/12/01 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

**Consent Agenda**

**A. Recommendation for Approval of 1999-00 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency.** The Committee recommended (3-0) that the 1999-00 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency be forwarded to the Agency/City Council for approval.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to accept the 1999-00 Fiscal Year Audit Reports.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**B. Acknowledge Receipt of Schedule for the Annual Planning Process for the Community Development Block Grant (CDBG) and HOME Programs.** The Committee took no action on this report which was informational only at this point.

A motion was made by Councilmember Kirk and seconded by Councilmember Nguyen-Tan to acknowledge receipt of the Annual Planning Process for the Community Development Block Grant and HOME Programs.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**C. Approval of Supplemental Appropriation/Budget Modification to Provide Additional Funding for Bicycle Path, Springfield Drive to Little Chico Creek, (Capital Project No. 10165).** The Committee recommended (3-0) approval of this Supplemental Appropriation / Budget Modification in the amount of $55,000.

A motion was made by Councilmember Kirk and seconded by Councilmember Nguyen-Tan to approve the Supplemental Appropriation and Budget Modification in the amount of $55,000.
Regular Agenda – Council concurred to hear Item D at the beginning of the meeting.

D. Consideration of City Funding Assistance for the Butte County Library, Chico Branch. The Committee had recommended (3-0):

1. that $120,000 be allocated to the Chico branch of the Butte County Library in order to enable it to increase its hours to 60 per week;

2. that this funding be established in the City’s Annual Budget beginning FY 2001-02;

3. that this funding assistance be conditioned upon execution of an agreement with the County to guarantee that the City’s financial assistance would not affect the Chico Library’s share of County funding; and

4. that staff provide a report on the financial impact of such annual funding assistance for the Library on the City’s budget.

The City Council was provided with a memorandum dated 2/9/01 from the City Manager providing additional information and recommendations on library funding. In addition to the Committee recommendations listed above, he recommended that a task force be created to study long term alternatives to ensure the health of the Chico library system.

Councilmember Keene stated that he wanted additional information from the County regarding its participation, and confirmation that the County would not reduce any future funding if support from the City was received. Further, Councilmember Keene indicated that he did not support the funding of the library becoming a line item in the budget. The City Manager said that it appeared that the City could provide assistance this year but cautioned Council that the General Fund could not support it long term. Councilmember Bertagna cautioned that by providing assistance to the library, the City was taking on an expense that was a County responsibility. He supported helping the library but was concerned as the $120,000 was the largest outlay of the General Fund to date. Councilmember Nguyen-Tan stated that there was a County task force looking at the library issue and recommended that Councilmember Wahl sit on that committee.

The Mayor opened the discussion in order to receive public input. Rebecca Louber, Rosie Keene, Angela Harbert, Lori Josifek, Becky Weaver, Ramona Flynn, Nancy Brower, Susan Rauen, Barbara Seawall and David Wilkinson all urged Council to approve the funding for the library.

A motion was made by Councilmember Wahl and seconded by Councilmember Jarvis to approve the four recommendations listed above, along with Councilmember Wahl becoming a member on the County Library Task Force.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None
E. **Consideration of Impact of Gas and Electric Costs Increases on the City’s Utility Users Tax.**

The Committee recommended (3-0):

1. That an emergency ordinance amending the Chico Municipal Code to allow the City to temporarily reduce the utility user tax collection rate for three months from 5% to 3.9% be prepared for Council adoption at its meeting of 2/20/01;

2. that the Finance Committee be provided with a monthly report on the energy cost situation and the amount of the City’s windfall due to increased utility users taxes, and authorized to adjust the utility user tax collection rate accordingly; and

3. that the City’s Fee Schedule be amended to increase the income eligibility level for utility user tax refunds and exemptions to the low income level used by the Department of Housing and Urban Development (HUD).

Councilmember Kirk suggested that instead of lowering the tax, any additional revenue could be given to the Catholic Ladies Relief that provides assistance on utility expenses for those with low and moderate income. Councilmember Nguyen-Tan advised the Council that after further research and thought, he was withdrawing his support of the reduction of Utility User’s Tax due to the insignificant amount of relief given back to the citizens. He felt that any windfall that might come of the increased prices of gas and electric should go towards the funding for the library.

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

**EMERGENCY ORDINANCE 2217 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REDUCING THE RATE AT WHICH THE UTILITY USERS’ TAX IS COLLECTED FOR THE USE OF ELECTRICAL ENERGY AND GAS WITHIN THE CITY — FINAL READING & ADOPTION,** and

**RESOLUTION NO. 93 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 256 — UTILITY USERS’ TAX REFUND CRITERIA AND LEVELS/EXEMPTION),** and directed staff to provide Council with a monthly report regarding the results of the reduction.

The motion carried by the following vote:

*AYES:* Bertagna, Jarvis, Keene, Kirk, Wahl, Herbert
*NOES:* Nguyen-Tan
*ABSTAIN:* None
*ABSENT:* None

F. **Consideration of Mortgage Subsidy Program (MSP) Borrower Request -- Staples, 2758 Ceres Avenue.** The Committee took no action on this matter, thereby denying the Staples’ request to accelerate the interest forgiveness on their MSP loan. (No Agency action required)

G. **Preliminary Presentation regarding Housing Proposal by Simpson Housing Solutions.** The Committee took no action on this matter, which would be brought back for further review when Simpson Housing Solutions developed a specific proposal. (No Agency action required)

H. **Report on Recommendation for Supplemental Appropriation for Graffiti Removal Program.** The Committee acknowledged receipt of this recommendation, which would be submitted to the full Council on 2/20/01. (No Council action required)

I. **Consideration of Request from Little Chico Creek Educational Consortium for the City...**
Acquire Property near Teichert Ponds. Due to time constraints, the Committee was unable to consider this item on today's agenda, and it would be rescheduled for a future Committee meeting. (No Council action required)

4.2. CONSIDERATION OF THE RECOMMENDATION FROM THE ARTS COMMISSION REGARDING FUNDING THE 2001 CHICO OPEN BOARD ART PROJECT (COBA)

At its 2/14/01 meeting the Arts Commission reviewed the Mountain Valley Arts request for $30,574 from Redevelopment Agency Art Fund 380 to fund the 2001 Chico Open Board Art Project (COBA). The Council was provided with copies of the COBA proposal which was submitted to the Arts Commission. Staff made a verbal report regarding the Arts Commission recommendation.

Council requested additional information in a format that would allow Council to compare last year with the current request for additional funding. Councilmember Keene asked for clarification on the increased request. Jeff Goolsby stated that the program had originally been underfunded. COBA expenses were approximately $21,000, with $15,000 being funded by the City and the balance covered by a fundraiser. Council directed staff to provide COBA with the approved forms used by organizations participating in the community organization funding program.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

6. ADJOURNMENT. Adjourned at 10:32 p.m. to a City Council meeting.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 10:32 p.m. at the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve the following Consent Agenda:

2.1. **ORDINANCE NO. 2219 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 10.20 OF THE CHICO MUNICIPAL CODE TO PROHIBIT BACK-IN PARKING IN CITY PARKING LOTS — FINAL READING & ADOPTION**

This ordinance would amend Chapter 10.20 of the Chico Municipal Code to prohibit back-in parking in angled spaces in City parking lots, and received introductory reading at Council’s meeting of 2/6/01. The Internal Affairs Committee recommended adoption of the ordinance.

2.2. **APPROVAL OF CITY OF CHICO CAPITAL IMPROVEMENT PROGRAM, FIVE-YEAR CAPITAL PROJECT EXPENDITURE SUMMARY AND CAPITAL PROJECT LIST BY CATEGORY 2001-02 THROUGH 2005-06**

By memorandum dated 2/2/01, the Director of Public Works submitted the Final City of Chico 2001-02 through 2005-06 Five-Year Capital Improvement Program (CIP) which was revised to incorporate comments and revisions requested by the City Council at its meeting of 1/23/01. Upon approval by the City Council, the Capital Improvement Program will be incorporated into the 2000-01 Annual Budget through a confirming Budget Modification. The City Manager and Director of Public Works recommended approval of the Capital Improvement Program.

2.3. **APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR GRAFFITI REMOVAL PROGRAM**

The City Manager requested approval of a supplemental appropriation in the amount of $6,000 to provide supervision of court workers to allow for crews to operate on Saturdays to remove graffiti within the community. By memorandum dated 2/9/01, the City Manager reported that because of the difficulty in assigning individuals to court ordered community service during the week, the Graffiti Eradication Task Force, through Judge Darrell Stevens, has requested that the City consider providing supervision to graffiti removal crews on weekends. If the City Council approves the recommendation, a supplemental appropriation confirming the Council’s action would be processed following the meeting. The City Manager recommended that the City Council approve the supplemental appropriation on an experimental basis for 20 weeks.

The motion to approve the Consent Agenda as read 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 REZONE OF PROPERTY LOCATED AT 287 RIO LINDO AVENUE (FERRINI)**

By memorandum dated 1/22/01, Associate Planner Hanson reported that at the Planning Commission meeting of 1/4/01 the Commission voted unanimously (7-0) to recommend approval of a rezone request by Armeda Ferrini on a portion of property at 287 Rio Lindo Avenue to allow for future office development.
of the property. This rezone would change the zoning classification on a portion of the property from R3 Medium High Density Residential to OR Office Residential. By memorandum dated 2/12/01 from the Planning Director, additional information is provided concerning traffic and parking in relation to the proposed change in zoning. The below ordinance received introductory reading at Council’s meeting of 2/6/01. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to adopt:

ORDINANCE NO. 2218 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 287 RIO LINDO AVENUE (REZONE NO. 00-13, FERRINI) — FINAL READING & ADOPTION

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. 506, SHASTAN HOMES AT IDYLLWILD CIRCLE SUBDIVISION

By memorandum dated 2/7/01, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 506. As a condition of approval of a subdivision map for this subdivision, generally located west of Yosemite Drive and north of SHR 32, the developer, Jay Halbert, has consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation adjacent to the subdivision and in the traffic roundabout. 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 Bertagna and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 94 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. 506 — SHASTAN HOMES AT IDYLLWILD CIRCLE SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 508, PLEASANT VALLEY ESTATES

By memorandum dated 2/5/01, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 508. As a condition of approval of a subdivision map for this subdivision, generally located north of East Avenue and on the eastern side of Marigold Avenue, the developers, Zink/Timmons, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping, irrigation, and fencing of the storm drainage detention facility within the subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance of 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 Keene to adopt:

RESOLUTION NO. 95 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. 508 — PLEASANT VALLEY ESTATES SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None

3.4. HEARING ON ANNEXATION OF HOLLY AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated 1/16/01, the Assistant Community Development Director forwarded a report on the annexation of 2 parcels, totaling 1.92 acres, located at 2251 and 2257 Holly Avenue (Property owners: Al Vial, James and Marjorie Gonnion). The area is 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. Development of additional single family residences is 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. (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 Assistant 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 Jarvis and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 96 00-01 – A 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 01-05 - CITY OF CHICO - HOLLY AVENUE ANNEXATION DISTRICT NO. 3

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. CONSIDERATION OF WHETHER TO HEAR AN APPEAL BY MARTIN McHUGH OF THE FIRE CHIEF’S DETERMINATION THAT A RESIDENTIAL SPRINKLER SYSTEM BE REQUIRED IN A HOME TO BE CONSTRUCTED AT 8 WOODSTONE LANE (LOT 72), CANYON OAKS

By memorandum dated 1/31/01, the Fire Chief reported that Martin McHugh, owner of Lot 72 in Canyon Oaks, has appealed the 12/5/00 determination of the Fire Chief requiring the installation of residential fire sprinklers at 8 Woodstone Lane. In making his decision, the Fire Chief relied on the safety mitigations
identified in the Canyon Oaks EIR that were subsequently incorporated into the conditions of subdivision approval. The Fire Chief's memorandum included the 1/10/01 letter provided by Mr. McHugh and other background information. The City Council may either take no action, thereby upholding the determination by the Fire Chief; or schedule a hearing on the appeal for a future meeting. Martin McHugh addressed Council regarding his request for a hearing on his appeal.

A motion was made by Councilmember Keene and seconded by Councilmember Nguyen-Tan to hear the appeal on March 20, 2001.

The motion carried by the following vote:

AYES: Bertagna, Keene, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis, Kirk
ABSENT: None
ABSTAIN: None

4.3. JOINT MEETING WITH BUTTE COUNTY AIRPORT LAND USE COMMISSION (ALUC) REGARDING THE COMPREHENSIVE LAND USE PLAN (CLUP) (This matter was timed for 7:30 p.m. and was considered on the Agenda immediately following the Closed Session agenda)

4.4. CONSIDERATION OF INCLUDING AN ADVISORY BALLOT MEASURE REGARDING ALTERNATIVES TO THE OTTERSON DRIVE EXTENSION PROJECT ON THE JUNE 5, 2001 SPECIAL MUNICIPAL ELECTION

The City Council requested discussion regarding a possible advisory ballot measure regarding alternatives to the Otterson Drive extension project including, but not limited to, the No-Project alternative. If the Council determined to add an advisory measure for consideration by the voters at the 6/5/01 Special Municipal Election, the below resolution should be adopted.

Councilmember Bertagna indicated that he felt that an advisory measure might confuse the issue and instead, the arguments and rebuttals would be the appropriate venue to explain further. He totally supported Council action on this project and believed that he would be able to articulate those points to people who might have questions.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to not submit an advisory measure at the June 5, 2001 Special Election.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan
NOES: Keene, Wahl, Herbert
ABSENT: None
ABSTAIN: None

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA

REQUEST BY COUNCILMEMBER JARVIS TO HAVE COUNCIL RECONSIDER THEIR ACTION OF 2/6/01 APPROVING THE WORDING OF THE BALLOT MEASURE REGARDING THE OTTERSON DRIVE EXTENSION

At the request of Councilmember Jarvis, the City Council was asked to reconsider its previous action taken 2/6/01 approving the wording of the ballot measure regarding the Otterson Drive Extension. Per Council procedure, it would take a majority vote of Council to reconsider this item. If Council agreed to reconsider, this issue would be heard at the 03/06/01 Council Meeting.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to agendize this item for discussion and possible action at the next meeting.
The motion failed by the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert
ABSENT: None
ABSTAIN: None

5. **BUSINESS FROM THE FLOOR**

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to postpone the February 24, 2001 meeting to walk the proposed Annie Bidwell Trail. The motion carried unanimously with the rescheduling of this meeting to be added to the March 6, 2001 Council agenda.

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 2/1/01 from the Risk Manager reporting on the tort claims that were denied by staff during the quarter ending 12/31/00.

6.2. Memorandum dated 2/6/01 from the Finance Director reporting that the list of claims paid during the month of January 2001 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 Mayor adjourned the meeting at 11:30 p.m. to Conference Room Two for a Closed Session after the Regular Meeting to consider the below matter:

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

The Council reconvened from Closed Session at 11:41 p.m. and adjourned the meeting to Friday, March 2, 2001 where Council will consider the Special Events recommendations at 3:00 p.m. in the Council Chamber.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 3:00 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

1.3. Absent: None

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF RECOMMENDATIONS FROM THE COUNCIL COMMITTEE FOR SPECIAL EVENTS**

The Council met to discuss the proposed recommendations concerning large, un-sponsored events. The recommendations were developed by a City Council Committee and were being presented to the City Council for consideration and possible implementation.

The Mayor opened the discussion up to public comment. John Gillander spoke against the recommendation that the City not provide portable restrooms. Lyle Cargyle also disagreed with removing the portable restrooms and also felt that the education and enhanced penalties may not make a difference this year but would in the future. Charlie Pruesser disagreed with the portable restroom recommendation and felt that overall the tenor of the document was one of punishment for having too much fun. He felt that the City should treat Halloween as a festival.

Eric Hoftig offered his support for how last years event was handled by the police, volunteers and the no glass ordinance. He did however have concern or the recommendation of phasing out street closures and no port-a-potties. He felt that it would come across as hostile to the students.

Chief Efford addressed the Council about his concerns with Halloween being treated as an “event.” It has grown primarily with outsiders and has outgrown department resources. The Chief stated that the activity increased after 10:00 p.m. and it was difficult to clear the streets at 2:00 a.m. The main concern was over sheer numbers. Halloween 2000 had a total of 135 officers, half from Chico, the rest from other jurisdictions, 30 support personnel and 150 volunteers. There were 90 arrests (58 from outside the area) and most of those occurred between 10:00 p.m. to 2:00 a.m.

Bob Ray, a member of the Special Events Task Force, stated that the recommendations were those reflecting zero tolerance and if implemented would lead to a riot. He felt that last year’s recommendations made it a much safer event. The no-mask ordinance made no sense to him and he also felt that closing down the event at a time certain would result in a riot. He also felt that the restroom idea was not a prudent one and the flyer recommendation to advertise “not to come” would only attract the wrong crowd. Dolly Brown felt that the City should buy into the event and perhaps sponsor a costume party at the fairgrounds with large awards.
Mark Dujois stated that it appeared that the City is afraid of parties. He would like a bigger, better party with bands and a food court and that in the future more streets should be closed. He felt the event did not need police force. Vince Owens thought that perhaps the City could create or sponsor an event and charge for downtown parking. He felt that closing the event would cause a problem. Doug Roberts, part owner of Duffy’s conveyed his support of last year’s street closures and the assistance provided by the volunteers. He felt that asking bar owners to close at 8:00 p.m. was absurd. However, he felt that the bar owners/employees should help with the cleanup.

Jeff Iverson, Associated Students President, felt that last year’s event was good and that it was much different than in ’97. He felt that a no-mask ordinance, eliminating street closures and port-a-potties did not make sense. He also felt that the CSUC students should not be treated any differently than anyone else. He encouraged the Council to include the students in their discussions.

Aaron Farrell felt the Council was trying to punish everyone because of a few problem people. He supported the noticing of other communities and areas about what Chico was doing to prevent problems. He urged the Council to not create divisiveness between students and the community.

Don Kidd asked why the meeting was being held at a time when business owners can’t attend. He felt that the Council in the past has not provided strong direction. Voluntary closure of bars would have to be city-wide in order to be fair and would also have to apply to off site sales.

Jeff Anderson, a bar owner, had concerns with the City telling him how to run his business. He felt that year round education regarding alcohol control would be more effective. He would welcome help with underage drinking.

Larry Ruby agreed with the recommendations. His concern was that the event had gone beyond our ability to control. He knew that medical personnel were not willing to go into the area and urged the Council to take whatever steps were necessary to decrease the event.

Brian Buckley, owner of a downtown business, stated that there was difference between businesses that meet ABC standards versus those having unlicenced parties. He felt that asking bars to close early would create bigger problems. The no-glass ordinance and street closures seemed to work. Mark Rasmussen, Assistant Dean at Butte College, endorsed the educational campaign recommendation and stated that alcohol plays a part in students with academic problems. The event will not go away, we need to continue to find ways to control the event.

Brandon Slater, a Chico High School student, felt that the event was better last year and that he went home at midnight. He felt that there needs to be more to do in Chico rather than just walk around. Kim Davis, a CSUC student, wanted the Council to know that not all the students participate in the event and she felt that the event opens the City up to other potential problems.

Steve Johnson, a taxi cab driver, said that he was out on Halloween and felt that alcohol abuse was extreme and that many young women were complaining of harassment. He felt that sponsored events could help to make money.

The Mayor closed the hearing to the public and stated that the Council was not trying to kill the event. He wanted a clean, sober event for the community without putting citizens nor the police at risk. Councilmember Nguyen-Tan stated that he felt that the no-mask ordinance was impractical and infeasible. Council concurred that comments and/or changes on the current list of recommendations should be at this meeting and then brought back for a subsequent meeting where citizens will have another opportunity to comment.
The revised recommendations are:

1. **Educational Campaign:**
   a. Statewide - distribute flyers to various universities/colleges, and place ads in university/college papers detailing the specific conduct that will not be tolerated. Utilize the universities/colleges ability to communicate with the students via email.  
      – **Council will continue to discuss viability of recommendation.**
   
   Through a second publicity campaign, work with the media to indicate that Halloween is a non-event thus discouraging people from coming to the downtown area to participate. – **Implement**
   b. Local - place ads in local papers including the Orion, run radio and television ads detailing the new open container law, and also the minor in possession law and resulting penalties. Outreach to high schools. – **Implement**

2. **Strict enforcement of all existing laws including minors in possession, open container, and drunk in public, with a request for full penalties by the judicial system. Consider continuing with enhanced penalties, including recovering direct costs of police involvement. Staff to bring back additional information for the Council regarding costs.**

3. **Continue the glass ban.**

4. **Continue the discussion on how to close the event (set a midnight closing for the event.)**

5. **No parking areas (research if parked vehicles on Main and Broadway are a problem or a help and act accordingly - eliminate parking if a problem.) – Continue to discuss**

6. **Enforce occupancy laws (this should be an on-going project in the weeks leading up to large, unsponsored special events and have the Fire Marshal enforce occupancy limits.)**

7. **Explore the possibility of obtaining additional resources for the first several years to ensure that strict enforcement of the rules can feasibly be accomplished. Staff to clarify how resources would be used.**

8. **Street Closures – slowly cutting back on the street closures in order to phase out the event within a 3 to 5 year period – Continue to discuss**

9. **Work with DCBA on maintaining their Trick-or-Treat program during the early hours of the evening – Continue the work**

10. **Work with the university on stricter enforcement on campus, increase ramification of off-campus misconduct and on the development of City/University teams to patrol ABC violations. – Continue the work**

11. **Produce a video to show on Channel 11 detailing the unacceptable behavior on Halloween. Could also be shown to parents at high school PTA meetings, service clubs, etc. – Implement**

**Council Request for Additional Information:**

1. Staff to provide Council with information on the possibility of alternative events.

2. Staff to provide Council with additional information on past arrests and the number of people from out of the area.

3. Staff to bring back a report or analysis of the increase in sales tax revenue, TOT during the event.
5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – None

7. **ADJOURNMENT**

   The meeting was adjourned at 4:30 p.m. The next Regular Council meeting will be held Tuesday, March 6, 2001, in the Chamber at 7:30 p.m.
REGULAR CHICO CITY COUNCIL MEETING
MARCH 6, 2001 - MINUTES

1. CALL TO ORDER — The Mayor called the meeting to order at the Chico Municipal Center, Council Chamber, 421 Main Street, at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation — Reverend Gaylord Enns – Pleasant Valley Assembly of God

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    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, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Management Analyst Wood

1.5. Proclamations: Proclaiming March 26 - April 1, 2001 as “Students In Free Enterprise Week”
   Proclaiming March 11 - 17, 2001 as “Girl Scout Week”

1.6. Special Presentation – Installation of Youth Shadow Council Members

2. CONSENT AGENDA — A motion was made by Councilmember Keene and was seconded by Councilmember Kirk to approve the following items:

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 812 NORD AVENUE, RZ 00-11 (Ostrander) — INTRODUCTORY READING

   By memorandum dated 2/9/01, Associate Planner Hanson reported that at the Planning Commission meeting of January 18, 2001 the Commission voted unanimously (7-0) to recommended approval of a rezone request by Dan Ostrander to allow for multi-family residential development of the property. The Planning Commission and Planning Director recommended that the City Council adopt the mitigated negative declaration and introduce the ordinance by the reading of the title only and schedule a public hearing and adoption on 3/20/01.

2.2. 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 - LUPIN AVENUE ANNEXATION DISTRICT NO. 2 — 952 LUPIN AVENUE (VINSONHALER/GRANICHER)

   By memorandum dated 2/14/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of a .503 acre parcel on the northeast corner at the intersection of Cohasset Road and Lupin Avenue, and a portion of Lupin Avenue. The parcel currently contains a single family residence. The property is designated and zoned for office and residential use. In accordance with adopted LAFCO policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ESTABLISH A SEPARATE SALARY SCHEDULE FOR THE CITY ATTORNEY APPOINTED POSITIONS OF ASSISTANT CITY ATTORNEY I AND II WITHIN THE MANAGEMENT TEAM PAY AND BENEFITS RESOLUTION, AND TO MODIFY THE SALARY RANGES FOR THOSE POSITIONS

   By memorandum dated 2/26/01, the City Attorney and Personnel Director recommended adoption of the proposed resolution that modified the Management Team Pay and Benefits Resolution to establish a separate salary range for the City Attorney appointed positions of Assistant City Attorney I and II, and modified the salary ranges for the positions.
Existing funding in the City Attorney Office operating budget will cover any additional costs that may occur as a result of these changes. The City Attorney, City Manager and Personnel Director recommended adoption of this resolution.

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD NOVEMBER 21, 2000, JANUARY 2, 2001 AND JANUARY 23, 2001

The Council was provided with copies of the minutes from meetings held 11/21/00, 1/02/01, and 1/23/01.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: Jarvis

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ANNEXATION OF HOOKER OAK AVENUE ANNEXATION DISTRICT NO. 18

By memorandum dated 1/25/01, the Assistant Community Development Director forwarded a report on the annexation of 29 parcels, totaling 30.596 acres, located on Hooker Oak Avenue, Juniper Street and Four Seasons Way. The area is designated as low density residential in the General Plan and prezoned R-1 Single Family Residential, RS-10 Suburban Residential (10,000 square feet minimum parcel size) and RS-20 Suburban Residential (20,000 square feet minimum parcel size). Most of the parcels are developed with existing single family residences. This annexation was initiated at the request of the owners of two of the parcels to facilitate sanitary sewer connection for existing single family residences. Other adjacent properties have been included in the annexation at the direction of LAFCO.

As this inhabited (more than 11 registered voters) annexation includes properties that 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 Assistant Community Development Director recommended adoption of the resolution.

The Mayor opened the hearing to the public. Josephine M. Barnes and Nancy Miguel spoke in opposition of this annexation.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to adopt:

RESOLUTION NO. 99 00-01, A 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 01-07 - CITY OF CHICO - HOOKER OAK AVENUE ANNEXATION DISTRICT NO. 18

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: None
3.2. HEARING ON APPEAL BY EVERETT BEICH OF A BIDWELL PARK AND PLAYGROUND COMMISSION DECISION TO REQUIRE A PORTION OF A STRUCTURE BE REMOVED FROM THE LINDO CHANNEL GREENWAY

By memorandum dated 2/26/01, the Park Director reported that Everett Beich, owner of the Pleasant Valley Mobile Estates, has appealed the 12/18/00 decision of the Bidwell Park and Playground Commission (BPPC) to require removal of a portion of a mobile home from City property (Lindo Channel Greenway). In making its decision, the BPPC rejected a proposal for a long term lease that would allow the mobile home to stay in place in exchange for public access to existing private property. The Park Director’s report includes the background information provided to the BPPC. At its 2/6/01 meeting, the City Council decided to hear the appeal. The Mayor opened the hearing to the public. No one spoke.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to grant the appeal, in which case it would become effective at the time special legislation allowing the property exchange is enacted.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. CELEBRATION OF PEOPLE PARADE

At the request of Councilmember Jarvis, Council discussed placing several requests from the Celebration of People parade organizers, including date and time of parade, a waiver of all fees, and barricades for street closures on the 3/20/01 agenda for Council consideration. Council agreed to add this item to the 3/20/01 agenda for discussion and possible action on the fee waivers associated with holding a parade and referred the review of a formal policy on such requests to the Finance Committee.

4.3. ARTS COMMISSION VACANCY

By letter dated 2/6/01, Claudia Wrazel resigned from the Arts Commission, effective immediately. This resignation created a vacancy, the term of which expires 1/1/05. Council acknowledged the resignation and directed staff to advertise for additional applicants. Copies of applications received during the recruitment period from Anne Barrington, Sarena Breed, Sara Cooper, Tara Hames, Sandra Rosas and Annemarie Sutton were provided for Council’s consideration.

4.4. BIDWELL PARK AND PLAYGROUND COMMISSION VACANCY

By letter dated 2/15/01, Thomas Barrett resigned from the Bidwell Park and Playground Commission, effective immediately. This resignation created a vacancy, the term of which expires 1/1/03. Council acknowledged the resignation and directed staff to advertise for additional applicants. Copies of applications received during the recruitment period from Lee Altier, Anne Barrinton, Troy Beglinger, Scott Coffman, DNA, Tara Hames, Irwin Karp, Kimberly King, Russell Mills, Sandra Rosas, Jim Walker, and Michael Worley were provided for Council’s consideration.

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON FEBRUARY 13, 2001

By memorandum dated 2/14/01, the Internal Affairs Committee provided a report on its meeting held on 2/13/01. Committee members present were Councilmembers Jarvis, Kirk, and Bertagna, Chair. The matters considered by the Committee are listed below. By memorandum dated 2/16/01 from the City Clerk, the Council was also being provided with copies of the documents received by the Committee for
the meeting.

Consent Agenda

A. Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 706 (Establishing Stop Signs on Newport Drive at Sierra Springs Drive). 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. 706, establishing stop signs on Newport Drive at Sierra Springs Drive. (No Council action required)

B. Recommendation for Approval of Amendment to Title 19 of the Chico Municipal Code relating to Review of Site Plans and Architectural Design for Projects with Discretionary Permits. The Committee recommended (3-0) that this Code amendment be forwarded to the City Council for adoption (to be submitted to Council with other amendments to Title 19 at its 3/20/01 meeting). No action taken on this item.

Regular Agenda

C. Consideration of Internal Affairs Committee Resolution Establishing Prohibited Parking on Raley Boulevard between Forest Avenue and Bruce Road Between the Hours of 2:00 a.m. and 7:00 a.m. 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. 704, prohibiting parking on Raley Boulevard between Forest Avenue and Bruce Road between the hours of 2:00 a.m. and 7:00 a.m. (No Council action required)

D. Consideration of Proposal for Video Enforcement of Red Light Traffic Signals. The Committee (3-0) continued this matter to a future meeting in order for staff to contact other companies providing similar services and report back with a cost analysis, statistics proving that such systems reduced violations, and other information requested by the Committee. (No Council action required)

E. Consideration of Code Amendment regarding Recycling Container Requirements for Multi-Family Complexes. The Committee recommended (3-0) approval of the proposed Code amendment with the revision that the requirement for recycling containers be based on volume, that this requirement be reviewed one year after its implementation, and that staff be directed to publicize and educate the community regarding the new ordinance.

John Gillander addressed the Council about the need for an education component in order for recycling to work. Barbara Kopicki stated that recycling information should be provided to the tenants by the management of each complex. Mike Jensen felt that more local composting was needed. Susan Mason informed Council that she was working on a recycling guide on what can go into what recycling bins. She also asked that the containers be appropriately marked.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to approve the introductory reading of:


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSTAIN: Herbert
ABSENT: None
F. **Consideration of a Proposal for a Mounted Enforcement Unit within the Police Department.** The Committee recommended (3-0):

1. Conceptual approval of the Police Department request for a two-officer Mounted Enforcement Unit; and

2. That up to $10,000, which would include up to 40 deployments, be allocated for the Mounted Enforcement Unit in the proposed budget for FY 2001-02, if the FLSA equestrian pay figures fell within that parameter. Councilmember Keene concurred to this item being included in the budget but wanted to make sure that it would not preempt other services within the department.

G. **Consideration of Proposed Abandonment of the North Half-Block of Chestnut Street Between West 2nd and West 3rd Streets.** The Committee recommended (3-0) that staff be directed to prepare the necessary documents to abandon the north half-block of Chestnut Street between West 2nd and West 3rd Streets for an entrance to the University, with a visitor information kiosk, which could also be used to distribute information about the City of Chico, subject to a provision that no other structures are built in the abandoned area.

Charlie Pruesser addressed the Council regarding his concern over street closures in this area that might impact traffic flow and parking places.

Council asked for additional information to be provided to Council on the City’s parking lot enforcement including what the City enforces versus what the Campus police handles. Staff was also instructed to work with the University on including City information at the kiosk.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve a grant of license to place the kiosk at the north half-block of Chestnut Street. Council concurred 7-0.

H. **Reports and Communications.** The following reports and communication items were provided for the Committee’s information and consideration, and no action was taken.

1. **Correspondence Regarding Traffic Concerns in California Park.** The following correspondence had been received and, unless a Committee member requested an item to be scheduled sooner, would be addressed when Yosemite Drive / California Park area traffic concerns were re-evaluated, approximately two months after the speed humps on Yosemite Drive were installed.

   a. **Opposition to Three-Way Stop Signs at Intersection of Idyllwild Circle and South Burney Drive:** Letter dated 1/12/01 from Connie Wallick, Susan & Patrick McVicker-Wever, Fred McDaniel, and the Fortino family; Letter dated 1/18/01 from Mike Fortino.

   b. **Opposition to Stop Signs at Intersection of Yosemite Drive and Idyllwild Circle:** Letter dated 1/8/01 from Robert Sprague; Letter dated 1/25/01 from Gary Cowden.

   c. **Request for Installation of Stop Signs on Idyllwild at Catalina Point (referred to as Dana Point in letter):** Letter dated 11/9/00 from Mark Maidenburg.

2. **Correspondence regarding “U-Turns allowed for Autos Only” Signs on Skyway:** Letter received 1/4/01 from Foothill Car Wash requesting U-Turns be allowed from westbound Skyway to eastbound Skyway at its intersection with Notre Dame Boulevard; Letter dated 1/11/01 from Associate Civil Engineer Johnson indicating Director of Public Works approval of this request.
4.6. **HOMELESS SHELTER / FREESTYLE AND BMX BICYCLE PARK**

The City Council previously approved funding for site acquisition of a homeless shelter. A five-acre site located off Whitman Avenue, adjacent to the Silver Dollar Fair Grounds, was identified as a potential location for a 1.9 acre homeless shelter site and a 3-acre site for a BMX bicycle park. The City Council was asked to conceptually approve the acquisition and to initiate an application for use permit, with the purchase subject to completion of environmental review and securing use permit approval. For this item the City Council convened as the City of Chico Redevelopment Agency.

Members of the audience speaking in favor of the site acquisition for a homeless shelter were Andrew Holcombe, Len Jensen, Dolly Brown, Lily Zhao, Rick Reynolds, Caryn Jones, Tami Ritter, Liz Young, Ted Sandberg, Richard Yale, Brian Hiartdahl, Francesca Sage, Don Wiese, and James Brooks. Dan Keeley spoke in opposition of the acquisition.

Members of the audience speaking in favor of the site acquisition for a BMX bicycle park were Kevin Gutierrez, Jeff Farrar, Jim Dwyer, Joey Palomar, Chris Duggan, Lindsay Walker, Ryan Walker, Darrell Dinsmore, Kasie Reeves, Greg Webb, Terry Alldredge, Blake Gieg, Jordan Barnes, Jo Larsen, Joey Smith, P.J. Smith, Jeff Damon, Paul Ward, Casey Petweiler, Austin, Sompegyi, and Barbara Kopicki.

Councilmember Keene wanted further research into possible community based funding for the homeless shelter, to ensure that the facility doesn’t compete with other services, how volunteer efforts can be interfaced and utilized, and mental health and safety issues.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve funding the site acquisition for a homeless shelter and BMX bicycle park.

The motion carried by the following vote:

- **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
- **NOES:** None
- **ABSTAIN:** Herbert
- **ABSENT:** None

4.7. **FUTURE MEETINGS**

Council considered rescheduling the 2/24/01 City Council meeting (postponed due to inclement weather) for review and discussion of proposed and alternate alignment for the Annie Bidwell Trail – Upper Bidwell Park. The Council scheduled the Annie Bidwell Trail tour for May 11, 2001 from 8:00 a.m. to 3:00 p.m.

4.8. **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.


6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 11-4-99 for First Street Deli and Café, 215 W. First Street.

7. **ADJOURNMENT**

The meeting was adjourned at 10:35 p.m. to March 20, 2001, 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** — The Mayor called the meeting to order at 7:04 p.m. in Conference Room #2, Chico Municipal Center, 421 Main Street.

   1.1. **Roll Call** — Present: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
        Absent: Kirk

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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

        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 meeting.

3. **ADJOURNMENT**

        Adjourned at 7:24 p.m. to a City Council meeting in the Council Chamber.
1. CALL TO ORDER — The Mayor called the meeting to order at 7:39 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Father James Barfield, Sts. Sergius & Herman Orthodox Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert

Absent: Kirk

1.4. Introduction of City Staff— City Manager Lando, Assistant City Attorney Barker, 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, Chief of Police Efford, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Principal Planner Figge, Airport Manager Grierson, Management Analyst Herman, Assistant Director of Public Works Martinez, Police Captain Maloney, Fire Chief Brown, Sr. Planner Jollife

1.5. Closed Session Announcement – None

2. CONSENT AGENDA — A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the following Consent Agenda items:


This ordinance amended Chapter 8.12 of the Chico Municipal Code to require that recycling containers be based on volume, that this requirement be reviewed one year after its implementation, and that staff be directed to publicize and educate the community regarding the new ordinance. The Internal Affairs Committee recommended adoption of the ordinance.

Mayor Herbert abstained on this item.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING A PROVISION TO THE CHICO MUNICIPAL CODE ESTABLISHING NIGHT CLOSING HOURS FOR THE SYCAMORE POOL IN BIDWELL PARK — INTRODUCTORY READING

By memorandum dated 2/24/01, the Park Director reported that the Bidwell Park and Playground Commission unanimously approved closing the One Mile Recreation Area Sycamore Pool between 11:00 p.m. and dawn to discourage later night and early morning use that causes a nuisance for park neighbors. Currently, only vehicular access in Bidwell Park is restricted after sunset. The Bidwell Park and Playground Commission and Park Director recommended approval of the ordinance.

2.3. RESOLUTION NO. 100 00-01 – A 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 2/13/01, the Personnel Director requested authorization to destroy obsolete recruitment and chronological 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 would be shredded and recycled. The Personnel Director recommended adoption of the resolution.
2.4. **RESOLUTION NO. 101 00-01 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING A CONTRACT WITH THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM TO ESTABLISH THE VOLUNTEER FIREFIGHTERS’ LENGTH OF SERVICE AWARD SYSTEM FOR CITY VOLUNTEER FIREFIGHTERS**

By memorandum dated 2/13/01, the Personnel Director and Fire Chief reported that it is necessary for Council to approve a resolution to authorize City participation in the Public Employees’ Retirement System (PERS) Volunteer Firefighters’ Length of Service Award System. The program provided for length of service awards for Volunteer Firefighters who have more than ten years of service to the City when those individuals reach age 60. Costs for the program set up were budgeted as part of the 2000-01 Annual Budget. The estimated future cost for the program would be $5,500 per year. The Fire Chief and Personnel Director recommended adoption of the resolution.

2.5. **RESOLUTION NO. 102 00-01 – A RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO SUBMIT AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES UNDER THE URBAN STREAM RESTORATION GRANT PROGRAM FOR THE STREAM BANK STABILIZATION PROJECT IN THE AREA OF NICOLE LANE AND BROOKWOOD WAY ALONG THE LINDO CHANNEL GREENWAY**

By memorandum dated 3/1/01, the Park Director reported that the California Department of Water Resources required a resolution of support as a condition to considering a grant proposal under the Urban Stream Restoration Program. If approved, the grant would provide at least $318,609 for preparation of plans and specifications and construction of a streambank protection project in the vicinity of Nicole Lane and Brookwood Way along the Lindo Channel Greenway. The City Council directed staff to seek funding for this project on 1/23/01. Applications are due 3/27/01 with notification to successful applicants in June 2001. The Park Director recommended adoption of the Resolution that would authorize the Assistant City Manager to submit the grant application.

2.6. **MINUTE ORDER NO. 03-01 — AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH THE UNITED STATES FEDERAL AVIATION ADMINISTRATION FOR THE CONTINUED OPERATION OF THE INSTRUMENT RUNWAY APPROACH LIGHTS (MALS RAIL) AT THE CHICO MUNICIPAL AIRPORT**

The Federal Aviation Administration (FAA) owns and maintains various navigational aides and a series of approach lights at the Chico Municipal Airport referred to as the MALS RAIL. This critical lighting system is necessary for the use of the airport in marginal weather conditions. The lease does not change the type of equipment, operation, use or access from what is currently in place. Additionally, there is no remuneration to the City for the use of the airport property by the FAA. The term of the new agreement would be from 10/1/01 to 9/30/21 with the option to renew on a year-to-year basis. Because the lease term exceeds 15 years, City Council approval is required. The Airport Commission approved the proposed lease at its meeting of 3/6/01 and recommended Council approval.

2.7. **MINUTE ORDER NO. 04-01 — AUTHORIZING THE CITY MANAGER TO AMEND AGREEMENT WITH CHICO ART CENTER FOR USE OF A PORTION OF THE DEPOT**

In order to implement the provisions of a community organization funding agreement with the Chico Art Center for installation of a vintage railcar at the abandoned spur located on City property at the Chico Depot, it is necessary to add this abandoned spur area and the railcar to the current lease of a portion of the Chico Depot by the Chico Art Center. This minute order would authorize this amendment to the lease, and would further authorize the City Manager to execute a restated Agreement for Use of a Portion of the Depot that would incorporate this and all prior amendments to the original agreement. The City Manager recommended approval of the minute order.

2.8. **APPROVAL OF CITY COUNCIL MINUTES FOR MEETINGS HELD FEBRUARY 6, 2001**

The Council was provided with copies of minutes for its meetings held 2/06/01.

*Items from the Posted Addendum:*
2.9. **APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING FOR THE LED TRAFFIC SIGNAL INSTALLATION PROJECT (10131)**

By memorandum dated 03/15/01 the Director of Public Works recommended approval of a supplemental appropriation in the amount of $343,000 to provide additional funding for replacement of all green incandescent traffic signal bulbs and red pedestrian bulbs with light emitting diodes (LEDs). The City Council previously allocated funds for the conversion of all red incandescent signal bulbs. The City received confirmation from PG&E that it would be reimbursed $200,000 for conversion of the green bulbs provided the conversion was completed by 06/01/01.

Staff recommended that an additional $143,000 be allocated from the General Fund (001) so that all existing bulbs can be replaced with LEDs. The City's first year savings in energy costs is estimated to be $220,266 and would offset the General Fund contribution in the event additional rebates are not obtained. In order to meet PG&E's completion deadline, this request is being presented directly to the City Council without prior consideration by the Finance Committee. This Supplemental Appropriation would allocate revenue and expenditures in the amount of $200,000 from the Capital Grants Fund (300), and expenditures of $143,000 from the General Fund (001). If the City Council approves this allocation, a confirming supplemental appropriation would be processed following this meeting. The Director of Public Works recommended approval of this Supplemental Appropriation.

2.10. **APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO CONTRACT WITH CATALYST FOR DOMESTIC VIOLENCE RESPONSE TEAM LEGAL ADVOCATE PROGRAM**

The Chief of Police requested approval of a supplemental appropriation in the amount of $11,000 to contract with CATALYST to continue the Domestic Violence Response Team Legal Advocate program at the Chico Police Department through 06/30/01. By memorandum dated 03/16/01, the Chief of Police reported that CATALYST did not receive approval of their request to renew this grant funded position from the Office of Criminal Justice Planning. As a result, this program would be discontinued as of 03/30/01. Working in a very close partnership with the Chico Police Department, this program provided an invaluable service to the community in providing an immediate and continuing support system for victims of domestic violence. This supplemental appropriation would provide funding to continue the program over the next three months, during which time the Police Department would be seeking continued grant funding through a variety of sources. Councilmember Coleen Jarvis requested that this item be placed on tonight's agenda since the next Finance Committee meeting would not occur until after the program is scheduled to be discontinued. This supplemental appropriation would allocate funds in the amount of $11,000 from the General Fund (001). If the City Council approves this allocation, a confirming supplemental appropriation would be processed following this meeting. The Chief of Police recommended approval of the supplemental appropriation.

2.11. **ACCEPTANCE OF ARTS COMMISSION VACANCY**

By letter dated 3/7/01, Ross White resigned from the Arts Commission, effective immediately. This resignation created a vacancy, the term of which expires 1/1/03. Council acknowledged the resignation this evening. At its meeting of 3/6/01, Council directed staff to advertise for additional applicants to fill two previously vacated positions, and advertisements have been placed in both the *Chico Enterprise Record* and the *News & Review* newspapers.

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

- **AYES:** Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
- **NOES:** None
- **ABSTAIN:** Herbert – *item 2.1 only*
- **ABSENT:** Kirk

3. **NOTICED PUBLIC HEARINGS**
3.1. HEARING ON REZONE 00-11 (OSTRANDER) FOR PROPERTY LOCATED AT 812 NORD AVENUE

By memorandum dated 2/09/01, Associate Planner Hanson reported that at the Planning Commission meeting of 1/18/01 the Commission voted unanimously (7-0) to recommend approval of Rezone 00-11 (Ostrander) to allow for future multi-family residential development of the property. The Planning Commission and Planning Director recommended that the City Council adopt the mitigated negative declaration and approve Rezone 00-11 (Ostrander). The Mayor opened the hearing to the Public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt:

ORDINANCE NO. 2220 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 812 NORD AVENUE REZONE NO. 00-11 (OSTRANDER) - FINAL READING AND ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Kirk

3.2. HEARING ON UNDERGROUNDING OF OVERHEAD UTILITY FACILITIES WITHIN A PORTION OF UNDERGROUND DISTRICT NO. 14, DESIGNATED AREA B (INTERSECTION OF EAST AVENUE AND COHASSET ROAD)

By memorandum dated 3/9/01, the Director of Public Works reported on a resolution to order the undergrounding of existing overhead utility facilities within a portion of Underground District No. 14, designated Area B, in the vicinity of the intersection at East Avenue and Cohasset Road. 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 was forwarded to Butte County to order undergrounding in a companion underground district covering those properties within the district boundary that are under County jurisdiction. A neighborhood meeting to receive input from affected property owners was held on 12/13/00. All notices of this hearing have been published and mailed in conformance with Chapter 14.44 of the Chico Municipal Code. The Director of Public Works recommended adoption of this resolution. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 103 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO FINDING AND DETERMINING THAT THE PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME IN THE PREVIOUSLY FORMED (UNDERGROUND DISTRICT NO. 14 AREA B)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Kirk

3.3. HEARING ON FORMATION OF UNDERGROUND DISTRICT NO. 15 AND UNDERGROUNDING OF
OVERHEAD FACILITIES WITHIN SAID DISTRICT (COHASSET ROAD BETWEEN PILLSBURY AVENUE AND AZALEA AVENUE)

By memorandum dated 3/9/01, the Director of Public Works reported on a resolution to form Underground District No. 15 on Cohasset Road between Pillsbury Avenue and Azalea Avenue, and also to order the undergrounding of existing overhead utility facilities within said District. 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. No unincorporated properties are located within this District. A neighborhood meeting to receive input from affected property owners was held on 12/13/00. All notices of this hearing have been published and sent in conformance with Chapter 14.44 of the Chico Municipal Code. The Director of Public Works recommended adoption of this resolution. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

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. 15); AND (2) FINDING AND DETERMINING THAT THE PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME (UNDERGROUND DISTRICT NO. 15)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Kirk

3.4. HEARING ON GENERAL PLAN AMENDMENT AND REZONE OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND CEANOTHUS AVENUE (CITY OF CHICO)

By memorandum dated 3/13/01, Senior Planner Stacey Jolliffe reported that at the Planning Commission meeting of 1/18/01, the Commission voted (3-2-2) to recommend approval of an amendment to the General Plan Diagram from Low Density Residential and Open Space for Environmental Conservation and Safety to Medium Density Residential and rezone from R1-RM Low Density Residential-Resource Management Overlay District (2+ - 6 units per acre) to R2-SD-3 Medium Density Residential-Special Design Considerations Overlay District (10+ - 14 units per acre) for property located on the southeast corner of the extension of Eaton Road and Ceanothus Avenue.

Planning staff recommended that the Council hold a public hearing on the amendment and rezone and, following the conclusion of the hearing, adopt a motion of intent to approve the amendment to the City of Chico General Plan by City Council Resolution and introduce the rezone by the reading of the title only. Final reading and adoption of the rezone ordinance would 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 intent and introduction of the ordinance by the reading of the title only. The Mayor opened the hearing to the public. Speaking against the rezone due to the proposed density, traffic on Marigold and the close proximity of the airport were Jerry Olio, Michael Moran, John Terris, Rosemary Landry, Dan Elsea, Bob Geiser, Abraham Mozier, Patty Pardini-Barrett, Ron Hunter, Paul Teegarded, Venus Picard, Pat Malhorn, John Mez, Marge Fredenburg, and Liz Mozier. Speaking on behalf of the project was Jim Mann representing Drake Homes. The Mayor closed the hearing to the public.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt the resolution of intent and introduce the ordinance, reading by title only, with the following conditions: (1)
that the City install a temporary sidewalk on Marigold Avenue where a gap will exist between the sidewalk required of the development and East Avenue (or a permanent installation where the cost could be reimbursed from future development); and (2) that as much open space as possible be provided between Parcel B (easterly portion) and the adjacent property to the south, with the determination to be made by the Architectural Review Board, and with the understanding that additional open space may not be needed if access to Eaton is established as part of the development of the adjacent Coletti property, in which case the issue would be addressed during consideration by the Planning Commission or Council. Staff was also requested to have gravel cleaned from the intersection of East and Marigold and to provide additional patrol in the area.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND CEANOTHUS AVENUE - REZONE NO. 00-05 (CITY OF CHICO) - INTRODUCTORY READING

RESOLUTION NO. 105 00-01 – A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF CHICO TO ADOPT AN AMENDMENT TO THE CHICO GENERAL PLAN TO REDESIGNATE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND CEANOTHUS AVENUE FROM LOW DENSITY RESIDENTIAL AND OPEN SPACE FOR ENVIRONMENTAL CONSERVATION AND SAFETY TO MEDIUM DENSITY RESIDENTIAL (GPA 00-03 CITY OF CHICO)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Wahl, Herbert
NOES: Nguyen-Tan
ABSTAIN: None
ABSENT: Kirk

3.5. HEARING ON APPEAL BY MARTIN McHugh OF THE FIRE CHIEF’S DETERMINATION THAT A RESIDENTIAL SPRINKLER SYSTEM BE REQUIRED IN A HOUSE TO BE CONSTRUCTED AT 8 WOODSTONE LANE (LOT 72), CANYON OAKS

At its 2/20/01 meeting, Council granted Mr. Martin McHugh, owner of Lot 72 (8 Woodstone Lane) in Canyon Oaks, an appeal hearing. By memorandum dated 3/7/01, the Fire Chief reported that Mr. McHugh has appealed the 12/5/00 determination of the Fire Chief requiring the installation of residential fire sprinklers at 8 Woodstone Lane. In making his decision, the Fire Chief relied on the safety mitigations identified in the Canyon Oaks Environmental Impact Report (EIR) that were subsequently incorporated into the conditions of subdivision approval. The Fire Chief’s memorandum includes the 1/10/01 letter provided by Mr. McHugh and other background information. The Fire Chief recommended that the appeal be denied. This hearing was continued at the request of the applicant to be heard at a subsequent meeting.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. CONSIDERATION OF REQUESTS REGARDING CELEBRATION OF PEOPLE PARADE

At its meeting of 3/6/01, at the request of Councilmember Jarvis, the City Council agreed to consider several requests from the Celebration of People parade organizers, including date and time of parade, a waiver of all fees, including assistance from the Police Department and Volunteers in Police Service (V.I.Ps) and barricades for street closures. By memorandum dated 3/12/01, the Director of Public Works provided information regarding parade permit fees and costs, including application fees, traffic control devices, insurance, and Police Department staffing costs. Also provided with the memorandum was an historical summary of costs and waiver of fees for all street closures. Speaking on behalf of the fee waiver was Charlie Preusser and Barbara Kopicki.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis for conceptual approval for the waiver of fees and that the parade organizers bring back a list of sponsors
with demonstrated support, financially and in-kind from the private sector and a list of parade participants at the April 24, 2001 City Council meeting. In addition, the question of fee waivers for parades was referred to the Internal Affairs Committee for the development of a standard policy.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Kirk

4.3. 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 3/5/01 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/26/01 - Pelicans Roost, 1354 East Avenue, Suite A.

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/28/01 - P V 76, 1398 East Avenue.

6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 3/6/01 - Black Crow Brewing Co., Inc. The Rawbar, 346 Broadway.

7. ADJOURNMENT

Adjourned at 11:24 p.m. to March 27, 2001, at 6:00 p.m. in Conference Room 2 for a Closed Session and a 6:30 p.m. adjourned regular meeting in the Chamber to consider touch screen voting and then 7:00 p.m to consider issues related to special events.
1. **CLOSED SESSION** — The Mayor called the meeting to order at 6:00 p.m. in Conference Room No. Two, Chico Municipal Center, 421 Main Street, with all members present, to consider the following agenda:

1.2. **CONFERENCE WITH LEGAL COUNCIL — EXISTING LITIGATION:** The City Attorney will review the following (Gov. Code 54956.9(a)):

   a. *Steven Schuman v. Debbie Presson, Candace Grubbs, Dan Herbert, Larry Wahl, Steve Bertagna, and Rick Keene; Butte County Superior Court Case No. 125687*

   b. *Craig Alger v. Debbie Presson, Maureen Kirk, Coleen Jarvis and Dan Nguyen-Tan, Butte County Superior Court Case No. 125683 (Gov. Code 54956.9(a))*

   The Council reconvened to open session at 6:25 p.m.

1. **CALL TO ORDER** — The Mayor called the adjourned regular meeting to order at 6:30 p.m. in the Council Chamber, Chico Municipal Building, 411 Main Street.

1.1. Flag Salute.

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

   Absent: None

1.3. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Police Chief Efford, Fire Chief Brown, Police Captain Klassen, Police Captain Maloney, Management Analyst Wood

1.4. Closed Session Announcement. — No action was taken. Update was received regarding the two lawsuits regarding the wording of the rebuttal arguments on Measure A. Both sides were being encouraged to withdraw their complaints.

2. **CONSENT AGENDA** — No items

3. **NOTICED PUBLIC HEARINGS** — No items

4. **REGULAR AGENDA**

4.1. **6:30 pm -DEMONSTRATION OF “AUTO-TOUCH” VOTING MACHINES** - Butte County Clerk Candace Grubbs addressed the Council about the possible usage of touch voting machines to be used for the City of Chico’s Special Election to be held on 6/05/01.

   A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve the request for usage of the touch voting machines at the Special Election to be held on 6/5/01 at the cost of $48,000 that would be credited towards future City of Chico election costs.

   The motion carried by the following vote:

   **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

   **NOES:** None

   **ABSTAIN:** None

   **ABSENT:** None
4.2. 7:00 pm – CONSIDERATION OF RECOMMENDATIONS FROM THE COUNCIL COMMITTEE FOR SPECIAL EVENTS - The Council met to discuss the proposed recommendations concerning large, unsponsored events. The recommendations were developed by a City Council Committee and were being presented to the City Council for consideration and possible implementation. The City Manager gave an overview of the Special Events issue and indicated to Council that there was no new information to bring forward at this time. Councilmembers at the meeting on 3/2/01 wanted to allow more public input on these items. Councilmember Bertagna stated that he thought it was coming back for final action. Councilmember Keene wanted additional public input.

An overview of the St. Patrick’s Day event was presented by the Chief of Police. The Chief stated that the most significant factor in the reduction of incidents was due to the majority of bar owners voluntarily keeping their bars closed until 10:00 a.m. This action reduced the number of people standing in line for the bars. In addition, the holiday fell on a weekend, along with the student’s being on Spring Break. Staff saw a tremendous increase of people coming into the City for the holiday. During the 36 hour period, there were 76 arrests, with 42 being from out of the area. The Council requested a comparison of hotel/motel occupancy, arrests, MIP’s and other observations for this St. Patrick’s Day with prior years and with typical spring weekends.

The Mayor opened the discussion to the public. Xai Lor urged Council to not make any final decisions until the Student City Council could finalize their own recommendations. Charlie Pruesser expressed his concerns over the revised recommendations. If implemented they would create a negative environment. Bob Ray also felt that the recommendations were too strict and an attempt to close down the event.

Lisa Michels, former Chairperson of the Special Events Task Force, stated that the task force had numerous public meetings but never gained the commitment from the University and Butte College. It seemed like now, they were willing to participate which would make a tremendous difference. In her opinion, the problem was with alcohol and alcohol related activities.

Jeff Iverson stated that he felt that statewide flyers would only bring in more people on Halloween. He felt that enforcement of the minors was needed but felt that too much enforcement would ruin the mood and cause violence. He still felt that closing the event down at midnight was a mistake, however, if done, it should be done gradually over a long period of time. Jeff was also concerned over selective enforcement of only Halloween and St. Patrick’s Day and not during Taste of Chico or commencement.

Mario Sagastume encouraged the Council to look into sponsoring events for families and children. He felt that a softer tone could be used in the flyers and that the street closures have been very effective. Greg Buren also expressed that alternative non-alcohol events were needed and the community needed to be involved with them. Councilmember Keene requested information that alternative events worked and what might occur at the end of the alternative event.

---------------------------------------------------------------
Council recessed at 8:50 for a ten minute break.
---------------------------------------------------------------

Brad Miheuc stated that he had been a student here for two years and last year Halloween was a safer event. He felt that closing down the event at midnight was begging for a riot. Ross Hertzog felt that since you couldn’t enforce a no-alcohol event that the focus needed to be on laws against violence. Dominque Allamans encouraged the Council to find workable solutions that bring people together instead of triggering riots.

David Johnson mentioned to Council that in Monterey they held an alcohol free New Years Eve and perhaps that is something that Chico could do. Stephen Cox felt that there should be strict enforcement of all existing laws. Yvette Duvernay recommended alternative events for families and children. Jeff Brown stated that the students needed to take responsibility for their actions because the problem was with them, not the police.
Robert Mowery, a bar owner, expressed his concern over dumping a large number of people out on the street on Halloween, should the Council decide to shut down the event at midnight. Doug Roberts, also a bar owner, urged Council to not include closing down the event at midnight in the final recommendations. He felt that it would cause problems and it could become dangerous.

Ryan Esposto suggested that perhaps the City look at providing the bars with funding for food to be available to those who are drinking. He felt it would help to avoid problems for those who drink too much.

Richard Elsom felt that more input was needed from the citizens. Councilmember Kirk recommended that any additional comments should be put into writing and submitted to the Council.

The Mayor closed the discussion to the public. Councilmember Kirk asked for information to come back on alternative events. Councilmember Jarvis urged Council to look at an alcohol free event and asked if there was a way to accomplish this. It was also stated that alcohol obnoxious behavior shouldn’t be looked at during special holidays but all year round.

The City Manager informed the Council that a small group at the University was meeting twice a month to look at alcohol related activities and any suggestions that they come up with would be forwarded to the Council. There has been a strong attempt to have all groups represented. This item would be brought back to Council at the May 15, 2001 City Council meeting.

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

5. **BUSINESS FROM THE FLOOR.**

John Gillander addressed the Council about his concerns over the 46% increase in electricity rates and asked Council to schedule a review of the utility tax.

6. **REPORTS AND COMMUNICATIONS.** – No items

7. **ADJOURNMENT**

The Mayor adjourned the meeting at 10:00 p.m. to Tuesday, April 3, 2001, 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.
1. CALL TO ORDER – The Council adjourned to closed session at 7:00 p.m. in Conference Room 2, Chico Municipal Building, 411 Main Street.

1.1. Roll Call — Present: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: Jarvis

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FOREST AVENUE AND STATE HIGHWAY ROUTE 32 (MILLER). Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted is Lavina F. Miller, the property owner, or such persons designated as her agent for the purpose of negotiations. The property is located at the southwest corner of Forest Avenue and State Highway Route 32, and is identified as Assessor’s Parcel No. 002-050-171. The items under discussion are instruction to the City’s negotiator regarding potential alternative offers, including prices, for the proposed acquisition.

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: DeLong v. City of Chico, et al., Butte County Superior Court Case No. 124564. (Gov. Code Sec. 54956.9(a).)

2.3. 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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. ADJOURNMENT

Adjourned at 7:28 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. in the Council Chamber, Chico Municipal Building, 411 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Sam Allen or Pastor Bud Chauvin, Calvary Chapel of Chico

1.3. Roll Call — Present: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absent: Jarvis

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlanson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Sr. Planner Jolliffe, Park Director Beardsley, Housing Officer McLaughlin, Senior Dev. Engineer Varga, Projects Manager Wood, Arts Coordinator Gardner, Public Works Admin. Manager Halldorson

1.5. Closed Session Announcement – None

1.6. Proclamations — The Mayor presented the following proclamations:

   a. Proclaiming the first week of May “**Elder Financial Abuse Awareness Week**” in the City of Chico
   b. Proclaiming April 15 through April 22 “**Days of Remembrance**” for the victims of the Holocaust
   c. Proclaiming April as “**Child Abuse Prevention Month**” in the City of Chico

2. **CONSENT AGENDA** — No items

3. **NOTICED PUBLIC HEARINGS** — No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MARCH 7, 2001**

By memorandum dated 3/20/01, the Finance Committee provided a report on its meeting held on 3/7/01, at which time the matters listed below were considered. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. By memorandum dated 3/26/01 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

A. **Transmittal of Financial Audit of the Downtown Chico Business Association for Fiscal Year Ending June 30, 2000.** The Committee recommended (3-0) City Council acceptance of the Audit.

   A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to accept the DCBA Audit report. The motion carried 6-0-1, with Councilmember Jarvis absent.

B. **Approval of loan application for use of Home Funds Housing Rehab Program - Gowan - 681 E. 15th Street.** The Committee approved (2-0-1, Councilmember Nguyen-Tan abstaining) the Loan Application for use of the Home Funds Housing Rehabilitation Program for the Gowans - 681 E. 15th Street.
C. **Review of Community Organization Compliance Audits for FY 1999-00.** The Committee recommended (2-0-1, Councilmember Nguyen-Tan abstaining), and a motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to:

1. Accept the Audits and staff recommendations as set forth in the Finance Director’s memorandum; and
2. Based upon information provided at today’s meeting, that staff:
   a. request repayment from the Chico Certified Farmer’s Market (#1), who agreed to reimburse the City for the FY 99-00 allocation of $2,940;
   b. request Northern California Aids Foundation (#6) to reimburse the FY 1999-00 allocation of $2,940 or provide evidence of insolvency; and
   c. meet with the CSU Research Foundation regarding the World Music Festival and provide additional information at the next Committee meeting.

The Council was provided with a memorandum dated 3/27/01 from the Finance Director amending the staff recommendation in the 2/27/01 memo to the Committee regarding Encore! Community Theatre to request total reimbursement of $2,083 rather than $3,175 based on the City’s actual percentage contribution in funding the clavinova. The Finance Director recommended that Council approve the amended recommendation.

The motion carried 5-0, with Councilmember Nguyen-Tan disqualified due to a conflict and Councilmember Jarvis absent.

B. **Consideration of Request from Little Chico Creek Educational Consortium that the City Acquire Property near Teichert Ponds.** The Committee recommended (3-0) that the Council agendize a discussion regarding use of the Ponds for a future meeting, at which time the following information should be provided:

1. The City Attorney’s opinion regarding City liability if trails/access are provided;
2. The Park Commission’s priority for developing the Ponds as a park;
3. A recommendation from the Chico Area Recreation & Park District (CARD) regarding use of the Ponds, since they are designated as a park in its Master Plan; and
4. Staff’s recommendations on use of the Ponds.

In addition, the Committee requested that the Community Development Director contact the developer of Heather Glen regarding his interest in allowing development of a trail and/or selling the two lots.

The Council was provided with a memorandum dated 3/19/01 from the Community Development Director providing further information on pedestrian access and advising that the developer of Heather Glen, Pete Giampaoli, is not interested in selling lots 84 and 93 for the purpose of a future parking area.

Council concurred to hear this issue at a future meeting.

C. **Review of 2001-2002 Annual Plan for Community Development Block Grant (CDBG) Program and the Home Investment Partnership Program (HOME).** The Committee recommended (2-0-1, Nguyen-Tan abstaining) that the draft annual plan be adopted with the following changes and/or requests for additional information:

1. Add the Habitat for Humanity request for $35,000 and the Horseshoe Lake Accessible Fishing Pier for $20,000. Reduce the Housing Rehabilitation (#1), Rental Housing Project (#6) and Program Administration (#11) to fund these additions.
2. Provide additional information on the costs of operating the CDBG Revolving Loan Fund (#4a), including a breakdown of number of hours involved with loan administration vs. new loan processing and information from other jurisdictions that currently have revolving loan funds.
3. Provide additional information regarding the Business Retention Program (#4b).
4. Provide additional information regarding the Small Business Development Center (SBDC) (#4c).
5. Provide additional information regarding the Fair Housing Seminars (#5) including the content
6. Explain what will be accomplished with the increased level of funding for the Code Enforcement program (#6).

7. Provide an analysis of the need for $50,000 additional funding for the Homeless Shelter acquisition (#7) based on the area of the property required for the shelter vs. other uses proposed for the site.

8. Consider the request from the Butte County Office of Education for a childcare site at the homeless shelter/BMX site after other uses of the property are determined.

9. Explain the need for an increase in the level of CDBG funding for the Geographical Information Systems (GIS) project (#12).

Council considered this matter under Hearings, Item 3.2.

D. Consideration of proposal from Sierra Gardens, LLC for $2,456,000 of financial assistance from the Chico Redevelopment Agency for the development of an 124 unit senior housing apartment complex in the Village at Sierra Sunrise. (No Agency action required, will be brought back to Committee)

E. Discussion of Mortgage Subsidy Program (MSP) Policy Regarding Household Income Determination. (No Agency action required, will be brought back to Committee)

4.2. CONSIDERATION OF THE FUNDING OF THE 2001 CHICO OPEN BOARD ART PROJECT (COBA) AND APPROVAL OF SUPPLEMENTAL APPROPRIATION

At its 2/20/01 meeting, Council reviewed the recommendation from the Arts Commission regarding Mountain Valley Arts' request for $30,574 from the Chico Merged Redevelopment Area Fine Arts Fund (380) to fund the 2001 Chico Open Board Art Project (COBA). At that meeting, Council directed Mountain Valley Arts to provide side-by-side 2000 and 2001 budgets and to provide explanations for any increases in the 2001 budget. By memorandum dated 3/26/01, the Art Projects Coordinator transmitted the financial report from Mountain Valley Arts. Jeff Goolsby and Gino Lucich from COBA were in attendance to answer Council questions.

A motion was made by Councilmember Nguyen-Tan and was seconded by Councilmember Kirk to approve the allocation of funding for $29,974, excluding $600.00 for T-shirts. Staff was directed to process a supplemental appropriation confirming the Agency’s allocation of funds.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Jarvis

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

The meeting was adjourned at 8:30 p.m. to a City Council meeting.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 8:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: Jarvis

2. **CONSENT AGENDA** — The following Consent Agenda was approved with items 2.1, 2.2, 2.3, and 2.11 removed and considered under item 4.1:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING A PROVISION TO THE CHICO MUNICIPAL CODE ESTABLISHING NIGHT CLOSING HOURS FOR THE SYCAMORE POOL IN BIDWELL PARK — FINAL READING & ADOPTION** – this item was removed for discussion by a citizen and heard under 4.1.

2.2. **RESOLUTION NO. 106 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND CEANOTHUS AVENUE (GPA 00-03 CITY OF CHICO)**

ORDINANCE NO. 2222 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND CEANOTHUS AVENUE — REZONE NO. 00-05 (CITY OF CHICO) - FINAL READING & ADOPTION — this item was removed from the Consent Agenda by Vice Mayor Kirk and heard under 4.1.

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING VARIOUS AMENDMENTS AND CORRECTIONS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE - INTRODUCTORY READING** — this item was removed from the Consent Agenda by Councilmember Bertagna and heard under 4.1.

2.4. **RESOLUTION NO. 107 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 (DOMINICK PARK SUBDIVISION) IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE)**

By memorandum dated 3/7/01, the Assistant Community Development Director reported that City approval of the Dominick Park Subdivision would require the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This proposed 33-lot single-family residential subdivision is located on the west side of Mariposa Avenue, 150 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.

2.5. **RESOLUTION NO. 108 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 (HIDDEN PARK SUBDIVISION) IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE)**

By memorandum dated 3/7/01, the Assistant Community Development Director reported that City approval of the Hidden Park 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 6-lot single-family residential subdivision is located east of Marigold Avenue north of East Avenue, at the current dead end of Duffy Drive. Prior to annexation of properties within the City limits to a County Service Area, City Council must consent to such annexation. The Assistant Community Development Director recommended City
RESOLUTION NO. 109 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 8TH STREET ANNEXATION DISTRICT NO. 18

By memorandum dated 3/14/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of a 3.01 acre parcel located south of the Nob Hill Subdivision (Bruce Road and East 8th Street) and west of Bruce Road. The parcel is owned by Dave Jones. Subdivision of the subject parcel for the 8 lot single family residential Stonehill project has been approved by the City. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

RESOLUTION NO. 110 00-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING WEEDS, RUBBISH, REFUSE AND/OR DEBRIS A PUBLIC NUISANCE AND SETTING A TIME TO HEAR OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS

By memorandum dated 3/23/01, Projects 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 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 existing on the properties set forth on Exhibit “A” attached to the resolution, constitute a public nuisance which must be abated. The resolution also sets a public hearing for Tuesday, 5/1/01. The purpose of the hearing is to consider 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 Projects Manager recommended adoption of the resolution.

MINUTE ORDER NO. 05-01 – AUTHORIZATION FOR CITY MANAGER TO ACCEPT DONATION OF ARMORED CAR FROM ARMORED TRANSPORT, INCORPORATED

On 6/8/00, the Chief of Police learned from Armored Transport, that he would be able to acquire an armored vehicle from their company as a donation. The vehicle comes to the City free of charge. The approximate value of a new armored vehicle is $60,000. Armored Transport states that the used vehicles that they actually sell can cost anywhere from $5,000 to $10,000. This minute order will authorize the City Manager to accept this donation from Armored Transport on behalf of the City of Chico. The Chief of Police recommended approval of the Minute Order.

MINUTE ORDER NO. 06-01 – DECLARING POLICE DEPARTMENT HANDGUNS SURPLUS, AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS DUTY WEAPONS

The Police Department has now acquired 40 caliber handguns for all sworn officers. The Chief of Police requested authority to sell the former 9 mm handguns as surplus to either other law enforcement agencies or authorized police academies. This minute order declared the handguns as surplus property and authorize the City Manager to direct the Chief of Police to sell the surplus weapons in the above referenced manner. The Chief of Police recommended approval of the Minute Order.

APPROVAL OF PROPOSED POLICY REGARDING SUBORDINATION OF CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY LOANS

At its 1/11/01 and 3/08/01 meetings, the Economic Development Committee considered establishing a policy regarding the subordination of City of Chico and Chico Redevelopment Agency loans. The Committee recommended that it be the policy not to subordinate, but that rare exceptions to this policy
may be considered by the Economic Development Committee if certain conditions are met. By memorandum dated 3/16/01, Management Analyst Herman submitted a proposed Administrative Procedure and Policy which implements the Committee’s recommendation regarding a subordination policy for City and Agency loans. The Economic Development Committee recommended approval of Administrative Procedure and Policy 11-58.

2.11. APPROVAL OF CITY COUNCIL MINUTES FOR MEETING HELD FEBRUARY 20, 2001 AND MARCH 2, 2001. — this item was removed from the Consent Agenda by Vice Mayor Kirk and heard under item 4.1.

The motion to approve the Consent Agenda, with items 2.1, 2.2, 2.3, and 2.11 removed and heard under 4.1, carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: Jarvis

3. NOTICED PUBLIC HEARINGS

3.1. INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)

By memorandum dated 3/21/01, 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 the fencing/soundwall, storm drainage galleries, and landscaping and irrigation along both E. 8th Street and Centennial Avenue. The Engineer’s Report describes 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
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, originally scheduled for 4/17/01, had been rescheduled for Council’s meeting of 5/1/01, at the conclusion of which all ballots received either supporting or opposing formation of the district would be opened and 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 would be abandoned.

The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public. A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the Engineer’s Report as presented. Direction was given to staff to change the ballot forms so that they are easier to read.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
NOES: None  
ABSTAIN: None  
ABSENT: Jarvis

3.2. HEARING ON 2001-2002 DRAFT ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM

By memorandum dated 3/20/01, the Housing Officer reported that the City would receive $1,560,000 of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds for the 2001-2002 program year. The memorandum included a list of proposed housing and community development activities recommended by the Finance Committee at its 3/7/01 meeting for inclusion in the City’s draft Consolidated Plan. The Finance Committee requested additional information on some of the projects proposed in the Annual Plan which was also included in the 3/20/01 memorandum. (See Redevelopment Agency item no. 4.1. on tonight’s agenda.) 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 Plan is scheduled for Council’s meeting of 5/15/01. Councilmember Nguyen-Tan disqualified himself from the discussion and subsequent vote due his association with one of the agencies requesting funding.

The Mayor opened the hearing to the public. Those speaking were Andy Holcombe, urging Council to approve all the items proposed for funding. David Ferrier suggested that new criteria be developed for public improvements that are part of a neighborhood improvement plan. Charlie Pruesser thanked the Council for its support, however wanted to remind Council that the South Campus area still needs attention, such as lighting for student protection and drainage. City Manager Lando indicated that staff has met with the group and the sidewalk issue needs to be addressed.

Jennifer McCarthy from TriCounty EDC, Business Outreach program informed Council that this program,
which was funded by CDBG funds, has been awarded the honor of being one of the top three Economic Development programs in the state. However, if funding for this program is to held up until the study is completed, they requested that the funds be given to another project. Councilmember Keene stated that the Finance Committee didn’t want the funding to be held up. He indicated that the newer Councilmembers only had questions and the Committee would look at the program after the study was completed. The hearing was closed to the public.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to adopt the draft Annual Plan as drafted and direct staff to publish the draft Annual Plan as part of a 30-day public comment period.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Wahl, Herbert  
**NOES:** None  
**ABSTAIN:** Nguyen-Tan  
**ABSENT:** Jarvis

### 3.3. HEARING ON APPEAL BY MARTIN McHUGH OF THE FIRE CHIEF’S DETERMINATION THAT A RESIDENTIAL SPRINKLER SYSTEM BE REQUIRED IN A HOUSE TO BE CONSTRUCTED AT 8 WOODSTONE LANE (LOT 72), CANYON OAKS — the issues were resolved and the appeal was withdrawn by the appellant.

### 4. REGULAR AGENDA

#### 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING A PROVISION TO THE CHICO MUNICIPAL CODE ESTABLISHING NIGHT CLOSING HOURS FOR THE SYCAMORE POOL IN BIDWELL PARK — FINAL READING & ADOPTION** – this item was removed for discussion by a citizen.

By memorandum dated 2/24/01, the Park Director reported that the Bidwell Park and Playground Commission unanimously approved closing the One Mile Recreation Area Sycamore Pool between 11:00 p.m. and dawn to discourage later night and early morning use that causes a nuisance for park neighbors. Currently, only vehicular access in Bidwell Park is restricted after sunset. The Bidwell Park and Playground Commission and Park Director recommended approval of the ordinance.

Caryn Jones addressed Council about her concern over additional rules for the Parks and urged Council to implement only those rules that were needed, even adding sunset provisions. John Gillander felt that this new rule would encourage selective enforcement since staff indicated they would only investigate violations if there was a citizen complaint. Matt Logan also expressed concern about people just passing through the park who were just swimming after hours.

The Council concurred selective enforcement of this new rule would be inappropriate. Councilmember Keene made a motion to take approve the new rule, have staff process the park rule as a resolution (as required by City Code) and to bring it back in six months for review. The motion failed 3-3, with Councilmember Jarvis absent from the meeting.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to take no action at this time on implementing the new park rule, but have the Police Chief provide Council with information on the potential impact on staff with the implementation of the new rule and any statistics regarding the current problem.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Herbert  
**NOES:** Wahl
ABSTAIN: None
ABSENT: Jarvis

2.2. **RESOLUTION NO. 106 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND Ceanothus Avenue (GPA 00-03 CITY OF CHICO)

**ORDINANCE NO. 2222 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND Ceanothus Avenue – REZONE NO. 00-05 (CITY OF CHICO) - FINAL READING & ADOPTION** — this item was removed from the Consent Agenda by Vice Mayor Kirk for further discussion.

By memorandum dated 3/26/01, Senior Planner Jolliffe reported on this general plan amendment and rezone request for application numbers GPA 00-03 and RZ 00-05 (City of Chico). At its meeting of 3/20/01, the Council conducted a public hearing on these applications, requested revisions to the rezone ordinance, made a motion of intent to approve the general plan amendment, and introduced the rezone ordinance as revised at that meeting. (The revisions made by Council at its 3/20/01 meeting, have been incorporated into the ordinance.) The application proposes to redesignate property at the future extension of Eaton Road at Ceanothus Avenue from Low Density Residential and Open Space for Conservation and Safety to Medium Density Residential and to rezone from R1-RM Low Density Residential -Resource Management to R2-SD-3 Medium Density Residential-Special Design Considerations Overlay District. Previously, the Planning Commission voted to recommend approval of the general plan amendments and rezone. By taking this action, the City Council accepted the addendum to the previously certified Foothill Park East Environmental Impact Report.

Vice Mayor Kirk removed this item in order to make comments regarding this rezone that originally came up when she was not in attendance. She stated that she disagreed with the Planning Commission, the developer did not ask for the rezone, staff did. She felt that the approved development was not appropriate for the area and that single family homes would have been a better fit.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

**RESOLUTION NO. 106 00-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND Ceanothus Avenue (GPA 00-03 CITY OF CHICO)

**ORDINANCE NO. 2222 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE EXTENSION OF EATON ROAD AND Ceanothus Avenue – REZONE NO. 00-05 (CITY OF CHICO) - FINAL READING & ADOPTION**

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Kirk, Nguyen-Tan
ABSTAIN: None
ABSENT: Jarvis

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING VARIOUS AMENDMENTS AND CORRECTIONS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE - INTRODUCTORY READING** — this item was removed from the Consent Agenda by Councilmember Bertagna for further discussion.
By memorandum dated 3/12/01, Senior Planner Palmeri reported that at the Planning Commission meetings of 9/21/00, 11/09/00, 11/30/00, and 1/18/01, the Commission voted unanimously to recommend approval of text amendments to Title 19 Land Use and Development Regulations. In addition, at the Internal Affairs Committee meeting of 2/13/01, the Committee voted to recommend approval of text amendments to Title 19 Land Use and Development Regulations relating to architectural review of projects with discretionary permits. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the May 1, 2001 City Council meeting.

Councilmember Bertagna requested discussion on this item in order to obtain clarification from staff regarding set back requirements in residential areas. Vice Mayor Kirk had questions about portable signs.

A motion was by Vice Mayor Kirk and seconded by Councilmember Keene to introduce the ordinance with above stated corrections or additions being incorporated into the document.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Jarvis

2.11. APPROVAL OF CITY COUNCIL MINUTES FOR MEETING HELD FEBRUARY 20, 2001 AND MARCH 2, 2001. — this item was removed from the Consent Agenda by Vice Mayor Kirk.

The Council has been provided with copies of minutes for its meeting held 2/20/01 and 3/2/01. Vice Mayor Kirk indicated that her questions were answered at the break and made a motion to approve the minutes of the meetings held February 20, 2001 and March 2, 2001. Councilmember Wahl seconded the motion.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Jarvis

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON MARCH 13, 2001

By memorandum dated 3/19/01, the Internal Affairs Committee provided a report on its meeting held on 3/13/01. Committee members present were Councilmembers Jarvis, Kirk, and Bertagna, Chair. The matters considered by the Committee are listed below. By memorandum dated 3/26/01 from the City Clerk, the Council was provided with copies of the documents received by the Committee for the meeting.

A. Traffic Circle at California Park and Yosemite Drives. No Council action was required on this item.

B. 1. Resolution of the Internal Affairs Committee Converting unrestricted parallel parking spaces to unrestricted diagonal parking spaces on Cherry, Hazel and Normal Streets. 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. 701, converting parallel parking spaces to diagonal parking spaces on one side of Cherry, Hazel and Normal Streets.
2. **Status Report on Parking Lot 5 Redevelopment Feasibility Study.** The Committee (3-0) recommended that staff be directed to continue exploring alternatives to replace parking in the downtown area, determine the extent of soil contamination on the site and remediation options, and identify parties with the resources to undertake a redevelopment project on the parking lot.

Council action was needed on Item 2, listed above. A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to refer this item back to the May Internal Affairs Committee meeting to explore feasibility. Staff was to notify South Campus and Wayne Cook regarding the date and time of discussion. The motion carried 6-0, with Councilmember Jarvis absent.

C. **Traffic issues on East 1st Avenue between Esplanade and Mangrove Avenue including the pedestrian refuge at Laburnum Avenue, corner bulbings and a pedestrian traffic signal at Oleander Avenue.** – No Council action required.

D. **Traffic Concerns: Notre Dame Boulevard.** – No Council action required.

E. **John Gillander request for amendment to Chapter 9.48, Posters & Advertisements.** – No Council action required. The City Attorney is rewriting an amendment to Chapter 9.48 of the Chico Municipal Code.

F. **Request from Elks Lodge to display flags on Patriotic Occasions.** The Committee recommended (3-0):
   1. approval of the proposal from the Committee of service organizations for installation of American flags on light posts along the Esplanade between Memorial Way and 11th Avenue and expansion to Park Avenue;
   2. approval of a Grant of License for use of the light posts;
   3. authorization for a one-time expenditure of approximately $625.00 for purchase of brackets and stainless steel straps for installation of 86 flags on the Esplanade; and
   4. authorization for City staff to install the brackets and straps.

Councilmember Bertagna updated the Council regarding the request to display flags on patriotic occasions. He stated that the request to fly the flags 365 days a year arose after the Internal Affairs Committee had approved the proposal. Mr. Ed Regan spoke in support of flying the flags 365 days a year. Jim Waumbs suggested that if the Council couldn’t support 365 days, then perhaps divide the year up into three seasons when the flag would be flown daily.

Comments opposing the flying of the flags 365 days were received from Dan Keeley and Sally Smith. Vice Mayor Kirk supported the flying of the flags for patriotic occasions and felt that it would have more of an impact if the flags were not flown all year long. Maintenance of the flags was discussed and Council was informed that City staff would not be responsible for that and that the flags would be flown on just the Esplanade and Park Avenue.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to fly the flags 365 days a year, for a 4-month trial period, along Park Avenue and the Esplanade. The City would pay for the brackets, costs not to exceed $2,000 (the 2000-01 Budget would be adjusted by adding the one-time estimated expenditure in the Department of Public Works Operating Budget). Light pruning of trees where needed was acceptable and would be determined by the Urban Forester.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Wahl, Herbert

**NOES:** Kirk, Nguyen-Tan

**ABSTAIN:** None

**ABSENT:** Jarvis

G. **Update on City of Chico Draft Traffic Calming Management Program.** – No Council action required.
H. Discussion on Alternative Fuel Vehicles and request for formal policy on acquisition. The Committee recommended (3-0) that low emission vehicles be purchased by the City whenever practicable. The Council discussed this item and referred it back to Internal Affairs for the drafting of a formal policy that allows staff to purchase low emission vehicles when it is financially feasible.

I. Reports and Communications. Letter from Frieda L. White dated 2/23/01 regarding traffic enforcement at the corner of Yosemite Drive and Idyllwild Circle. The Committee took no action on this letter from Ms. White and no Council action was required.

4.3. CONSIDERATION OF REQUEST FROM ARTS COMMISSION TO EXPEDITE APPOINTMENTS TO FILL VACANCIES

By memorandum dated 3/26/01, Art Projects Coordinator Gardner reported that at its meeting of 3/14/01, the Arts Commission adopted a motion to request the City Council to fill at least one of the currently vacant positions. The Commission was concerned that due to the vacancies which reduce the number of available Commissioners to five, and because a conflict of interest would cause the abstention of another Commissioner, that the Commission would not have enough Commissioners to consider the applications for T.O.T. funding at its 4/4/01 and 4/18/01 meetings.

The City Clerk reported that at its meeting of 3/6/01, the City Council directed staff to re-advertise for additional applicants for various Commissions. The ads have been published and the deadline for submission of applications is 4/13/01. The Council was provided again with copies of the Arts Commission applications that were received during the recent biennial recruitment.

The Mayor opened the item up for public comment. Kathy Barrett, an Arts Commissioner, urged the Council to appoint this evening due to the possibility of not having a quorum to conduct the future meetings of the Arts Commission. Vice Mayor Kirk felt that Council should appoint someone from the attached applications that were received during the recent Biennial Recruitment for Boards and Commissions.

Mayor Herbert indicated that there was a recruitment currently running and felt that in order to be fair, Council should wait until the end of that recruitment period and then review all the applications at the same time.

A motion was made by Vice Mayor Kirk to appoint Serena Breed to the Arts Commission was seconded by Councilmember Nguyen-Tan.

The motion failed by the following vote:

AYES: Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert
ABSTAIN: None
ABSENT: Jarvis

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to wait for the recruitment period to end and make appointments at the 5/1/01 meeting at 6:30 p.m. Vice Mayor Kirk encouraged the Council to limit the number of questions asked of the applicants due to the information being provided in the applications. Council concurred 6-0, with Councilmember Jarvis absent.

4.4. CONSIDERATION OF REVISION TO YOUTH SHADOW COUNCIL PROPOSAL

The Mayor had requested discussion of the Youth Shadow Council meeting to allow Councilmembers to make any comments they had, in order to maximize the effectiveness of the Youth Shadow Council. At the first meeting of the Youth Shadow Council, the three minute rule had not been followed and there was strong editorialization by the student staff members. The Mayor felt that it would be a more effective learning experience for the students if City staff participate in the Youth Shadow Council meetings in the role of staff. Councilmember Bertagna stated that the Youth Shadow Council was originally going to address issues that had actually been addressed by the City Council and would use the staff reports
originally prepared for the Council, but come up with their own thoughts and opinions. Dolly Brown, the organizer for the Youth Shadow Council, stated that she was aware of the glitches they had experienced with their first meeting but improvements had been made internally and the next meeting would be different. Amanda Montgomery commended Council for their willingness to invest in such a program for our young people. Vice Mayor Kirk urged Council to allow the Youth Shadow Council to work through this without the City Council changing the program before they had a chance to work their own problems out.

A motion was made by Mayor Herbert and seconded by Councilmember Bertagna to have City staff play a more active role in the next few meetings and that the meetings would be held from 4:00 p.m. - 6:00 p.m. in order to minimize the impact on City staff.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Kirk, Nguyen-Tan
ABSTAIN: None
ABSENT: Jarvis

4.5. DISCUSSION OF CAMPAIGN FINANCING

Councilmember Wahl had requested discussion of the City of Chico’s campaign financing laws. Staff provided copies of the existing rules in Council’s binders. Councilmember Wahl stated that he had brought this item up due to a request that had been made by Councilmembers back in October 2000. Councilmember Bertagna stated that he was not opposed to full disclosure, with Councilmember Keene agreeing. Councilmember Nguyen-Tan urged Council to move the discussion to committee so it could be thoroughly looked at and discussed.

Mayor Herbert made a motion that the Council adopt an ordinance for full disclosure of all funds contributed to a campaign with no cash contributions allowed. The motion died for a lack of a second.

John Gillander addressed Council about the $100.00 limit already in place by the Secretary of State. Caryn Jones felt that complete disclosure would be good. Kelly Meagher urged Council to implement something as the community was upset with large amounts of money being given to help get individuals elected. Dave Murray indicated that in-kind contributions should also be addressed. Tim Bousquet suggested that the City provide a government campaign financing fund that the would be used equally for all candidates and not allow contributions from outside sources.

The Council concurred to send campaign financing reform to the Finance Committee for review and possible recommendations.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA – none

5. BUSINESS FROM THE FLOOR — none

6. REPORTS AND COMMUNICATIONS – These items were provided for the Council’s information. No action was taken.

6.1. The City Council was provided with a copy of the “1999-2000 City of Chico Development Impact Fee Report” for the fiscal year ending 6/30/00 as required by California Government Code §66006 (b). This statute requires the City Council to review the report, but no particular findings or actions are required.

6.2. Memorandum dated 3/8/01 from the Finance Director reporting that the list of claims paid during the month of February 2001 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

COPIES AVAILABLE FROM THE CITY CLERK:

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated
7. **ADJOURNMENT**

The Mayor adjourned the meeting at 11:47 p.m. to Tuesday, April 24, 2001, at 9:00 a.m. in Conference Room No. One for an all-day work session.
1. CALL TO ORDER — The Mayor called the meeting to order at 9:00 a.m. in the Chico Municipal Center, Conference Room No. One, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

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, Chief of Police Efford, Assistant Director of Public Works McKinley, Police Captain Klassen, Police Captain Maloney

1.4. CLOSED SESSION. Council agreed to hold Closed Session at the end of the meeting which occurred at 3:15 p.m. in Conference Room 1, City Municipal Building.

2. CONSENT AGENDA — No items

3. NOTICED PUBLIC HEARINGS — No items

Item 2.6 was removed from the City Council Consent Agenda and heard at the beginning of the meeting at the request of Councilmember Keene:

2.6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A GRANT OF LICENSE TO (SERVICE ORGANIZATION TO BE DETERMINED) FOR ENCROACHMENT IN THE PUBLIC RIGHT-OF-WAY (THE ESPLANADE - MEMORIAL WAY TO ELEVENTH AVENUE AND PARK AVENUE FROM EAST TWENTIETH STREET TO EAST PARK AVENUE)

At its meeting of 4/3/01, the City Council accepted a recommendation from the Internal Affairs Committee meeting of 3/13/01 for approval of a proposal to install United States flags on light standards along the Esplanade between Memorial Way and 11th Avenue and on Park Avenue from 20th Street to East Park Avenue. The Council also directed a Grant of License to be prepared for use of the light standards, authorized a one-time expenditure not to exceed $2,000 for the purchase of brackets and stainless steel straps necessary to install the flags, and authorized City staff to install the brackets and straps. Councilmember Keene had asked that this item be agendized to limit the display of flags to special occasions. Since then a letter dated 4/13/01 has been submitted from Edward Regan of Chico Elks Lodge No. 423, Chairman of Chico City of Flags Committee, modifying its proposal to fly the flags only on designated holidays or patriotic occasions, rather than every day of the year. Therefore, this request has been placed on the Consent Agenda. The Council was provided with copies of the letter from Mr. Regan and the above Resolution. The Director of Public Works recommended adoption of the Resolution authorizing the Grant of License.

Councilmember Keene made a motion directing staff to be in charge of the setting up, taking down and storage of flags for use on designated holidays. Councilmember Bertagna seconded the motion.

Councilmember Jarvis expressed concern over staff being responsible for the setting up and taking down of the flags and asked for additional time in order for staff to prepare an estimate of actual time and cost that would be involved with the displaying of flags. Vice Mayor Kirk asked if a grant of license would still be necessary. City Manager Lando indicated there would not be a need for the grant of license if staff was responsible for putting up the flags. However, storage of the flags would be an issue due to substantial room required to store the flags properly.
Ed Regan informed Council that the group supporting the displaying of flags on patriotic holiday always intended to utilize Veterans and Boy Scouts to help with storing the flags at the Veterans Memorial Hall. He urged Council to allow this project to belong to and be handled by citizens, not the City.

Councilmember Keene modified his motion to include the committee being responsible for the storage of flags.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

4. **REGULAR AGENDA**

4.1. **BUDGET REVIEW**

Agency staff provided an overview of the status of the 2000-01 annual budget, and Redevelopment Committee recommendations for 2001-02 capital projects, for the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas. The Chico Redevelopment Agency was provided with and considered the following documents:

A. Chico Merged Redevelopment Project Area Fund Five Year Trends (including the funding recommendations of the RDA Committee).

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

C. Memorandum dated 4/16/01 transmitting a funding request in the amount of $38,000 from Butte County for the installation of 25 public sewer laterals prior to the reconstruction of Oak Lawn Avenue.

D. Low and Moderate Income Housing Fund Summary.

4.2 **CONSIDERATION OF PROPOSED REFUNDING OF THE CHICO PUBLIC FINANCING AUTHORITY 1991 REVENUE BONDS, SERIES A, AND ISSUANCE OF ADDITIONAL BONDS**

At its meeting held 01/23/01 the Agency was advised that a proposal to refund the Chico Public Financing Authority 1991 Revenue Bonds, Series A, had been submitted by an underwriting firm. Staff indicated that it was very interested in the proposal because the bond market was favorable at this time. Based on preliminary estimates, it appears that the Agency could save approximately $150,000 annually in debt service. The Agency was advised that following analysis of the proposal, it would be brought forward for Agency consideration if Staff believed it was in the best interest of the Agency. By memorandum dated 04/16/01 the Executive Director provides additional information about the proposed refunding and possible issuance of additional bonds.

Bob Best asked if he could receive a project by project accounting of projects funded with redevelopment funds. The City Manager indicated that staff could get the information on new projects, however, past projects would take a while. Greg Steele felt that there was a lack of adequate analysis and urged Council to not add new projects which would necessitate the need to issue new debt. Greg was also concerned about unfunded liabilities.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to concur with the Executive Director's recommendation to proceed with structuring the refunding and issuing additional bonds, and adopt the resolution listed below to provide authority to enter into professional service agreements with various consultants and have the underwriting firm look into insurance to provide security for the bonds.
RDA RESOLUTION NO. 1-01– A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ENGAGING PROFESSIONAL SERVICES IN CONNECTION WITH THE FINANCING OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA – none

6. ADJOURNMENT

Adjourned at 10:15 a.m. to a City Council meeting with Councilmember Bertagna leaving the meeting.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
APRIL 24, 2001 - MINUTES

1. **CALL TO ORDER** — The Mayor called the meeting to order at 10:30 a.m. in the Chico Municipal Center, Conference Room No. One, 421 Main Street.

1.1. **Roll Call** — Present: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: Bertagna

2. **CONSENT AGENDA** — A motion was made by Councilmember Keene and seconded by Councilmember Wahl to approve the following Consent Agenda, with Item 2.6. removed and heard at the beginning of the Redevelopment Agency meeting and Item 2.7. removed and heard under Item 4.1:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 383 RIO LINDO AVENUE REZONE 00-14 (Peitz) - INTRODUCTORY READING**

By memorandum dated 3/14/01 Associate Planner Hanson reported that at the Planning Commission meeting of 3/1/01 the Commission voted unanimously (7-0) to recommend approval of a rezone request by Greg Peitz to allow for future office development of the property. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the 5/1/01 City Council meeting.

2.2. **RESOLUTION NO. 111 00-01 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC SERVICE EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (231 WEST EAST AVENUE, ASSESSOR’S PARCEL NO. 006-150-116)**

By memorandum dated 4/9/01 the Director of Public Works reported that the property owner, S&S Enterprises, a California partnership, petitioned the City to abandon the 3-foot-wide and the 10-foot-wide public service easements at 231 West East Avenue, Assessor’s Parcel No. 006-150-116, to allow for future development of the property. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing for 5/15/01.

2.3. **RESOLUTION NO. 112 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 - HOWARD DRIVE ANNEXATION DISTRICT NO. 2.**

By memorandum dated 3/22/01 the Assistant Community Development Director forwarded a report on initiation of the annexation of 74 parcels located on Howard Drive, Dale Way, Orchard Lane and Floral Avenue. Parcel ownership is listed in the staff report cover sheet. The parcels are zoned R-1 Single Family Residential and 72 are developed with single family residences. The two remaining parcels contain accessory structures. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.4. **RESOLUTION NO. 113 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 3/19/01 the Assistant Community Development Director reported that City approval of the Bostrom Subdivision required the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This 8-lot single-family residential subdivision is located on the east side of Floral Avenue, 900 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 Assistant Community Development Director recommended City Council adoption of the resolution.

2.5. RESOLUTION NO. 114 00-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE MANAGEMENT EMPLOYEES OF THE CITY FOR THE PERIOD OF JANUARY 1, 2001 THROUGH DECEMBER 31, 2004

By memorandum dated 4/10/01 the Personnel Director transmitted a replacement Pay and Benefits Resolution for City Management employees which will be effective for the period of 1/1/01 to 12/31/04. The City Manager and Personnel Director recommended approval of the proposed resolution.

2.6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A GRANT OF LICENSE TO (SERVICE ORGANIZATION TO BE DETERMINED) FOR ENCROACHMENT IN THE PUBLIC RIGHT-OF-WAY (THE ESPLANADE - MEMORIAL WAY TO ELEVENTH AVENUE AND PARK AVENUE FROM EAST TWENTIETH STREET TO EAST PARK AVENUE) – this item was removed from the Consent Agenda and heard at the beginning of the meeting at the request of Councilmember Keene.

2.7. MINUTE ORDER NO. 07-01 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) FOR THE ADMINISTRATION OF THE CITY’S TRANSIT SERVICES – this item was removed from the Consent Agenda at the request of Councilmember Nguyen-T an and heard under Item 4.1.

2.8. SUPPLEMENTAL APPROPRIATION ALLOCATING REVENUE AND EXPENDITURES IN THE AMOUNT OF $119,151 FROM THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP) GRANT FROM THE STATE OF CALIFORNIA

The State of California has allocated $75 million in one-time technology funds for local law enforcement through the California Law Enforcement Equipment Program (CLEEP). Each recipient agency is guaranteed at least $100,000 with the remaining funds being apportioned on the basis of population. These funds are being distributed as entitlements by the State Controller’s Office and are to be used for technology related purposes that enhance law enforcement. The City received $119,151 in funding for 2000-01 and the Chief of Police is proposing that the funds be used to purchase various capital items. This Supplemental Appropriation would allocate revenue and expenditures in the amount of $119,151 from the Capital/Grants Reimbursement Fund (300). At its meeting of 4/4/01 the Finance Committee recommended (3-0) approval of the supplemental appropriation.

2.9. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO ALLOCATE FUNDING IN CURRENT FISCAL YEAR TO REPLACE TWO FIRE DEPARTMENT COMMAND VEHICLES

This Supplemental Appropriation in the amount of $74,000 would replace two Fire Department sedans with two 4X4 four-door utility vehicles. The Fire Department proposed to purchase these vehicles through the State Department of General Services contract and the factory cutoff date for ordering is 5/1/01. Funds in the amount of $54,000 would be allocated from the Equipment Replacement Fund (932) and $20,000 from the General Fund (001). The City Council was provided with copies of the General Fund (001) and Equipment Replacement Fund (932) fund summaries which reflect the estimated 06/30/01 fund balances. At its meeting of 4/4/01, the Finance Committee recommended (3-0) approval of the supplemental appropriation.

2.10. APPROVAL OF DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR ISSUANCE OF AN OFF-SALE ALCOHOLIC BEVERAGE LICENSE - 800 BRUCE ROAD, SUITE 300, CHICO

By memorandum dated 3/27/01 from the Community Development Director, staff recommended that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of an off-sale alcoholic beverage license for 99 Cents Plus Grocery, Inc. dba California Park Market, located at 800 Bruce Road, Suite 300.
2.11. **APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - KID CABS COMPANY, INC.**

By memorandum dated 4/09/01 the Risk Manager recommended that the Council approve the issuance of a Vehicle for Hire Owner’s Permit to Kid Cabs Company, Inc. which will do business as Cabs 4 Kids (Amy Nelson, Chief Financial Officer), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Code requirements relating thereto. Staff recommended approval of the issuance of the Permit without a limitation on the number of vehicles allowed.

2.12. **APPROVAL OF REPORT REGARDING FUNDING FOR DOWNTOWN SIDEWALK CLEANING**

By memorandum dated 4/16/01 the Director of Public Works presented two options for utilizing court referrals to clean downtown sidewalks. With the use of workers from the Court Referral Program and supervision by a maintenance worker, the work would be performed in a cost effective manner. The Director of Public Works recommended Option No. Two, which would provide supervision for 48 days of sidewalk cleaning in the downtown area to be conducted twice per month on Fridays and Saturdays. If the Council concurs with this recommendation, funds will be included in the 2001-02 annual budget.

2.13. **CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY ATTORNEY - ALICIA M. ROCK**

By memorandum dated 4/2/01 the City Attorney requests confirmation of the appointment of Alicia M. Rock as Assistant City Attorney. The City Attorney recommended approval of this appointment.

2.14. **APPROVAL OF BUDGET MODIFICATION TO COMBINE ONE HALF-TIME PERMANENT OFFICE ASSISTANT POSITION AND ONE HALF-TIME HOURLY EXEMPT OFFICE ASSISTANT POSITION INTO ONE FULL-TIME PERMANENT POSITION**

The 2000-01 Annual Budget included two half-time Office Assistant positions in the Building Division Job Title Allocations. One of the positions is allocated as a half-time permanent position and the other is a half-time hourly exempt position. As a result of an increased workload from sustained development activity levels, and assumption of the lot cleaning program, the Community Development Director requested that the two half-time positions be combined into one permanent full-time position. The half-time hourly exempt position currently does not receive a full benefits package, and the increased cost to provide those benefits for the remainder of the fiscal year is estimated to be $1,276. However, as a result of current Building Division vacancies, the 2000-01 budget is adequate to fund the increase. This Budget Modification would amend the Building Division Job Title Allocations.

2.15. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD MARCH 6, 2001, MARCH 20, 2001, AND MARCH 27, 2001**

The Council was provided with copies of the minutes from meetings held 3/6/01, 3/20/01, and 3/27/01.

The motion to approve the Consent Agenda as read, with Item 2.6. being heard during the Redevelopment Meeting and Item 2.7. being heard under Item 4.1., passed by the following vote:

**AYES:** Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Bertagna

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**
2.7. MINUTE ORDER NO. 07-01 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) FOR THE ADMINISTRATION OF THE CITY’S TRANSIT SERVICES – this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion.

This Minute Order authorized the City Manager to execute an agreement with the Butte County Association of Governments (BCAG) to provide the day-to-day administrative services for the Chico Area Transit System (CATS) and the Chico Clipper. BCAG was proposing to provide this service beginning with the 2001-02 fiscal year at no additional cost to the City. However, all policy decisions regarding Chico’s transit systems will remain with the City Council. The City Manager recommended approval of the Minute Order.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to approve Minute Order No. 07-01.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

4.2. GENERAL BUDGET REVIEW

City staff provided an overview of the status of the 2000-01 annual budget, as well as staff requests for 2001-02 capital projects. The City Council was provided with and considered the following budget documents:

A. General and Park Funds Projected Trends.
B. Summary of Estimated Fund Balances.
C. Capital Project Status Report.
D. Preliminary Draft Summaries of 2001-02 Requested Major (white) and Minor (yellow) Capital Projects

Copies of the City of Chico Fund Listing and Department Listing are included in the front pocket of the agenda binders for the Council’s reference.

The City Manager provided Council with an overview of the financial position of the City. While the budget is currently healthy, the City Manager expressed concern over the impacts to the economy due to the energy issue. The City currently has a $3.5 million dollar reserve. Commitments have been made to give cost of living raises, additional fire personnel, etc. Substantial changes could be heading our way because as the state continues to prop up the power problem, it will affect its budget. The City Manager indicated to Council that no new personnel were being requested until after the energy crisis and such requests would be included in the November review of the budget.

4.6. PRESENTATION BY BUTTE COUNTY ASSOCIATION OF GOVERNMENTS RELATED TO THE TRANSIT CONSOLIDATION STUDY SUMMARY REPORT — This item was timed and heard at 11:00 a.m.

At its meeting held 02/22/01 the Butte County Association of Governments (BCAG) Board of Directors accepted the Transit Consolidation Study Summary Report, a copy of which was provided to Council, and the recommendations contained in the report.

The purpose of the study was to examine transit services within Butte County and determine the feasibility and cost-effectiveness of consolidating some or all of these services. At the direction of the BCAG Board, BCAG staff member, Jon Clark, Executive Director, presented the Summary Report Findings and Recommendations to the City Council and was available to answer questions. In addition, because there are policy issues to be discussed, BCAG is scheduling workshops with policy
representatives from each entity and is requesting the City Council to appoint Council representatives to attend the workshops. The City Manager recommended appointment of Finance Committee members Keene, Nguyen-Tan, and Wahl as Council representatives to attend the workshops, since the Finance Committee previously considered transit consolidation.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to appoint Finance Committee members Keene, Nguyen-Tan, and Wahl as Council representatives to attend the Transit Workshops being conducted by BCAG and to request that BCAG generate a short glossary of terms to assist committee members.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

4.3. CONSIDERATION OF MINUTE ORDER NO. 09-01 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO PURCHASE WETLAND MITIGATION CREDITS USING FUNDS COLLECTED FROM PRIVATE PROPERTY OWNERS FOR THAT SPECIFIC PURPOSE AND TO PREPARE A SUPPLEMENTAL APPROPRIATION TO EXPEND THOSE FUNDS

By memorandum dated 4/16/01 the Assistant Community Development Director reported on the proposal to purchase wetland mitigation credits from a mitigation bank located west of Hicks Lane and north of Sycamore Creek.

Approximately $24,300 has been collected from sponsors of private development projects as mitigation of impacts to wetlands, with the intent to purchase credits at a mitigation bank when they became available. A formal Supplemental Appropriation to confirm the Council’s authorization to spend the funds collected will be processed following today’s meeting. The Assistant Community Development Director recommended adoption of the minute order.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to adopt Minute Order No. 09-01. The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

4.4. CONSIDERATION OF REQUESTS RELATED TO THE CELEBRATION OF PEOPLE PARADE — Council agreed to hear this item at 1:00 p.m.

4.5. STATE HIGHWAY ROUTE 99 MEDIAN BARRIER

Councilmember Bertagna requested that this item be agendized so that the City Council could take a formal position regarding Cal Trans’ alternatives for a median barrier on State Highway Route 99. The Director of Public Works briefed the City Council regarding the alternatives under consideration. Due to the safety needs in the median area, barriers are now needed. The State has not been consistent in its applications, and it has come to staff’s attention that a wire barrier down the middle of the oleanders would not be allowed.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to have a letter drafted for the Mayor’s signature encouraging Caltrans to use a wire barrier in order to keep the oleanders from being removed. Councilmember Nguyen-Tan asked for a friendly amendment to include that the wire barrier would be our first preference, and then any other alternative that would allow the oleanders to remain intact. The amendment was accepted.
The motion carried by the following vote:

AYES: Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis
ABSTAIN: None
ABSENT: Bertagna

4.6. PRESENTATION BY BUTTE COUNTY ASSOCIATION OF GOVERNMENTS RELATED TO THE TRANSIT CONSOLIDATION STUDY SUMMARY REPORT — This item was timed and heard at 11:00 a.m. before Item 4.3.

4.7. CONSIDERATION OF THE FOLLOWING LAFCO ISSUES: This item was timed for 1:30 p.m. and heard after Item 4.4.
   A. MINUTE ORDER NO. 08-01 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ESTABLISHING AN ALTERNATE METHOD TO APPORTION BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) COSTS TO THE COUNTY, CITIES AND SPECIAL DISTRICTS
   B. PROPOSED LAFCO POLICY REQUIRING THE USE OF “ISLAND ANNEXATION” PROVISIONS OF STATE LAW WHENEVER POSSIBLE

4.8. CONSIDERATION OF REVISIONS TO CITY COUNCIL RULES OF PROCEDURE

By memorandum dated 4/12/01 the City Clerk summarized the matters relating to City Council meeting procedures that were discussed by the Council subcommittee when it met on 4/5/01 to review the current (AP&P) Administrative Procedure & Policy No. 10-10. The Council was provided with all the information reviewed by the subcommittee, as well as the amended AP&P which reflects the subcommittee’s comments. The Council was requested to review and approve the amended AP&P, including any further revisions it may wish to make at this meeting, which would then be incorporated in the amended AP&P.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to amend AP&P 10-10 to approve Section 1.b. related to the number of times a person can speak on each item and have the subcommittee continue its review of AP&P 10-10.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

4.9. CONSIDERATION OF CHICO MUNICIPAL PARKING LOT 5 REDEVELOPMENT FEASIBILITY STUDY — this item was heard after Item 4.7. at the end of the meeting.

4.10. REQUEST FOR CONCEPTUAL APPROVAL TO HIRE POLICE OFFICER TRAINEES

By memorandum dated 04/06/01 the Chief of Police recommended that the City Council authorize the hiring of up to two allocated police officers per year as police trainees. This would allow the City to recruit applicants who meet the City’s requirements but have not completed the police academy, hire them as police officer trainees, and send them through the police academy. Approval would not result in an increased number of allocated positions. In return, the City would require a written commitment from the trainee to remain with the Chico Police Department for a minimum of three years, or be responsible for reimbursing the City for the expense of the academy. If approved, additional training expenses in the amount of $7,870 will be requested in the 2001-02 Police Department Operating Budget.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the
funding of up to $7,870 for the Police Academy training of two police trainees with the requirement of receipts for all expenses.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

DISCUSSION REGARDING CITY OPTIONS RELATING TO ELECTRICAL ENERGY GENERATION AND MUNICIPAL OWNERSHIP OF THE ELECTRICAL UTILITY.

Councilmember Keene had requested discussion regarding potential electrical energy generation options, and municipal ownership of the electrical utility. For background, the Council was provided with memorandums dated 2/14/01 and 2/20/01 from the Risk Manager which discussed the City’s electrical power options. Janet Walther from PG&E addressed Council on how PG&E is encouraging cities to look at the future.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to direct staff to continue to pursue all options, including the feasibility and cost of the City generating its own power. All comments or ideas need to be forwarded to the City Manager.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: Bertagna

The City Council recessed for lunch at 12:00 and reconvened at 1:03 p.m.

4.4. CONSIDERATION OF REQUESTS RELATED TO THE CELEBRATION OF PEOPLE PARADE —

Council agreed to hear this item at 1:00 p.m.

At the 3/20/01 City Council meeting conceptual approval was given for the waiver of fees for the Celebration of People Parade. Council requested specific performance standards which were to include a list of sponsors with demonstrated support, financially and in-kind, from the private sector and a listing of parade participants to be reviewed at this meeting. In a memorandum dated 4/2/01, copies of which have been provided to Council, Councilmember Bertagna has indicated he no longer supports funding of this parade (attached to his memorandum is a copy of a letter dated 3/30/01 from Darcy L. Auer, President of the Rancho Chico Days Board).

Charlie Pruesser addressed the Council and indicated that the parade would be a family event and the best time for such events is in the spring. Any questions could have been answered by someone on the committee if Council had concerns about the intent and timing of the parade.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis for formal approval of the waiver of fees for the Celebration of People Parade and to send the issue to the Finance Committee for policy on future parade requests, that the City Manager was to contact the church immediately regarding their concerns over the street closure, that a post-event accounting from the parade organizers be required and that the City Attorney’s office would provide a report on the parameters or fee waivers and guidelines for future events such as this.
CONSIDERATION OF THE FOLLOWING LAFCO ISSUES: This item was timed for 1:30 p.m.

A. MINUTE ORDER NO. 08-01 — AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ESTABLISHING AN ALTERNATE METHOD TO APPORTION BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) COSTS TO THE COUNTY, CITIES AND SPECIAL DISTRICTS

By memorandum dated 4/16/01 the Assistant Community Development Director forwarded a report on the proposal to adopt a modified apportionment between the county, cities and special districts for funding the Butte County LAFCo budget. The City Manager and Assistant Community Development Director recommended adoption of the minute order.

The Assistant Community Development Director provided Council with an overview of this issue. State law provides that the county, cities and special districts each provide one third of the funding for LAFCO. The funding ratio can be modified and staff is recommending a modification of 45% for the cities in the County, 45% for the County and 10% for the special districts. Under the recommended funding ratio, Chico will pay 63% of the portion shared by the cities, or approximately 29% of the total LAFCo costs.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve Minute Order No. 08-01, A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ESTABLISHING AN ALTERNATE METHOD TO APPORTION BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) COSTS TO THE COUNTY, CITIES AND SPECIAL DISTRICTS, contingent upon agreement by the other agencies, and the adoption of a LAFCo fee schedule with real time billing for new development areas, and fixed or substantially reduced fees for processing small annexation projects.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

B. PROPOSED LAFCO POLICY REQUIRING THE USE OF “ISLAND ANNEXATION” PROVISIONS OF STATE LAW WHENEVER POSSIBLE

By memorandum dated 4/16/01, the Assistant Community Development Director forwarded a report on the Butte County LAFCo proposal to adopt a policy requiring the use of “island annexation” provisions of state law whenever possible. The City Council previously considered this matter and decided to not use the “island annexation” authority when initiating annexations. The Assistant Community Development Director recommended Council discussion of the proposed LAFCo policy and direction to staff for responding to the proposal.

Councilmember Bertagna felt that it was important to send a message to LAFCO that the Council supports a unified City. The City Manager also wanted to include a requirement that if LAFCO requests it, the City would move forward with island annexation. If such a policy is adopted by LAFCO then it would come back to the Council.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to amend our policy to include the initiation of island annexation where Council feels is appropriate or consider
annexation upon LAFCO request.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: None

4.9. CONSIDERATION OF CHICO MUNICIPAL PARKING LOT 5 REDEVELOPMENT FEASIBILITY STUDY

By memorandum dated 4/17/01, the Assistant Community Development Director summarized the recommendations of the Parking Lot 5 Redevelopment Feasibility Study and the issues to be addressed to move forward with a project on the site. The Assistant Community Development Director recommended the City Council discuss the potential redevelopment and provide staff with direction for evaluating replacement parking opportunities, addressing soil contamination and remediation, and developing a proposal with a private party qualified to undertake the redevelopment of the parking lot. Councilmember Keene expressed concern over $25,000 being needed for a parking lot study. He felt that additional information was needed prior to approving the expenditure.

Staff indicated that the study would give the City an inventory of all parking areas and look at modification options. The study would look at the whole issue and involve the neighbors and businesses allowing them to participate in the solution. Councilmember Jarvis felt that it was important to study the whole issue, not just portions of it.

Tom Giovanni addressed Council about the study being global and that they would develop a proposal of what staff would be doing and what the consultant would do.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis for conceptual approval and directed staff to bring the work plan to a future meeting for Council review and approval before inclusion in the budget.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: None

4.12. 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.

6.1. Memorandum dated 3/22/01 from the Public Works Administrative Manager presenting an update on the feasibility of constructing and funding a wetlands project at the Water Pollution Control Plant (WPCP).

6.2. Memorandum dated 4/3/01 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 in the current Annual Budget

6.3. Memorandum from the Risk Manager dated 4/5/01 reporting on the tort claims filed against the City that were denied for the quarter ending 3/31/01.

1.4. **CLOSED SESSION.** The Council recessed to Closed Session at 3:15 p.m. Chico Municipal Center, Conference Room No. One, 421 Main Street.

A. **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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

Council reconvened from Closed Session at 4:05 p.m.

1.5. Closed Session Announcement — None

7. **ADJOURNMENT**

The meeting was adjourned at 4:05 p.m. to Tuesday, May 1, 2001, at 6:30 p.m. for a Closed Session in Conference Room No. Two, followed by an adjourned regular meeting at 7:00 p.m. in the Council Chamber.
CALL TO ORDER  The Mayor called the meeting to order at 6:30 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call  — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and 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 LEGAL COUNSEL -- ANTICIPATED LITIGATION: Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

ADJOURNMENT

Adjourned at 6:45 p.m. to a City Council meeting in the Council Chamber.
CALL TO ORDER  The Mayor called the meeting to order at 7:02 p.m.

Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

APPOINTMENTS TO ARTS COMMISSION AND BIDWELL PARK & PLAYGROUND COMMISSION

At its meeting 3/6/01 the Council directed the Clerk’s office to advertise for additional applicants for two vacancies on the Arts Commission, and one vacancy on the Bidwell Park & Playground Commission. Advertisements were placed in both the Chico Enterprise Record and the Chico News & Review. By memorandum dated 4/16/01 the City Clerk forwards copies of two applications submitted by Mark Bloom and Maribeth Growdon interested in the Arts Commission vacancies, and four applications submitted by Jeffrey Hall, Donald Kidd, Ali Sarsour, and Kathryn Tzikas interested in the Bidwell Park & Playground Commission vacancy. Also forwarded are copies of the applications currently on file in the Clerk’s office which were previously provided to Council. All applicants were notified of this meeting and Council interviewed any applicants that were in attendance.

Appointments made were:

Arts Commission

Mary Beth Growdon – 4 year term
Sara Cooper – 2 year term

Park Commission

Donald Kidd – 2 year term

ADJOURNMENT

Adjourned at 7:30 p.m. to a Redevelopment Agency meeting.
1. **CALL TO ORDER** The Mayor called the meeting to order at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation — Bidwell Memorial Presbyterian Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
Absent: None

1.4. Introduction of City Staff: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Department of Public Works Director Ross, Park Director Beardsley, Urban Forester Boza, Assistant Department of Public Works Director McKinley, Projects Manager Wood, Sr. Planner Palmeri, Principal Planner Figge, Management Analyst Herman, Housing Officer McLaughlin, Police Captain Maloney, Administrative Analyst Wallick

1.5. Proclamation proclaiming May 2001 as Mental Health Month was received by Julie Nelson, Butte County Department of Behavioral Health.

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 THE FINANCE COMMITTEE ON ITS MEETING HELD ON APRIL 4, 2001**

By memorandum dated 4/9/01, the Finance Committee provided a report on its meeting held on 4/4/01, at which time the matters listed below were considered. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The Agency/Council was provided with the documents received by the Committee for items requiring action under the corresponding tabs in Council’s binders. (Copies of the documents received by the Committee for items not requiring Agency or Council action today are being provided by memorandum dated 4/24/01 from the City Clerk under the “non-action items” tab in the binders.)

**ITEMS REQUIRING COUNCIL ACTION:**

Finance Committee Item “E”.

*Request from Chico Certified Farmer’s Market for Payment Installment Plan to Reimburse the City for its FY 99-00 Community Organization Funding Amount.* The Committee agreed (2-0-1, Nguyen-Tan abstaining) with Assistant City Manager Dunlap’s recommendation that this request be submitted to the City Council for approval, since it was not included on today’s Committee agenda. The Finance Director recommends approval of the payment plan requested by the Chico Certified Farmer’s Market to reimburse the City.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve the payment plan.
The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Wahl, Herbert

**NOES:** None

**ABSTAIN:** Jarvis and Nguyen-Tan disqualified themselves from the discussion and final action

**ABSENT:** None

**ITEMS REQUIRING AGENCY ACTION:**

Finance Committee Item "G": **Mortgage Subsidy Program (MSP) Policy Question re Household Income Determination.** The Committee (3-0) recommended that staff be directed to follow a policy of considering an applicant’s two-year income history (as opposed to future projected income) for determination of eligibility for MSP loans. A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to adopt the policy.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSTAIN:** Jarvis disqualified herself from the discussion and final action

**ABSENT:** None

**ITEMS REQUIRING NO COUNCIL OR AGENCY ACTION:**

Finance Committee Item "A": **Rescheduling of Standing Meeting Date for Finance Committee**

Finance Committee Item "B": **Supplemental Appropriation Allocating Revenue and Expenditures in the Amount of $119,151 from the California Law Enforcement Equipment Program (CLEEP) Grant from the State of California**

Finance Committee Item "C": **Conceptual Approval of Supplemental Appropriation to Allocate Funding in Current Fiscal Year to Replace Two Fire Department Command Vehicles**

Finance Committee Item "D": **Consideration of Procedure for Mid-Budget Cycle Funding Requests**

Finance Committee Item "F": **Community Organization Compliance Audit for FY 1999-00 for the Chico Research Foundation (World Music Festival)**

Finance Committee Item "H": **Housing Proposal Request For Financial Assistance From Chico Redevelopment Agency- Simpson Housing Corporation**

Finance Committee Item "I": **Housing Proposal Request For Financial Assistance From Chico Redevelopment Agency- Sierra Gardens LLC**

Finance Committee Item "J": **Request From Mortgage Subsidy Program Borrower For Special Consideration - Staples 2758 Ceres Ave**

Finance Committee Item "K": **Status Report on Utility Users Tax**

5. **ITEMS ADDED AFTER POSTING OF THE AGENDA**—None
6. **ADJOURNMENT**

   Adjourned at 7:45 p.m. to a City Council meeting.
REGULAR CHICO CITY COUNCIL MEETING
MAY 1, 2001 - MINUTES

1. CALL TO ORDER The Mayor called the meeting to order at 7:45 p.m.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

2. CONSENT AGENDA — A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the Consent Agenda as follows with Item 2.8 removed from the Consent Agenda by a citizen and heard under Item 4.1:

2.1. ORDINANCE OF THE 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. 9 – INTRODUCTORY READING

By memorandum dated 4/19/01, the Director of Public Works reported on a request from the Downtown Chico Business Association (DCBA) to amend its original franchise agreement adopted 4/5/94. This ordinance would amend Section D, entitled “Days and Times,” of the franchise by changing the date of the Slice of Chico event from the third Friday and Saturday in July to the second Friday and Saturday in July and changing the ending month of the Thursday Night Market from October to September. All other provisions of the franchise remain unchanged. A public hearing has been scheduled for 5/15/01, a notice of which would 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 recommended adoption of the ordinance.

2.2. RESOLUTION 116 00-01, A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED ON THE NORTH SIDE OF 20TH STREET, 1000 FEET EAST OF FOREST AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 002-370-074 (DAMSCHEIN)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE NORTH SIDE OF 20TH STREET, 1000 FEET EAST OF FOREST AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 002-370-074 (GPA/REZONE 01-01 DAMSCHEN) - INTRODUCTORY READING

By memorandum dated 4/4/01, Associate Planner Bob Summerville reported that at the Planning Commission meeting of 4/19/01, the Commission voted unanimously (7-0) to recommend approval of a general plan amendment (RZ/GPA 01-01) and rezone for a 1.26 acre parcel currently designated Office and zoned OC Office Commercial to a Community Commercial designation and CC Community Commercial zoning district. The general plan amendment and rezone provide for future commercial retail development of the property. State law limits the number of times a general plan element may be amended annually; therefore, staff recommended grouping this request with another general plan amendment (GPA 00-09 Meek) as one action and resolution. The amendment group and final reading of the rezone ordinance would be scheduled for a public hearing and considered for adoption at the 5/15/01 Council meeting. The Planning Director recommended that the Council adopt a resolution of intent to approve the amendment to the City of Chico General Plan Land Use Diagram and introduce GPA/Rezone 01-01 (Damschen) by the reading of the title only.

2.3. RESOLUTION 117 00-01 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF LOCUST AND EAST 20TH STREETS AND IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 005-236-005 - (GENERAL PLAN AMENDMENT 00-09 MEEK)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF LOCUST STREET AND EAST 20TH STREET, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 005-236-005 - (REZONE 00-15 MEEK) - INTRODUCTORY READING

May 1, 2001
Page 6 of 14
By memorandum dated 4/3/01, Associate Planner Jay Hanson reported that at the Planning Commission meeting of 3/15/01, the Commission voted unanimously (7-0) to recommend approval of a general plan amendment (GPA 00-9) and rezone for .66 acre parcel currently designated Low Density Residential and zoned R1 to a Community Commercial designation and CC Community Commercial zoning district. The general plan amendment and rezone provide for future commercial retail development of the property. State law limits the number of times a general plan element may be amended annually; therefore, staff recommended grouping this request with another general plan amendment (GPA/RZ 01-01 Damschen) as one action and resolution. The amendment group and final reading of the rezone ordinance would be scheduled for a public hearing and considered for adoption at the 5/15/01 Council meeting. The Planning Director recommended that the Council adopt a resolution of intent to approve the amendment to the City of Chico General Plan Land Use Diagram and introduce Rezone 00-15 (Meek) by the reading of the title only.


By memorandum dated 4/12/01 the Urban Forester reported that the Bidwell Park and Playground Commission approved the rules contained in the proposed resolution at its 1/29/01 meeting. The recommendation amends Section 18R.12.020 by revising standard plan No. LS-1 entitled “Fifteen Gallon Tree Planting Detail (2 Plans),” and by adding standard plan No. LS-27 entitled “Metered Electrical Services Enclosure,” which provide visual directions on installing a city street tree and installing a PG&E electric meter service enclosure. The Bidwell Park and Playground Commission and Park Director recommended Council approval.

2.5. RESOLUTION NO. 119 00-01 — AUTHORIZING GRANT OF LICENSE TO CALIFORNIA STATE UNIVERSITY, CHICO, TO ENCROACH IN THE CHESTNUT STREET RIGHT-OF-WAY, BETWEEN WEST 2ND STREET AND WEST 3RD STREET, TO INSTALL A VISITOR INFORMATION KIOSK

By memorandum dated 4/16/01, the Director of Public Works reported that California State University, Chico, has requested a grant of license to encroach in the public right-of-way to install a visitor information kiosk, raised island, bike lane, raised planter, parking area, landscaping, and irrigation at the Chestnut Street entrance to the University. This request was previously reviewed by the Internal Affairs Committee and conceptually approved by the Council at its 3/6/01 meeting. The Director of Public Works recommended adoption of the resolution.

2.6. RESOLUTION NO. 120 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 - 452 & 453 POSADA WAY / A.P. NOS. 007-310-005 & 007

By memorandum dated 2/28/01, the Director of Public Works reported that in accordance with a petition from the property owner, Rosewood Investors, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated February 28, 2000 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.

2.7. RESOLUTION NO. 121 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 - 745 RANCHERIA DRIVE / A.P. NO. 043-180-035

By memorandum dated 2/28/01, the Director of Public Works reported that in accordance with a petition from the property owner, Gary E. Bunch and Peggy A. Bunch, this resolution would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 2/28/00 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.

2.8. ACCEPTANCE OF PARKING PLACE COMMISSION RECOMMENDATIONS FROM ITS MEETING HELD JANUARY 17, 2001 – This item was removed at the request of a citizen and referred to Internal Affairs for discussion at the 5/8/01 Internal Affairs meeting, so that all parties involved could be notified.

The motion to approve the Consent Agenda, except for Item 2.8, carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3. NOTICED PUBLIC HEARINGS

3.1. FINAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)

By memorandum dated 4/19/01, the Director of Public Works reported that at the initial hearing on formation of this proposed district held on 4/3/01, 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. In addition, the Mayor opened the hearing to the public so that Council could hear further comments from property owners within the proposed district on any matter bearing on the establishment of the district. No one spoke. The hearing was closed to the public. At the conclusion of the final protest hearing, the ballots were tabulated and the majority of votes submitted were in opposition to the proposed district. Therefore proceedings on the proposed assessment district were abandoned.

3.2. HEARING ON TEXT AMENDMENTS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE

By memorandum dated 3/12/01, Senior Planner Palmeri reported that at the Planning Commission meetings of 9/21/00, 11/09/00, 11/30/00, and 1/18/01, the Commission voted unanimously to recommend approval of text amendments to Title 19 Land Use and Development Regulations. In addition, at the Internal Affairs Committee meeting of 2/13/01, the Committee voted to recommend approval of text amendments to Title 19 Land Use and Development Regulations relating to architectural review of projects with discretionary permits.

Councilmember Keene questioned the terms of abandonment of a prior use which he thought had been changed to “five” years instead of the “one” year requirement in the Ordinance. Vice Mayor Kirk asked if the Ordinance could be adopted without the square footage listed. Councilmember Jarvis urged Council to act on what was before it because there were citizens that have situations that are coming up right now that needs resolution.

The Planning Commission and Planning Director recommended that the City Council find that the amendments are exempt from environmental review and adopt the ordinance amending Title 19. The below ordinance had received introductory reading at Council’s meeting of 4/03/01. Councilmember Wahl disqualified himself from the discussion and subsequent action. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to adopt:

ORDINANCE NO. 2223 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING VARIOUS AMENDMENTS AND CORRECTIONS TO TITLE 19, ENTITLED “LAND USE AND
3.3. HEARING ON REZONE 00-14 (PEITZ) FOR PROPERTY LOCATED AT 383 RIO LINDO AVENUE

By memorandum dated 3/14/01, Associate Planner Hanson reported that at the Planning Commission meeting of 3/1/01 the Commission voted unanimously (7-0) to recommend approval of a rezone request by Greg Peitz to allow for future office development of the property. The City Council introduced this ordinance at its 5/1/01 meeting. The Planning Commission and Planning Director recommended that the City Council adopt the mitigated negative declaration and approve Rezone 00-14 (Peitz). The below ordinance received introductory reading at Council’s meeting of 4/17/01. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:

ORDINANCE NO. 2224 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 383 RIO LINDO AVENUE REZONE 00-14 (Peitz) — FINAL READING AND ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3.4. HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING THEIR ABATEMENT AND REMOVAL

By memorandum dated 4/20/01, Projects Manager Wood reported 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 would establish Thursday, May 31, 2001 as the last day for abatement and removal of weeds. The Projects Manager recommended adoption of the resolution.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to adopt:

RESOLUTION NO. 122 00-01 — 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

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3.5. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 507, IVY STREET BUSINESS PARK
By memorandum dated 4/12/01, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 507. As a condition of approval of a subdivision map for this subdivision, generally located between W 22nd and Meyers Streets on Ivy at the terminus of Westfield Lane, the developer, Gene Damschen, 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. Gene Damschen spoke after which the Mayor closed the hearing.

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

RESOLUTION NO. 123 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. 507 — IVY STREET BUSINESS PARK)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSTAIN: None

ABSENT: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. INITIAL CONSIDERATION OF AN APPEAL BY ROBERT PICARD OF THE DENIAL OF USE PERMIT 00-41 (RHL DESIGN/SAFeway) TO ALLOW CONSTRUCTION AND OPERATION OF A 24-HOUR GAS STATION AT 1366 EAST AVENUE

By memorandum dated 4/18/01, Planning Division staff reported that on 3/1/01, the Planning Commission denied a use permit to allow a 24-hour gas station on a 0.57 acre shopping center pad site, located on the north side of East Avenue, approximately 350 feet east of Mariposa Avenue, within the East Avenue (Safeway) Marketplace Shopping Center, identified as 1366 East Avenue, Assessor’s Parcel No. 048-061-047. The site is located in a PD/CN Planned Development Neighborhood Commercial zoning district and is designated Community Commercial by the Chico General Plan. Citing that the required use permit findings could not be made, the Planning Commission voted 4-0-1 (two absent, one disqualified) to deny the use permit as well as a modification of Planned Development Use Permit No. 2194 which authorized the shopping center. The Planning Director recommended the City Council not hear the appeal thereby upholding the decision of the Planning Commission.

Council was provided with copies of a letter dated 4/6/01 from Frederick M. Etzel, Esq., representing the applicant, in support of the appeal. Councilmember Wahl disqualified himself from the discussion and action. Mel Granskog, Manager of Safeway urged Council to grant the request of hearing the appeal. By adding the gas station, Safeway was trying to make an effort to meet the needs of its customers. Mr. Granskog also indicated that only four Commissioners voted on the project because two were missing and one was disqualified. Kevin Russell, the new Safeway Manager, asked Council to hear the appeal and let them continue to work with the Planning staff to create a project. Todd Paradise, also with Safeway indicated that they had new information that they didn’t have the first time around. Vince Phelan and Orval Hughes urged Council to not hear the appeal.

Councilmember Nguyen-Tan made a motion to hear the appeal and set a date to hear it. The motion died for a lack of a second. Councilmember Jarvis felt that a handout might help appellants know what can and cannot be considered when Council hears the request. The City Clerk’s office was directed to include something in the appeal information packet regarding this issue.
The City Council took no action and thereby upheld the Planning Commission decision.

The City Council took a 10-minute break at 8:45 p.m.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETINGS HELD ON FEBRUARY 20, AND MARCH 21, 2001

The Solid Waste Committee provided a report on its meetings held on 2/20/01 and 3/21/01, at which time the matters listed below were considered. All Committee members were present: Chair Dan Nguyen-Tan, and Councilmembers Jarvis and Wahl.

A. Solid Waste Committee’s Recommendations regarding a Request from Waste Management for a Solid Waste Collection Rate Increase and Establishment of a Rate Methodology. The Committee considered a request from Waste Management that the City Council consider approving an increase in the residential solid waste collection rates. Waste Management requested a 4.46% Consumer’s Price Index increase due to increased fuel and health benefit costs. By memorandum dated 4/16/01, Management Analyst Herman submitted the Committee’s recommendations that the Council approve amending the City’s Solid Waste Collection and Recycling Fee Schedule to increase the rates by 4.46%. The Committee also recommended that Council discuss its goals and philosophy regarding solid waste collection rates which would be used to develop a rate methodology for evaluating future requests for increases. The Solid Waste Committee recommended adoption of the resolution and the establishment of a rate methodology.

Councilmember Keene questioned the use of the Bay Area CPI and asked if the request had been made for the haulers to show something specific as to the need for the increase. Councilmember Jarvis, a member of the Solid Waste Committee, expressed her concern over the need to establish a rate methodology for considering rate increases. A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt the resolution authorizing the rate increase and direct staff to bring back information with the expenses broken out. Comments were heard from Tim Velikonia and Joe Matz.

The motion failed due to the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert
ABSTAIN: None
ABSENT: None

Council concurred that additional information comparing the last two years of fuel, health and employee costs was needed from the haulers and that Councilmember Keene and Wahl should review the new information. In addition, Council asked staff to compile a list of communities in California that operate fully de-regulated and what de-regulation did to the rates. Staff was also requested to look at the methodology being developed by the County.

B. Consideration of Proposed Revisions to the Yard Waste Recycling Program Franchise. By memorandum dated 4/16/01, Management Analyst Herman reported on the Committee’s recommendations regarding continuing the yard waste recycling program after the franchise agreement with Waste Management expires on 6/30/01.

The Committee recommended that the Chico Municipal Code be revised to require that each solid waste collector provide voluntary yard waste recycling service to its customers beginning on 7/1/01, and that the compost site operations be bid out to a private contractor.

C. To allow time to prepare a Notice Inviting Bids and to enter into a new contract, the Committee recommended that the existing compost operations contract with Waste Management be extended on a month-to-month basis beginning in July 2001.

A motion was made by Councilmember Keene and was seconded by Vice Mayor Kirk to introduce:

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON APRIL 10, 2001

By memorandum dated 4/11/01, the Internal Affairs Committee provided a report on its meeting held on 4/10/01. Committee members present were Councilmembers Kirk, Wahl (substituting for Jarvis), and Bertagna, Chair. The matters considered by the Committee are listed below. The Agency/Council was provided with the documents received by the Committee for items requiring action under the corresponding tabs in Council’s binders. Copies of the documents received by the Committee for items not requiring Agency or Council action were provided by memorandum dated 4/24/01 from the City Clerk under the “non-action items” tab in the binders.

ITEMS REQUIRING COUNCIL ACTION:

Internal Affairs Committee Item “D”. Consideration of Proposal for Video Enforcement of Red Traffic Lights. The Committee recommended (2-1, Wahl requesting more information) that staff be directed to proceed with going out to bid for a system for video enforcement of red traffic signal lights. Comments were heard from Quentin Colgan in opposition to the installation of cameras.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt:

MINUTE ORDER AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT FOR VIDEO ENFORCEMENT OF RED TRAFFIC LIGHTS

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Herbert
NOES: Keene, Nguyen-Tan, Wahl
ABSTAIN: None
ABSENT: None

Internal Affairs Committee Item “E”. Consideration of Proposal to Change Police Patrol Car Graphics. The Committee recommended (3-0) approval of the new Police patrol car graphics, with more information on costs of implementing the new graphics all at once for uniformity, versus phasing the new graphics in over three years, to be provided for consideration by the City Council.

(The Chief of Police subsequently advised that the total cost to remove the old graphics and install the new graphics all at once on the 32 vehicles that need to be marked would be approximately $15,520.)
A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the new Police patrol car graphics and implement the change all at once for uniformity. Council further directed that in the future staff should provide color prints when an item needs it for clarification.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Councilmember Bertagna asked that staff contact the County to request the County to notify the City Council when they are considering installing traffic impeding devices in the Chico area.

**ITEMS REQUIRING NO COUNCIL ACTION.**

Internal Affairs Committee Item “A”. **Approval of Request to Install a Stop Sign at “T” Intersection of Marilyn Drive with Parkway Village Drive.**

Internal Affairs Committee Item “B”. **Approval of Request for “No Overnight Parking” Signs Along West Eaton Road.**

Internal Affairs Committee Item “C”. **Consideration of Traffic Concerns on Cohasset Road (Esplanade to Mangrove) at the Bicycle Pedestrian Crossing.**

Internal Affairs Committee Item “F”. **Discussion regarding Flooding along Little Chico Creek.**

Internal Affairs Committee Item “G”. **Reports and Communications.**

1. **Letter objecting to the pedestrian refuge that was installed at East First Avenue and Laburnum Avenue.**
2. **Letter supporting left turns being allowed from East First Avenue on to Laburnum Avenue.**

**ACKNOWLEDGMENT OF AND POSSIBLE APPOINTMENT TO FILL VACANCY ON THE COMMUNITY TRANSIT ADVISORY COMMITTEE (CTAC)**

By memorandum dated 4/13/01 the City Clerk reported that a vacancy resulting from the untimely passing of Committee member Jonathan Sludebaker on 4/3/01 existed on the Community Transit Advisory Committee with a term that expires 1/1/05. The City Clerk forwarded copies of applications currently on file in the Clerk’s office from individuals interested in being considered for appointment.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to appoint a representative at this meeting. Council concurred 7-0. The City Council proceeded with its process of selecting members of committees and Allen Chamberlain was appointed to the Community Transit Advisory Committee.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**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 3/26/01 from Rob Roy, 662 Vallombrosa Way, objecting to closures of Vallombrosa Way for certain events held in Bidwell Park, and offering alternative solutions. The City Manager recommended that this be referred to the Park Director for a response.

7. **ADJOURNMENT**

   The meeting was adjourned at 11:00 p.m. to Friday, May 11, 2001, at 9:00 a.m., at the former Rifle Range Parking Lot in Upper Bidwell Park for a joint meeting with the Bidwell Park & Playground Commission to tour proposed Annie Bidwell trails with a special City Council meeting called for May 4, 2001 at 4:00 p.m.
A special meeting of the City Council of the City of Chico was called for 4:00 p.m. on Friday, May 4, 2001, to be held in the Council Chambers at 421 Main Street, Chico, California, for the purpose of hearing testimony and considering action on two matters related to the Nob Hill Subdivision, generally located on the south side of East 8th Street immediately west of Bruce Road.

Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

Introduction of City Staff – City Manager Lando, City Attorney Frank, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Assistant Director of Public Works McKinley, Project Manager Wood

The matters considered by the Council were:

1. The realignment and related improvement of Husa Lane, a private road in Butte County, including its alignment and intersection with East 8th Street.

   Staff indicated that the issue of the realignment and related improvement transitioning on the property has been resolved. Staff found that the improvements were not as stated in the original approval nor legally permitted. This issue has been resolved with all parties and the improvements will be transitioned back on the Wells’ property.

2. The design, location and improvement of the access to the subdivision from East 8th Street, including the frontage road for the subdivision.

   Council was informed by staff that the issue of the design, location and improvement of the access to the subdivision was not an issue of right-away or ownership. The question was raised on whether there might be a better design. Staff has since worked on an alternative which would work better for that area. Staff informed Council that Jim Stevens and North Star has indicated that it is their preference to not make this design change. Staff indicated to Council that either proposal works, however, the second alternative might work a little bit better.

   Nora Todenhaagan thanked Council for the resolution of the realignment and related improvement of Husa Lane. She also stated that Alternative 2, staff’s design for design, location and improvement of the access to the subdivision from East 8th Street was preferable. John Schaller also addressed Council and stated that he was working with the Todenhaagen’s and that the design that tee’s into the intersection would be preferable.

   Jim Stevens addressed his concerns with Council considering staff’s alternative design. The original design was what had been approved by staff and Council. He indicated that if Council chooses to use the alternative developed by staff then his firm would not be stamping it under the firms name. His additional concerns were over the timing of this issue. The project was under construction. Changing the design at this time would be difficult. Considerable amounts of time have been spent by North Star, City staff, and the developer. If there had been a problem with the design then he would have thought that it would have been brought up sooner.

   The City Manager informed Council that in terms of the new design, staff was willing to draft the new plan. Councilmember Keene stated that there were pluses and minuses of each plan but staff’s redesign allows for safer access. The City Manager stated that there was an approved improvement plan and if Council chooses to amend it staff would sit down with the developer and work out the details. Councilmember Jarvis asked for an idea on the costs for the redesign. Director of Public Works Ross responded that he was estimating a cost savings to the developer and a cost to the City in staff time of a day and a half for design and a day in the field. Staff had
already spent a full week on the redesign.

Mayor Herbert asked if the Council had ever done something like this before and if not, was the Council setting a precedent. The City Manager responded that he was not aware of anything like this coming up before. However, what Council was talking about was in fact, the City's, so therefore, Council's public improvements and if it is determined that there is a better solution, then it is better to do it now then to tear up the improvements a year later.

Councilmember Jarvis asked about the original approval and why was the design okay at that time but not now. The City Manager indicated that this was a low traffic area and didn’t believe that either plan would be a traffic issue. In addition, this was a written condition and Council did not see it on map. Councilmember Nguyen-Tan asked how a potential redesign would affect the time line for the development and if there would be any liability due to the delay in construction. The City Manager indicated that it should not affect the time line of the development but that staff would have to talk about the construction. The City Attorney stated that he had not reached the conclusion that there would be any liability. This issue was about a frontage road that was intended as a safety measure. That is the only function it serves with respect to this subdivision. The question before the Council is what is the safest choice before you.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to use staff’s recommendation on the design, location and improvement of the access to the subdivision from East 8th Street, including the frontage road for the subdivision and to work with Jim Stevens to extend the nose of the island as far as possible in order to not impact the driveway of Lot #44.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Wahl, Herbert
NOES: Jarvis, Nguyen-Tan
ABSTAIN: None
ABSENT: None

The Council was prohibited by law from considering any other business at this meeting. The meeting adjourned at 5:00 p.m. to the Adjourned Regular Council Meeting to be held at 9:00 a.m. on May 11, 2001.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 9:00 a.m. in Parking Lot E, Upper Bidwell Park for tour of the proposed Annie Bidwell Trail.

   Present:  Jarvis, Kirk, Nguyen-Tan, Herbert
   Absent:   Bertagna, Keene, Wahl

2. **CONSENT AGENDA** — No Items

3. **NOTICED PUBLIC HEARINGS** — No Items

4. **REGULAR AGENDA**

4.1. **REVIEW AND CONSIDERATION OF BIDWELL PARK AND PLAYGROUND COMMISSION’S CONCEPTUAL APPROVAL OF AN ALIGNMENT FOR THE ANNIE BIDWELL TRAIL - BIDWELL PARK.**

   By memorandum dated 12/20/00, the Park Director reported that the Bidwell Park and Playground Commission conceptually approved a potential alignment for the Annie Bidwell Trail in Bidwell Park. The Commission’s decision was the product of several public meetings and discussion. The City Council discussed the BPPC recommendation on 1/02/01 and decided to review the trail alignment prior to making any further determinations. The City Council and Bidwell Park and Playground Commission hiked the length of the proposed trail from the Ten Mile House Road to the Bidwell Municipal Golf Course. The public was invited to attend. The hike included review of the proposed and alternate alignments.

   No action was taken on this item.

4.2. **DISCUSSION AND CONSIDERATION OF THE JONES’ REQUEST FOR PUBLIC ACCESS TO THE ECOLOGICAL PRESERVE**

   Councilmember Bertagna requested discussion of Michael and Caryn Jones’ request dated April 29, 2001, that Council send a letter of support for the development of public access to Big Chico Creek Ecological Preserve.

   This item was tabled to the May 15, 2001 Regular Adjourned Council meeting.

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

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS** — None

7. **ADJOURNMENT**

   The meeting was adjourned at 3:30 p.m. to Tuesday, May 15, 2001, at 7:00 p.m. in Conference Room No. 2, if a closed session is scheduled, followed by a Regular City Council meeting in the Chamber at 7:30 p.m.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

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 organizations that represent employees are Chico Police Officers Association (Units A and B), International Association of Firefighters, and 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 LEGAL COUNSEL -- ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

2.3. **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**

Adjourned at 7:25 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. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Reverend Carolyn McKeown
    Spiritual Enrichment Center Church of Religious Science

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    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, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works McKinley, Assistant Director of Public Works Martinez, Projects Manager Wood, Housing Specialist Burkland, Housing Officer McLaughlin

1.5. Closed Session Announcement — No announcement

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** - No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON APRIL 30, 2001**

By memorandum dated 5/4/01, the Finance Committee provided a report on its meeting held on 4/30/01, at which time the matters listed below were considered. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair.

**ITEMS REQUIRING AGENCY OR COUNCIL ACTION:**

Committee Item “A”: **Acceptance of Chico Research Foundation (World Music Festival) FY 99-00 Community Organization Funding Reimbursement Request.** The Committee recommended (2-0-1, Nguyen-Tan disqualified) acceptance of a reimbursement in the amount of $1,366.03 from the Chico Research Foundation (World Music Festival) in connection with its FY 99-00 Community Organization funding.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to accept the reimbursement from the Chico Research Foundation. The motion carried 5-0-2, with Councilmember Jarvis and Nguyen-Tan disqualified from the discussion and subsequent action.

Committee Item “B”: **Approval of One-Year Extension of Northern Valley Catholic Social Services (NVCSS) Loan Agreement with the Redevelopment Agency.** The Committee recommended (3-0) approval of a one-year extension of Northern Valley Catholic Social Services’ (NVCSS) Loan Agreement with the Redevelopment Agency.
A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve:

RDA MINUTE ORDER NO. 2-01 – AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO THE “LOAN AGREEMENT CHICO REDEVELOPMENT AGENCY LOW AND MODERATE INCOME HOUSING PROGRAM SENIOR RENTAL HOUSING PROJECT AT HARTFORD DRIVE, CHICO, CALIFORNIA (CHICO REDEVELOPMENT AGENCY/NORTHERN VALLEY CATHOLIC SOCIAL SERVICES),” EXTENDING THE PERFORMANCE TERM ONE YEAR

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

Committee Item “C”:

Approval of Annual Funding Grant for Community Housing and Credit Counseling Center for its Home-Buyer and Credit Counseling Program. The Committee recommended (3-0) approval of the annual operational funding grant in the amount of $26,780 for the Community Housing and Credit Counseling Center for its Home Buyer and Credit Counseling Program.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the operational funding grant. The motion carried 7-0.

Committee Item “D”:

Denial of Proposed Acquisition of Creekside Greenway Property – 1285/1299 Humboldt Avenue (AP Nos. 004-364-002/-006/-009 – Sherrill. The Committee (3-0) recommended denial of the proposed acquisition, as recommended by staff, because the properties did not fit the Council’s criteria for acquisition.

Councilmember Nguyen-Tan had the opportunity to look at the two properties and urged Council to reconsider the proposed acquisition. Vice Mayor Kirk asked if the City had ever purchased property and rented it back. Staff indicated that the City had never rented property along a creekside greenway. However, the only requirement would be that if the City purchased it while occupied with a renter, the City would have to pay relocation costs. It would also have to be brought up to code. Councilmember Keene indicated that the reason the committee decided to not purchase the properties was because the price was much more than what was normally used to purchase vacant land. John Mertz and Tim Bousquet both urged Council to move forward with the purchase.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to authorize staff to proceed with the purchase and that no relocation costs would be paid by the City.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None
Committee Item “E”: Approval of Procedure for Non-Budget Cycle Funding Requests. The Committee recommended (3-0) formal adoption of the Procedure for Non-Budget Cycle Funding Requests as recommended by the City Manager in his memorandum dated 4/23/01.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt the procedure for Non-Budget Cycle Funding Requests. The motion carried 7-0.

Committee Item “F”: Simpson Housing Solutions Proposal. This item was considered under Agency Item 4.2 on tonight’s agenda.

Committee Item “G”: Consideration of Request from the Community Action Agency of Butte County (CAA) for Community Housing Development Organization (CHDO) Funding from the City’s HOME Program. The Committee recommended (2-0-1, Nguyen-Tan disqualified) approval of additional allocations of CHDO funds in the amount of $250,250 to the Community Action Agency of Butte County for the acquisition of a site to be used for the development of housing units to expand its transitional housing program.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to approve the request. The motion carried 6-0-1, with Councilmember Nguyen-Tan disqualified from the discussion and subsequent action. A Minute Order authorizing an agreement will be scheduled for a future agenda.

Committee Item “H”: Consideration of Developer Reimbursement for Hancock Park Improvements – Drake Homes. The Committee recommended (3-0) that the City enter into an agreement to reimburse Drake Homes for actual costs for the construction of Hancock Park onsite and offsite improvements in an amount not to exceed $488,706; and that the Committee consider at its next meeting funding mechanisms to cover the shortfall representing the existing residents’ share of park costs when developers were reimbursed for developing neighborhood parks in conjunction with new subdivisions.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to approve:

MINUTE ORDER NO. 11-01 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AGREEMENT PROVIDING FOR PAYMENT TO DRAKE HOMES FOR THE APPROVED COSTS OF IMPROVING A NEIGHBORHOOD PARK WITHIN THE FOOTHILL PARK EAST SUBDIVISION CONSISTENT WITH THE RECOMMENDATION OF THE FINANCE COMMITTEE

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

FINANCE COMMITTEE ITEMS REQUIRING NO AGENCY OR COUNCIL ACTION

I. Request from Greg Steel for Committee Consideration of Various Council/Agency Budget Issues.

J. Approval of Housing Rehabilitation Loan Request - Enrique Orozco - 895 Alpine Street.
K. Consideration of Request From Mortgage Subsidy Program Borrower For Special Consideration - Staples 2758 Ceres Ave.

L. Schedule May Finance Committee Meeting Date.


N. Business from the Floor: Concerns with Issues relating to Fee Waivers for Parades.

4.2. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION FOR CONCEPTUAL APPROVAL OF AGENCY FINANCING FOR SIMPSON HOUSING SOLUTIONS PROPOSAL FOR LOW-INCOME HOUSING PROJECT

At its meeting of 4/30/01, the Finance Committee recommended (2-0-1, Councilmember Wahl disqualified):

1. That the full Agency determine which of the two types of low income housing projects (multi-family units or senior units) most recently proposed by Simpson Housing Solutions should be funded; and

2. That the Agency conceptually approve such low-income housing project, but not for a specific site, by making a conditional commitment of funds to Simpson Housing Solutions, subject to the parameters set forth on Page Two of the Housing Officer’s memorandum of 4/25/01.

At its meeting of 5/1/01 the Agency continued consideration of this matter to this meeting. The Council was provided with the information previously received by the Committee concerning this matter: (1) memorandum dated 3/19/01 from the Housing Officer providing supporting information regarding housing needs and funds available; and (2) memorandum dated 4/25/01 from the Housing Officer transmitting Simpson Housing Solutions Alternative Housing Proposals (with the original proposal attached along with the Housing Officer’s transmittal memorandum of 3/28/01). In addition, the Council was provided with a memorandum dated 5/8/01 from the Housing Officer providing additional information requested by Councilmember Nguyen-Tan regarding the Pleasant Valley High School Neighborhood area where Simpson Housing Solutions was proposing to develop the apartment project in terms of the appropriateness for family and senior rental housing. Rick Kirr, representing Simpson Housing Solutions, was in attendance to answer Council questions. Councilmember Wahl disqualified himself from the discussion and final action.

John Gillander, Harold Carlson, Gary Sannar and Alan Chamberlain urged Council to approve a senior housing complex. Dave Ferrier and John Kittridge both wanted it to be approved for families due to the need for this type of housing.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to conceptually approve a senior project at this particular location and allow it to go through the planning process.

The motion failed by the following vote:

AYES: Bertagna, Keene, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
DISQUAL: Wahl
ABSENT: None

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve a family project at a site to be determined subject to obtaining land use approvals.

The motion failed by the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Herbert
DISQUAL: Wahl
ABSENT: None
A motion was made by Mayor Herbert and seconded by Councilmember Keene to approve a senior housing project in this region subject to the conditions referred to in the report.

The motion passed by the following vote:

AYES: Bertagna, Keene, Kirk, Herbert
NOES: Jarvis, Nguyen-Tan
DISQUAL: Wahl
ABSENT: None

---------------------------------------------
Council recessed for a ten minute break at 9:20 p.m.
---------------------------------------------

At the request of Vice Mayor Kirk, the Council reconsidered their previous action on the Simpson Housing Project.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to allow Simpson Housing Solutions to go through a full public process for either a senior or family low-income housing project anywhere properly zoned in Chico.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: None
DISQUAL: Wahl
ABSENT: None

5. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — none

6. **ADJOURNMENT**

The meeting was adjourned to a City Council meeting.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
MAY 15, 2001 - MINUTES

1. CALL TO ORDER — The Mayor called the meeting to order at 9:25 p.m. in Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

2. CONSENT AGENDA — A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the following Consent Agenda, with Item 2.3 removed and heard under Item 4.1:


At its meeting of 5/1/01 the City Council introduced the above Ordinance, after considering and concurring with the Solid Waste Committee’s recommendation that the Chico Municipal Code be revised to require that each solid waste collector provide voluntary yard waste recycling service to its customers beginning on 7/1/01.


By memorandum dated 5/8/01 the Personnel Director transmitted a replacement Pay and Benefits Resolution for City Confidential employees which would be effective for the period of 1/1/01 to 12/31/03. The City Manager and Personnel Director recommended approval of the proposed resolution.

2.3. MINUTE ORDER NO. 12-01 — APPROVAL OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET FOR FY 2001/02 — This item was pulled by Councilmember Nguyen-Tan and heard under Item 4.1.

2.4. MINUTE ORDER NO. 13-01 — AUTHORIZING CITY MANAGER TO EXECUTE: (1) AGREEMENT CONSENTING TO TRANSFER OF LEASE INTEREST IN PROPERTY ALONG LINDO CHANNEL FROM THE FRED AND EILEEN HIGNELL, JR. FAMILY 1990 TRUST TO NEIGHBORHOOD CHURCH OF CHICO OF THE CHRISTIAN AND MISSIONARY ALLIANCE; AND (2) EQUIVALENT AGREEMENT CONSENTING TO TRANSFER OF LEASE FROM CHURCH TO KENNETH CHASE.”

The minute order authorizes the City Manager: (1) to execute “Consent Agreement Regarding Assignment of Lease of Real Property along Lindo Channel (City of Chico / Freed and Eileen Hignell, Jr. Family 1990 Living Trust /Neighborhood Church of Chico of the Christian and Missionary Alliance)” to transfer the rights, duties, and obligations of aforementioned Lease approved by the City Council 5/16/00. Under the terms and conditions of the Lease, Lessee and Assignor (Fred and Eileen Hignell Jr. 1990 Living Trust) may, with City approval, make such transfers; and (2) to execute, subsequent to (1), an equivalent consent agreement regarding the assignment of the aforementioned Lease to transfer rights, duties, and obligations from Neighborhood Church of Chico of the Christian and Missionary Alliance to Kenneth Chase. Staff is not aware of any reason not to approve the request for authorization to consent to such transfers. The Park Director recommended approval of the Minute Order.

2.5. MINUTE ORDER NO. 14-01 — AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH RUSSELL SCHULTZ TO ACQUIRE A BICYCLE PATH EASEMENT ALONG THE MIDWAY, EAST OF HEGAN LANE, FOR THE CONSTRUCTION OF THE MIDWAY BICYCLE PATH (ASSessor’S PARCEL NOS. 040-320-001/002)

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 would authorize the City Manager to enter into an agreement with Russell Schultz to acquire approximately 11,355 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.

2.6. MINUTE ORDER NO. 15-01 — AUTHORIZATION FOR CITY MANAGER TO (1) ENTER INTO AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 1500 HUMBOLDT ROAD FOR POLICE FACILITY EXPANSION, AND (2) ENTER INTO LEASEBACK OF PROPERTY (HIGNELL) – APN 002-060-016

The City Council previously authorized the City Manager to negotiate the terms of the acquisition of 1500 Humboldt Road, based on an appraisal of $940,000, for future expansion of the adjacent police facility. The City would then lease back the facility to Hignell and Hignell, Inc., the current occupant, until its new facility is constructed or through no later than 12/31/04, subject to the additional terms set forth in the minute order. This minute order would authorize the City Manager to execute the sales agreement, lease agreement and such other documents as may be necessary to acquire and lease back the property to Hignell and Hignell, Inc. The Assistant City Manager recommended approval of the minute order.

The motion to approve the Consent Agenda with Item 2.3 removed and heard under Item 4.1 carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON GENERAL PLAN AMENDMENT AND REZONES FOR PROPERTIES LOCATED AT THE NORTHWEST CORNER OF LOCUST AND EAST 20TH STREETS, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 005-236-005 (MEEK) AND ON THE NORTH SIDE OF 20TH STREET, 1000 FEET EAST OF FOREST AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 002-370-074 (DAMSCHEN)

By memorandum dated 5/7/01, Principal Planner Figge reported that at its 5/1/01 meeting, the City Council adopted a resolution of intention to approve a general plan amendment and introduced rezone ordinances for two properties; a .66 acre parcel currently designated Low Density Residential and zoned R1 proposed for a Community Commercial designation and CC Community Commercial zoning district (GPA-09/RZ 00-15 Meek); and a 1.26 acre parcel currently designated Office and zoned OC Office Commercial proposed for a Community Commercial designation and CC Community Commercial zoning district (GPA/RZ 01-01 Damschen). One resolution approving both requests for General Plan amendments has been prepared for adoption by the Council following the public hearing and prior to final reading and adoption of the rezone ordinances. The Planning Commission and Planning Director recommended that the Council (1) adopt the mitigated negative declarations; (2) adopt the below resolution approving the amendment to the City of Chico General Plan Land Use Diagram; and (3) adopt the below ordinances approving Rezone 00-15 (Meek) and GPA/Rezone 01-01 (Damschen) by final reading of the titles only. The Mayor opened the hearing to the public. No one spoke.

The Mayor closed the hearing and a motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 125 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 PROPERTIES LOCATED AT THE NORTHWEST CORNER OF LOCUST AND EAST 20TH STREETS, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 005-236-005 (GPA 00-09 MEEK) AND ON THE NORTH SIDE OF EAST 20TH STREET, 1000 FEET EAST OF FOREST AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 002-370-074 (GPA/RZ 01-01 DAMSCHEN)

ORDINANCE NO. 2226 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF LOCUST STREET AND EAST 20TH STREET, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 005-236-005 (REZONE 00-15 MEEK) - FINAL READING & ADOPTION

ORDINANCE NO. 2227 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED ON THE NORTH SIDE OF 20TH STREET, 1000 FEET EAST OF FOREST AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 002-370-074 (GP/A/REZONE 01-01 DAMSCHEN) - FINAL READING & ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3.2. HEARING ON AMENDMENT TO FRANCHISE WITH DOWNTOWN CHICO BUSINESS ASSOCIATION

By memorandum dated 4/19/01, the Director of Public Works reported on a request from the Downtown Chico Business Association (DCBA) to amend its original franchise agreement adopted 4/5/94. This ordinance would amend Section D, entitled “Days and Times,” of the franchise by changing the date of the Slice of Chico event from the third Friday and Saturday in July to the second Friday and Saturday in July and changing the ending month of the Thursday Night Market from October to September. All other provisions of the franchise remain unchanged. This ordinance received introductory reading at Council’s meeting of 5/1/01, and a notice of this hearing was been 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 recommended adoption of the ordinance.

The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public and a motion was made by Councilmember Keene and seconded by Councilmember Jarvis to adopt:

ORDINANCE NO. 2228 — AN ORDINANCE OF THE 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. 9 – FINAL READING AND ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

3.3. SECOND HEARING ON THE 2001/2002 ANNUAL FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS

By Memorandum dated 5/2/01 the Housing Officer reported on the 2001-2002 Annual Plan for the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. The memorandum includes the 2001/2002 Proposed Annual Plan adopted by Council at its 4/03/01 meeting and published for a 30 day comment period. There were no comments received during the public review period. In the event comments are received subsequent to the preparation of this agenda, they would be provided to Council. The Council was provided with previous staff reports regarding the CDBG/HOME Programs. 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). Councilmember Jarvis and Nguyen-Tan disqualified themselves from the discussion and subsequent action. After receiving public input at tonight’s public hearing the Council was requested to: 1) Consider any citizen input from the 30 day comment period and the Public Hearing and make any revisions to the “2001-2002 Proposed Annual Plan;” 2) Adopt the final “2001-2002 Annual Plan” after considering public comments on the Plan and making appropriate modifications, if any; 3) Authorize the City Manager to submit the “2001-2002 Annual Plan” to the Department of Housing and Urban Development (HUD) along with the required certifications; and 4) Approve the below Minute Order regarding the Section 108 Loan Guarantee Program and adopt the final plan.

The Mayor opened the hearing to the public. No one spoke. The Mayor closed the hearing to the public and a motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve:

**MINUTE ORDER NO. 16-01 — AUTHORIZE THE CITY MANAGER TO EXECUTE THE REQUIRED DOCUMENTS WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FUNDING THROUGH THE SECTION 108 LOAN GUARANTEE PROGRAM FOR A MAXIMUM OF $1.6 MILLION FOR CONSTRUCTION OF THE CHICO-VECINO STORM DRAINAGE PROJECT**

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Wahl, Herbert  
**NOES:** None  
**DISQUAL:** Jarvis, Nguyen-Tan  
**ABSENT:** None

3.4. **HEARING ON ABANDONMENT AND VACATION OF PUBLIC SERVICE EASEMENTS (231 WEST EAST AVENUE)**

By memorandum dated 4/25/01, the Director of Public Works reported that the owner, S&S Enterprises, has asked the City to abandon the 3-foot-wide and the 10-foot-wide public service easements located at 231 West East Avenue, Assessor’s Parcel No. 006-150-116, to allow for future development. At its meeting of 4/24/01, the City Council adopted a resolution of intention to abandon these public service easements and scheduled a public hearing for 5/15/01. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. And no one spoke. The hearing was closed to the public and a motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to adopt:

**RESOLUTION NO. 126 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PUBLIC SERVICE EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (231 WEST EAST AVENUE, ASSESSOR’S PARCEL NO. 006-150-116)**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

2.3. **MINUTE ORDER NO. 12-01 — APPROVAL OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET FOR FY 2001/02** — This item was removed from the Consent Agenda by Councilmember Nguyen-Tan for further discussion.
By Minute Order No. 3-98, adopted 2/3/98, the City Council authorized execution of the Butte Interagency Narcotics Task Force (BINTF) Memorandum of Understanding which authorizes the City to participate, along with various other agencies in Butte County, in a task force targeting the illegal production, distribution, and use of narcotics. The BINTF Memorandum of Understanding is extended on a year-to-year basis and provided that each participating agency shall approve or disapprove the BINTF budget by no later than June 30th of each year. This Minute Order authorizes the City Manager to grant approval of the BINTF General Budget for FY 2001/02. The Chief of Police recommended approval of the Minute Order. Councilmember Nguyen-Tan had requested this item be removed from the Consent Agenda for further clarification.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to approve Minute Order No. 12-01 for the approval of the Butte Interagency Narcotics Task Force (BINTF) General Budget for FY 2001/02 and directed that an executive summary of the task force report be attached to any future requests.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSTAIN: None
ABSENT: None

4.2. REVIEW AND CONSIDERATION OF SUGGESTIONS AND RECOMMENDATIONS REGARDING HALLOWEEN AND OTHER UNSPONSORED SPECIAL EVENTS

The City Council reviewed recommendations regarding Halloween and other unsponsored special events at its meetings of 3/2/01 and 3/27/01. At that time the Council requested additional information regarding several of the suggestions which had been forwarded by the City Council subcommittee on Special Events. The Council was provided with a memorandum dated 5/7/01 from the Chief of Police which includes his recommendations, a summary of the recommendations from the Special Events Task Force and the Youth Shadow Council, and information requested by Council at its meeting of 3/27/01.

John Gillander urged Council to work the District Attorney’s office to use community service options instead of just administering fines. Bob Sprague urged Council to do whatever it needed to make the Halloween celebration more orderly. Vickie Keller, from Motel 6, asked that the City do whatever it could to help prevent people from packing 5-6 people in a room. Her facility spent hundreds of dollars for maintenance and clean up after last year’s event.

The City Council provided direction to staff regarding measures it wished to implement for Halloween 2001:

1. Educational Campaign:
   a. Statewide - distribute flyers to various universities/colleges, and place ads in university/college papers detailing the specific conduct that will not be tolerated. Utilize the universities/colleges ability to communicate with the students via email.

      Through a second publicity campaign, work with the media to indicate that Halloween is a non-event thus discouraging people from coming to the downtown area to participate. – Implement

   b. Local - place ads in local papers including the Orion, run radio and television ads detailing the new open container law, and also the minor in possession law and resulting penalties. Outreach to high schools. – Implement

A motion was made by Councilmember Jarvis and seconded by Mayor Herbert to amend the wording to include non-alcohol family event, to direct staff to remove the word “event” from the flyers and to include wording that indicates there will be enforcement of all laws to the fullest extent. The flyers would then be sent to those individuals or groups that work on alcohol awareness for the students. The motion carried 5-2, with Councilmember Keene and Wahl voting against the motion.
2. Strict enforcement of existing laws – Strict enforcement of all existing laws including minors in possession, open container, and drunk in public, with a request for full penalties by the judicial system. Continue to explore enhanced penalties, including recovering direct costs of police involvement. A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna that staff work to encourage use of community service by all judicial officials. The motion carried 7-0.

3. Continuance of the glass ban – Council concurred that this should continue to be enforced.

4. Continue to work on a closing time for the event – A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to have the Police Department continue the policy of monitoring the crowds and their behavior and when the event has lost sufficient “steam” to allow the Police Department to safely facilitate the end of the event. This timing may vary from year to year. Council concurred 7-0.

5. & 8. No parking areas and street closures – A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to keep the parking areas the same as last year and if parked vehicles on Main and Broadway are a problem — staff is to act accordingly and eliminate parking along with no additional street closures. Council concurred 7-0.

Councilmember Keene requested that a plan for decreasing the amount of areas blocked off come back to the full Council. COP Efford indicated that the Police Department does want to cut down the number of street closures and plans to transition it over a period of time. The Police Chief said that goals would be set and a plan provided to Council on how they plan to implement.

6. Enforce occupancy laws (this should be an on-going project in the weeks leading up to large, unsponsored special events and have the Fire Marshal enforce occupancy limits.) Council concurred 7-0.

7. Explore the possibility of obtaining additional resources for the first several years to ensure that strict enforcement of the rules can feasibly be accomplished. Council concurred and directed staff to clarify how resources would be used.

9. Continue to work with DCBA on maintaining their Trick-or-Treat program during the early hours of the evening. Council concurred 7-0.

10. Work with the university on stricter enforcement on campus, increase ramification of off-campus misconduct and on the development of City/University teams to patrol ABC violations – Council concurred 7-0.

11. Produce a video that depicts that unacceptable behavior will not be tolerated. Council agreed to table this at this time due to the need to have a professional video person to create the video. Staff is to continue to look at the possibility and bring back some ideas.

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA

4.3. CONSIDERATION OF THE JONES’ REQUEST FOR PUBLIC ACCESS TO THE BIG CHICO ECOLOGICAL PRESERVE

The Jones requested the City Council to send a letter or a resolution to request foot trails be allowed in the Big Chico Ecological Preserve. John Gillander also spoke in support of Council writing a letter because public funds were being used so therefore there should be public access. Mike Candela encouraged the Council to send a letter showing support for foot trails.

Jeff Carter stated that while there are some areas that do need to be protected, there has been no action to prohibit public access. Don Holtgrieve stated that no one ever entertained not allowing access to the preserve, however, good habitat management is critical for a preserve. Suzanne Gibbs also agreed with Don Holtgrieve and urged Council to not put restrictions on that may affect the funding.
Councilmember Jarvis made a motion to have Council write a letter similar to the County’s and include the wording that encourages public access that is consistent with the preserve’s objective and management plan. The motion was seconded by Vice Mayor Kirk. The motion failed 2 - 5.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to send a letter similar to the County’s indicating the desire for a preserve that encourages public access, including a foot trail.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis
ABSTAIN: None
ABSENT: None

4.4. CONSIDERATION OF USE OF CITY FACILITIES FOR THE ELDERLY AND LOW INCOME PERSONS DUE TO ANTICIPATED INCREASED UTILITY COSTS AND ENERGY OUTAGES

Councilmember Jarvis had requested consideration of this matter due to the concern of many service agencies over the rolling blackouts this summer and what happens when people cannot afford to turn on their air conditioning. With Council approval, she wanted to discuss this issue with the various service organizations and churches, including City facilities as an option.

4.5. REQUEST FOR AN ITEM TO BE ADDED TO THE AGENDA:

The City Council was asked by Jim Mann, Director of Building Industry Association of Superior California, (BIA) to consider adding the discussion of possibly amending the Chico Municipal Code to eliminate the requirement to install facilities for cable television. Council concurred to add this to the May 22, 2001 agenda for Council consideration.

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 4/23/01 from Joseph V. Ramos forwarding a request from Daryl Fitzgerald, 2126 Bar Triangle Street, along with copies of a petition from other residents in the vicinity, that the bike path abutting Bar Triangle Street be closed. Councilmember Jarvis requested this matter be referred to the Internal Affairs Committee.

6.2. Memorandum dated 4/19/01 from the Finance Director reporting that the list of claims paid during the month of March 2001 was produced and available for review in the offices of the Finance Director, the City Clerk and the City Council.


7. ADJOURNMENT

The meeting was adjourned at 11:36 p.m. to Tuesday, May 22, 2001, at 7:00 p.m. in Conference Room No. One for a joint meeting with the Council’s Boards and Commissions.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 6:30 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call - Present: Bertagna, Jarvis, Keene, Kirk, Herbert, and Wahl
    Absent: Nguyen-Tan, (Keene excused himself from the meeting at 6:45 p.m.)

1.3. Introduction of City Staff: Assistant City Manager Dunlap, City Attorney Frank, Finance Director Martin, Director of Public Works Ross, Park Director Beardsley, Airport Manager Grierson, Planning Director Seidler, Budget Officer Pierce, Assistant Director of Public Works McKinley, Projects Manager Wood, Arts Project Coordinator Gardner, Administrative Analyst Wallick, and Administrative Analyst Young.

2. **CONSENT AGENDA**

2.1. **MINUTE ORDER NO. 17-01 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE OF REAL PROPERTY AT CHICO MUNICIPAL AIRPORT WITH WILLIAM S. GAINES AND IDA JEANNE GAINES TRUSTEES FOR THE WILLIAM S. GAINES AND IDA JEANNE GAINES TRUST**

   This Minute Order would authorize the City Manager to execute an Amendment to the Lease of Real Property at Chico Municipal Airport with William S. Gaines and Ida Jeanne Gaines Trustees for the William S. Gaines and Ida Jeanne Gaines Trust which will permit the City to add a section to the Lease Agreement to allow the City to consent to a Small Business Administration (SBA) 504 Loan in the sum of $336,000 secured by the Leasehold Deed of Trust. The SBA seeks this amendment to the Lease of Real Property at Chico Municipal Airport with William S. Gaines and Ida Jeanne Gaines Trustees for the William S. Gaines and Ida Jeanne Gaines Trust in order to designate the SBA as lease assignee to “cure” any default condition prior to foreclosure action in the event of pending foreclosure. The Airport Manager and City Manager recommended approval of the Minute Order.

   A motion was made by Councilmember Kirk, and seconded by Councilmember Wahl to approve Minute Order No. 17-01. The motion carried by the following vote:

   **AYES:** Bertagna, Kirk, Keene, Wahl, Herbert
   **NOES:** None
   **ABSENT:** Jarvis, Nguyen-Tan

   Councilmember Jarvis arrived after approval of the Consent Agenda.

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** - None.
4.2. CONSIDERATION OF REQUEST FOR AMENDMENT TO CHICO MUNICIPAL CODE SECTION CHICO MUNICIPAL CODE §5.12.152, ENTITLED “NEW DEVELOPMENT UNDERGROUNDING”

Councilmember Bertagna disqualified himself from participation in this matter.

By memorandum dated 5/17/01, the City Attorney reported that in response to a request received from the Building Industry Association (BIA) at its meeting held 5/15/01, the Council was being asked to consider the adoption of an urgency ordinance which would amend Chico Municipal Code Section 5.12.152 entitled “New development undergrounding.” The proposed amendment would: (1) remove from the Code any implication that developers and property owners are to ultimately bear the costs to do the work and install the facilities in question; (2) provide that ownership of and the right to use conduit, vaults and pedestals installed by developers or property owners may be transferred to a CATV franchisee pursuant to an agreement between those parties; and (3) declare that the City will not be deemed to have notice of such a transfer unless and until a copy of the executed transfer agreement is filed with the Director of Public Works. The City Manager recommended adoption of the urgency ordinance.

City Attorney Frank distributed copies of a letter dated 5/22/01 from AT&T Broadband setting forth its position on the proposed amendments, and reported that he had been discussing the amendments with the Building Industry Association (BIA) also. Both interested parties felt they could agree on amendments to Section 5.12.152, and therefore, the City Attorney recommended that the urgency ordinance not be adopted tonight, but that this matter be continued to the Council’s next meeting in order for the parties to reach agreement on amendments to the Code.

Jim Mann, representing BIA, indicated the BIA Board of Directors agreed with the City Attorney’s recommendation to table this matter in order to meet further with AT&T and attempt to reach agreement on Code amendments that would satisfy both parties.

Marsha Berkbigler, representing AT&T, also agreed with the continuance of this matter and apologized on behalf of AT&T for not attempting to negotiate sooner on a mutually acceptable Code amendment.

A motion was made by Councilmember Keene, and seconded by Councilmember Jarvis to table for two weeks consideration of amendments to Section 5.12.152 of the Chico Municipal Code in order for agreement to be reached between the interested parties (BIA and AT&T). The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Wahl and Herbert
NOES: None
ABSENT: Nguyen-Tan
DISQUALIFIED: Bertagna

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA
(This matter arose after the posting of the agenda and was addressed at this point on tonight’s agenda.)

Request for Appointment of Two City Councilmembers to the Accuracy and Logic Board. By memorandum dated 5/18/01, Butte County Clerk Candace Grubbs requested that the Council appoint two of its members to serve on the Accuracy and Logic Board, to conduct the tests and certification of the touch screen voting equipment to be used in the upcoming Special Municipal Election on 6/5/01. The process would be conducted on 5/23/01 at 10:00 a.m. in Oroville.

Due to the short notice and conflicting schedules, only Councilmember Wahl was available to participate in the certification process.
A motion was made by Councilmember Kirk, and seconded by Councilmember Jarvis to appoint Councilmember Wahl to the Accuracy and Logic Board. The motion carried by the following vote:
AYES: Bertagna, Keene, Kirk, Jarvis, Wahl, and Herbert
NOES: None
ABSENT: Nguyen-Tan

Councilmember Keene excused himself from the meeting at 6:45 p.m.

4.3. MEETING WITH CITY COUNCIL BOARDS & COMMISSIONS

The City Council scheduled today’s meeting as part of its 2001-02 Budget Calendar. A memorandum was sent on 3/29/01 from the City Clerk asking Boards and Commissions if there were any budget-related issues they wished to discuss with the Council at tonight’s meeting, and the responses received are listed below. (All Boards and Commissions are not listed since some did not have any matters to discuss with Council.)

A. Parking Place Commission. By memorandum dated 5/14/01, the Parking Place Commission was requesting $2,500 to fund the printing of an informational, color-coded parking brochure depicting locations of all available parking in downtown Chico.

Parking Place Commissioners Boeger, Dudley, Thornton and Schwab were present, and Chair Schwab presented the Commission’s request.

During discussion of parking availability downtown, it was noted that the general public had a perception that parking was a problem downtown as opposed to parking at the shopping malls when in reality, the outer parking spaces in the mall parking lots were farther away from the stores than the parking facilities downtown. Councilmember Bertagna suggested that the City publicize this “myth” as a public service announcement, and Assistant City Manager Dunlap indicated staff would check into this.

Councilmembers were concerned that $2,500 for only 7,500 brochures seemed expensive, and also felt the brochures should have information printed on both sides, rather than one side being blank. They also felt the brochures should not be handed out to University students.

Director of Public Works Ross advised that quotes would solicited and new information had been received regarding better prices.

The City Council concurred that $2,500 should be allocated for the parking brochures, that they should be printed with information on both sides, and that staff be directed explore the possibility of public service announcements regarding the availability of parking downtown.

Assistant City Manager Dunlap advised that allocation of $2,500 for parking brochures would be included on the additive list for Council consideration at its 6/5/01 work session, at which time the Director of Public Works would provide new information regarding prices / quantity of brochures.

The City Council was in recess from 7:10 - 7:20 p.m.

B. Planning Commission. The Council was provided with a memorandum dated 5/14/01 from the Planning Director on behalf of the Planning Commission requesting Council consideration of:
1. Pedestrian & Bicycle improvements to Humboldt Road between Bruce Road & Forest Avenue
2. Study on Scenic Road Standards
3. Alternative Traditional Neighborhood Development (TND) improvement standards in Title 18R of the Chico Municipal Code

Planning Commissioners Frances, Monfort, Wolfe and Stone were present. Commissioner Frances reviewed the Commission’s request that the Council address pedestrian and bicycle improvements on Humboldt Road between Bruce Road and Forest Avenue, and on Highway 32 and El Monte Avenue, in the vicinity of Hank Marsh Jr. High School. The Commission was requesting that the Council consider acquiring bike path easements in these areas if they were not acquired as dedications during the development process.

The City Council directed the Director of Public Works to get more information from the County on the status of the Humboldt Road bike path and bridge; and concurred that the Planning Commission’s concerns with bicycle and pedestrian path improvements for access to Hank Marsh Jr. High School be referred to the Director of Public Works to address and possibly submit to the Bicycle Advisory Committee and Internal Affairs Committee if necessary.

Regarding scenic road standards, staff informed the Commission that funding for professional services to act as a liaison with the Vallombrosa Avenue Neighborhood Association regarding scenic street standards was included in the 2000-01 budget pursuant to the budget policy granting authority to the City Manager.

The City Council concurred that development of Traditional Neighborhood Design (TND) standards for inclusion in Title 18 of the Chico Municipal Code as “parallel” alternative design standards be referred to the Internal Affairs Committee.

----------------------------------------------------------------------

The City Council was in recess from 7:45 - 8:55 p.m.

----------------------------------------------------------------------

C. Bidwell Park & Playground Commission. The City Council was provided with a memorandum dated 5/9/01 from the Park Director on behalf of the Park Commission requesting Council consideration of:

1. Update of the Bidwell Park Master Management Plan
2. Continuing support for Seasonal Staff Assistance in the Street Tree and Park Divisions
3. Proposition 12 funding
4. Request for establishing a Nexus between Capital Improvements in Bidwell Park and Development Fees

Park Director Beardsley advised that Item 4 above was included in error and that this matter could be removed from the list for Council consideration.

Park Commissioners Dunning, Candela, Kidd, Kopicki, and Wood were present.

Assistant City Manager Dunlap advised that funding for the update of the Bidwell Park Master Management Plan had been requested in the capital budget (although not recommended by the City Manager at this time), which would be considered during budget review at Council’s 6/5/01 work session. Council members requested that it be addressed at that meeting, feeling that it was important to keep the Plan updated.

The Assistant City Manager advised that funding for seasonal staffing had been recommended in the addictive list which would be considered by Council at its 6/5/01 work session.

Regarding priorities for Proposition 12 funding, Chair Dunning advised that the City is expected to receive $502,000, and the Commission’s top priorities for use of these grant funds were (1) construction of a new bridge in Upper Park to enhance access to the new acquisition (site to be determined, but probably in the vicinity of Alligator Hole); and (2) development of a new bandstand and restrooms in Plaza Park. The Council could anticipate seeing requests to apply for the grant funds beginning in August and September.
D. **Arts Commission.** The Council was provided with a memorandum dated 5/15/01 from the Arts Project Coordinator on behalf of the Arts Commission requesting consideration of the following matters relating to the funding of community organizations:

1. Funding Category Policy
2. Application Process

Arts Commissioners Barrett, Busch and Spangler were present and explained their concerns that the new funding category policy of allowing application in only one category might have adverse fiscal impacts on organizations who had programming and budgetary needs that fit into more than one funding category.

Assistant City Manager Dunlap advised that it was only the last few years that the policy was changed to allow groups to apply in more than one category. The Council changed the policy this year because it felt it was confusing and created unfair competition to have both the Arts Commission and the Finance Committee considering the applications from two different perspectives. Councilmember Jarvis added the Council wanted to be sure that a group would not be getting two different sets of funds for the same program. Councilmember Bertagna felt it had also been confusing to consider funding for arts organizations as part of economic development. Assistant City Manager Dunlap stressed that the division of available funds by percentage was strictly Council policy and could be revised.

Councilmember Jarvis suggested that the Arts Commission’s concerns with the current community organization funding category policy be referred to the Finance Committee after further review by the Commission.

Commissioners were also requesting permission to work with staff on streamlining the community organization funding application process by revising the application form for art-specific groups, and the Council concurred that staff be directed to assist the Art Commission in possible revision of community organization funding application forms for arts organizations.

Councilmember Jarvis felt that consistency in all community organization funding applications was important.

5. **BUSINESS FROM THE FLOOR.** None.

6. **REPORTS AND COMMUNICATIONS.** The following report and communication item was provided for the Council’s information. No action was taken on this item.

6.1. Letter dated 5/11/01 from the Community Transit Advisory Committee (CTAC) thanking the Council for its continued support of the Chico Area Transit System (CATS), the Chico Clipper, and Council’s efforts and commitment to provide for the construction of a Transit Center at Second and Salem Streets in Chico.

7. **ADJOURNMENT.** The City Council meeting was adjourned at 8:50 p.m. to Tuesday, June 5, 2001 in the Council Chamber at 9:00 a.m. for a work session.
1. **CALL TO ORDER** — The Mayor called the adjourned meeting to order at 9:00 a.m. in the Chico Municipal Center, Council Chamber, 421 Main Street at 9:00 a.m.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert Absent: None

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, Director of Public Works Ross, Chief of Police Efford, Assistant, Director of Public Works McKinley, Airport Manager Griersen, Fire Chief Brown, Project Manager Wood, Park Ranger Hogue, Parks Director Beardsley, Budget Officer Pierce, Arts Project Coordinator Gardner, Administrative Analyst Young, Administrative Analyst Peacock, Administrative Analyst Kelly, Housing Officer McLaughlin, Information Systems Director McEnespy, Management Analyst Carroll, Accountant Hennessy and Accountant Thorpe.

1.4. **CLOSED SESSION** — Council concurred to hold Closed Session at 11:30 a.m.

---

**REGULAR CHICO CITY COUNCIL MEETING**

2. **CONSENT AGENDA** — Item 2.4 was removed from the Consent Agenda for further clarification by Councilmember Keene and heard under Item 4.1. A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to approve the following Consent Agenda:

2.1. **RESOLUTION NO. 128 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DESIGNATING AND APPOINTING ALTERNATES TO SERVE AS MEMBERS OF THE CITY COUNCIL IN THE EVENT OF AN EMERGENCY**

By memorandum dated 5/25/01, Administrative Analyst Young forwarded this resolution and reported that pursuant to the California Emergency Services Act, Chico Municipal Code Section 2.68.050, and the City of Chico Emergency Plan, in order to provide for the continuance of the City's legislative and executive functions during a local emergency, state of emergency or state of war emergency, in the event that one, several or all of the members of the City Council are unavailable to fulfill their functions, each Councilmember is required to appoint three standby alternates in designated order of precedence who shall serve in their stead so long as the member remains unavailable. The resolution lists the three alternates which each Councilmember has designated. The City Clerk and Fire Chief recommended adoption of the resolution.

2.2. **RESOLUTION NO. 129 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ACCEPTING A GRANT AWARD FROM THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

At its 2/20/01 meeting, the City Council authorized submittal of an application to the State Department of Alcoholic Beverage Control for funding assistance for one Police Officer and one Community Services Officer for a program dedicated to education and enforcement related to alcoholic beverage consumption in Chico. By memorandum dated 5/29/01, the Chief of Police advises that the City has been awarded a $100,000 grant for a one year term as outlined in the memo, and submitted a resolution which
authorized the City Manager to accept the grant and execute any documents required for acceptance of the grant. If the Council adopts the resolution, the grant funds, the City’s matching funds and the operating expenditures would be included in the final budget resolution. The Chief of Police recommended adoption of the resolution.

2.3. MINUTE ORDER NO. 18-01 — AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RON R. PIRET AND NANCY PIRET TO EXCHANGE CITY-OWNED PROPERTY FOR A BICYCLE PATH EASEMENT ALONG THE MIDWAY, EAST OF HEGAN LANE, FOR THE CONSTRUCTION OF THE MIDWAY BICYCLE PATH (APN 005-520-038/039)

At its meeting held 1/25/01, 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 Ron R. Piret and Nancy Piret to acquire approximately 2,658 square feet of bicycle path easement in exchange for 3,234 square feet of City-owned property. The Assistant City Manager recommended approval of the Minute Order.

2.4. MINUTE ORDER NO. 19-01 — AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR THE USE OF SPACE LOCATED AT THE CITY OF CHICO WATER POLLUTION CONTROL PLANT — This item was removed from the Consent Agenda and heard under Item 4.1 at the request of Councilmember Keene.

2.5. MINUTE ORDER NO. 20-01 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE “ANIMAL SHELTER OPERATING SERVICES AGREEMENT (CITY OF CHICO/BUTTE HUMANE SOCIETY, INC.)”

In 1994, the City and the Butte Humane Society entered into an agreement for the operation of the City’s Animal Shelter for a ten-year term. The agreement, which was subsequently amended effective 7/1/99, provides for City payment of a fee for these operating services in a minimum amount of $5,952 per month, and a maximum of $7,000 per month, based upon the number of animals handled at $32.00 per animal. During the 2000-01 fiscal year to date, the average monthly cost to the City was $6,200. By letter dated 5/21/01, the Butte Humane Society is requesting that the minimum fee be increased to $6,560 per month, and that the maximum be increased to $10,000. The Humane Society is also requesting that the City contribute toward the costs for animal disposal.

This Minute Order authorized the City Manager to execute Amendment No. 2 to the Animal Shelter Operating Services Agreement which would: 1) increase the minimum fee to $6,400 per month (based upon 200 animals); 2) increase the maximum fee to $7,424, and 3) provide for a flat rate payment of $300 per month for animal disposal costs, effective 7/1/01. Sufficient funds have been budgeted in the proposed 2001-02 Annual Budget to fund the City’s maximum potential cost as a result of these increases. The City Manager recommended approval of the Minute Order.

2.6. MINUTE ORDER NO. 21-01 — AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE CHICO REDEVELOPMENT AGENCY FOR THE LEASE OF 40 PARKING SPACES IN THE DOWNTOWN PARKING STRUCTURE

This Minute Order authorized the City Manager to enter into a lease agreement with the Chico Redevelopment Agency for 40 parking spaces in the downtown parking structure. Such agreement allowed the Agency to sub-lease the parking spaces to Wayne Cook for the exclusive use of Diamond Hotel patrons.

An Chico Redevelopment Agency Minute Order to authorize the Executive Director to execute such lease agreement was included on the Redevelopment Agency Consent Agenda as Item No. 2.1. Funds for the acquisition of the parking spaces were requested in the 2001-02 Chico Redevelopment Agency Annual Budget, and approval of the Minute Order was subject to adoption of the budget. The City Manager recommended approval of the Minute Order.

Councilmember Wahl disqualified himself on this item.
2.7. MINUTE ORDER NO. 22-01 — AUTHORIZING THE MAYOR TO EXECUTE TRANSMITTAL LETTER ON BEHALF OF THE CHICO AREA RECREATION AND PARK DISTRICT FOR A GRANT UNDER THE URBAN PARK AND RECREATION RECOVERY PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUBSEQUENT PASS THROUGH AGREEMENT AND RELATED DOCUMENTS REQUIRED BY THE NATIONAL PARK SERVICE.

By memorandum dated 5/30/01, the Park Director reported that the Chico Area Recreation and Park District (CARD) is prepared to submit a pre-application for a rehabilitation grant ($500,000) under the Urban Park and Recreation Recovery (UPARR) Program. CARD is eligible to receive these grant funds but must apply through the City of Chico. In the event the proposal is selected for funding, the City of Chico would enter into a pass through agreement with CARD. This minute order authorized the Mayor to execute a transmittal letter and authorized the City Manager to execute the documents necessary to implement the grant award. The Park Director recommended approval of the minute order.

The motion carried by the following vote with Item 2.4 removed and considered under item 4.1.

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: Wahl, on Item 2.6
ABSENT: None

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. MINUTE ORDER NO. 19-01 — AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR THE USE OF SPACE LOCATED AT THE CITY OF CHICO WATER POLLUTION CONTROL PLANT — This item was removed from the Consent Agenda and heard under Item 4.1 at the request of Councilmember Keene.

The United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), has been granted 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 its Central California Ozone Study. If this minute order is approved, the Letter Agreement would be extended for the period of 4/16/01 through 4/15/02 only. NOAA further agrees to pay to the City a rate of $200 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 recommended approval of this minute order.

Councilmember Keene stated that he was concerned that the results of the study would be skewed due to the close proximity of the Water Pollution Control Plant and the area where the study would be conducted. It was requested that a letter be sent to the NOAA so that the Council's concern would be on record and to ask NOAA to submit a letter to explain the nature of the study and why they want this particular location.

A motion was made by Councilmember Keene and was seconded by Vice Mayor Kirk to approve Minute Order No. 19-01.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
4.2 BUDGET REVIEW

A. General Budget Review.

The City Manager provided an overview of the 2001-02 Proposed Budget, including a review of the Budget Message, Budget Policies, General Fund, and Estimated Fund Balances. The “General and Park Funds Projected Trends” and the “Summary of Estimated Fund Balances” are located under the green “Fund Projections” tab in the budget binder.

The City Manager reviewed the additive requests included in his budget message with the Council. The City Manager discussed the need for strategic plans developed by the Fire, Police and Public Works Departments to assist Council and staff with long term direction of each department and help provide Council with assistance in determining additional staffing requests. It was anticipated that the plans would be completed prior to the November Council work session.

The City Manager also noted the need to develop a revenue plan for the Airport fund to avoid the need for future support from the General Fund.

The City Manager reviewed the budget policies and the City Council requested the following changes:

- **Budget Policy 10 Claims Settlement Authority (BP-10).** The requested increase in claims authority was not approved. Council directed the Risk Manager to keep a list of claims that would be affected by the proposed increase and provide a report for the November work session at which time the Council will reconsider the request.

- **Budget Policy 21 WPCP Discharge Requirements - Authority to Execute Waiver (BP-21) -** Council directed that staff modify the proposed amendment to include the requirement for Council approval if the fine exceeds $10,000. Council also requested a memo notifying Council of all claims before settlement (for the first year).

The City Council moved to Item 3.1 on the Redevelopment Agency Agenda that was timed for 10:00 a.m.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ISSUANCE OF 2001 TAX ALLOCATION REVENUE BONDS BY THE CHICO PUBLIC FINANCING AUTHORITY *(This item was timed for 10:00 a.m.)*

By memorandum dated 05/22/01 the Assistant City Manager outlined the proposed issuance and sale of 2001 Tax Allocation Bonds by the Chico Public Financing Authority in a principal amount not to exceed $33 million, and transmitted a copy of the Preliminary Official Statement. The resolutions on today's agenda authorized the issuance and use of bonds to refinance the outstanding Chico Public Financing Authority 1991 Revenue Bonds (Series A) and to provide additional funds for capital projects. Charles Adams of Jones Hall, bond counsel, and Suzanne Harrell of Harrell and Company Advisors, financial advisor, were in attendance at today's meeting to explain the resolutions and the structure of the financing.

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

The Agency convened as the City Council to adopt this Resolution. A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:
RESOLUTION NO. 127 00-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE BORROWING OF FUNDS BY THE CHICO REDEVELOPMENT AGENCY IN THE MAXIMUM PRINCIPAL AMOUNT OF $33,000,000 TO REFUND OUTSTANDING AGENCY INDEBTEDNESS AND FINANCE ADDITIONAL PROJECTS RELATING TO THE CHICO MERGED REDEVELOPMENT PROJECT

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis
ABSTAIN: None
ABSENT: None

Chico Redevelopment Agency action required to adopt this Resolution. A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:

RESOLUTION NO. RDA 2-01 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE BORROWING OF FUNDS FROM THE CHICO PUBLIC FINANCING AUTHORITY IN AN AMOUNT NOT TO EXCEED $33,000,000 TO REFUND OUTSTANDING AGENCY INDEBTEDNESS AND FINANCE ADDITIONAL PROJECTS RELATING TO THE CHICO MERGED REDEVELOPMENT PROJECT, AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis
ABSTAIN: None
ABSENT: None

The Agency convened as the Chico Public Financing Authority to adopt this Resolution. A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:

RESOLUTION NO. CPF 1-01 — A RESOLUTION OF THE CHICO PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED $33,000,000 PRINCIPAL AMOUNT OF TAX ALLOCATION REVENUE BONDS RELATING TO CHICO MERGED REDEVELOPMENT PROJECT AREA AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis
ABSTAIN: None
ABSENT: None

Council took a ten minute break at 10:15 a.m.

REGULAR CHICO CITY COUNCIL MEETING

Item 4.2. — Budget Review

B. Department Budget Review.

The City Council reviewed department Operating Budgets as well as specific capital requests pertinent to those departments. The Department Operating Budget pages were located under
specifically identified department tabs (green) in the budget binder.

1. Police Department – The City Council was provided with a memorandum dated 5/29/01 from the Chief of Police regarding the Domestic Violence Program which had run out of funding. Councilmember Jarvis urged Council to continue to support the program until a grant could be secured to fund the program. The Police Chief indicated that a report would be provided to Council regarding how many people have been assisted with this program.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to continue the funding for one additional month.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

The Police Chief also informed Council that the department may have to cut back on services due to the need for additional staffing. Police Chief Efford indicated that in November he would be bringing a request for 18 additional Police Officers and additional non-sworn personnel due to the increase in service calls.

Councilmember Keene asked for a historical report regarding the number of calls for service compared to the number of Police Department employees, historical response times, and sworn job allocations since 1996. The Chief advised no increase in the number of sworn officers (74). Council concurred that a strategic plan was needed by the end of summer in order for long term planning and included in that plan a breakdown of calls associated with the number of officers was needed.

2. Fire Department – Fire Chief Brown provided Council with an overview of the Fire Department. It was also requested by Council that a strategic plan to be developed for the Fire Department including changes in national standards and the growth related to Fire Station No. 6. Impact of the requirement for an additional person on ladder trucks, and IAFF commitments for additional personnel.

3. Department of Public Works – Public Works Director Ross informed the Council that the City was having a difficult time recruiting engineers. A strategic plan was requested for Council review in November. Council also requested that a report be prepared related to the street sweeping contract, including a recommendation on whether the service should continue to be a contract service.

4. Park Department - Park Director Beardsley presented Council with an overview of the Park Department.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to refer the proposed Annie Bidwell Trail back to the BPPC. Council concurred 7-0.

The City Council was also provided with a memorandum dated 5/14/01 from the Park Director providing general background and budget information regarding the Chico Creek Nature Center. The Finance Committee requested information relative to the level of financial support being provided for the Chico Creek Nature Center, future options for funding, and operation of the services and programs provided by the Center.

Council concurred to have the Park Commission provide an analysis and recommendation regarding an appropriate level of City funding. Councilmember Jarvis suggested that the Chamber of Commerce be looked at also as the City is funding that organization.

5. Community Development Department — Community Development Director Baptiste provided Council with an overview of the CDD Department. CDD is still struggling with recruitment for
management positions. The fee study should be finished by the end of summer. Staff is also working on the inclusion of performance standards into all consulting agreements.

2. CLOSED SESSION — Council recessed to Closed Session at 11:30 a.m. in Conference Room 1.

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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

Council reconvened from Closed Session at 12:00 and recessed for an hour lunch. No action taken.

4.2. Budget Review

C. Capital Budget Review

1. (This matter was timed for 1:00 p.m.)
Consideration of Minute Order Authorizing City Manager to Acquire Property on Silver Dollar Way and Execute Lease Agreements for Use of the Parcels as a Homeless Shelter Site and a BMX Park Site – By memorandum dated 5/29/01, the Housing Officer reported that this Minute Order authorized the City Manager to acquire a parcel of property located on Silver Dollar Way west of Whitman Ave (APN 005-560-029). The parcel is proposed to be used as sites for a BMX Park and a Homeless Shelter Facility. In addition, the Minute Order would authorize the City Manager to execute lease agreements with the future operators of the BMX Park and Shelter Facility.

Andy Holcombe was in attendance to answer Council questions. He also stated that he was opposed to any conditions that were not consistent with other agencies offering similar services. John Gillander addressed the condition regarding the concrete wall and that neither the Homeless Shelter nor the BMX Park could afford this requirement. Ted Sandberg and Richard Yale urged Council to move forward to acquire the property.

Councilmember Keene wanted the length of stay defined and assurance that there would not be a duplication of efforts by different agencies, specifically the meals. Also, that if people have a problem with being housed at a Christian shelter then they should be able to be housed at the Homeless Shelter. Residents with substance abuse still needs to be reviewed, along with mentally ill residents. Councilmember Keene asked the Council to place these conditions in the documents. Councilmember Jarvis indicated that she did not have a problem with anyone staying past the winter being subject to case management. Councilmember Nguyen-Tan did not feel that it would be appropriate to include additional requirements.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve:

MINUTE ORDER NO. 23-01 — AUTHORIZATION FOR CITY MANAGER TO (1) EXECUTE DOCUMENTS NECESSARY TO ACQUIRE A PORTION OF ASSESSORS PARCEL NO. 005-560-029 LOCATED ON SILVER DOLLAR WAY; (2) CREATE THE NECESSARY PARCELS; AND (3) EXECUTE LEASE AGREEMENTS FOR USE OF THE PARCELS AS A HOMELESS SHELTER SITE AND BMX PARK SITE, with an amendment by Councilmember Jarvis, and accepted by Vice Mayor Kirk to add that anybody who is there other than for emergency short term shelter would be subject to case management.

The motion carried by the following vote:
C. Community Agency Funding

By memorandum dated 05/22/01, the Assistant City Manager provided a summary of funds available and a listing of the 2001-02 community organization funding requests, the recommendations of the Finance Committee made at its 04/19/01 meeting, and the recommendations of the Arts Commission made at its 04/18/01 meeting. Councilmember Jarvis and Nguyen-Tan disqualified themselves from the discussion and subsequent action due to their working relationship with community agencies requesting funding.

Council was also provided with the following:

A. Reports from the Finance Committee for its meetings held on 4/05/01 and 4/19/01, along with a copy of the City Manager’s 4/10/01 memorandum which sets forth his recommendations to the Committee for funding levels and two-year funding.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to designate the $10,000 recommended for utility assistance to the Catholic Ladies Relief Society.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Wahl, Herbert
NOES: None
DISQUAL: Jarvis, Nguyen-Tan

B. Memorandum dated 05/14/01 from the Art Projects Coordinator providing a report on the Arts Commission’s funding recommendations for TOT funds.

The City Council discussed the current process used for the funding of art projects. Art Projects Coordinator Gardner addressed Council’s questions. Council concurred that additional information is needed when these projects come before Council for final approval.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to bring back the additional Arts Commission’s funding recommendations information with the final budget resolutions for Council review prior to final approval.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Kirk
DISQUAL: Jarvis, Nguyen-Tan

John Gillander asked Council questions regarding the amount of funding allocated to fair housing seminars and that the City should look at not funding the Chamber any longer due to their involvement in political and legislative items. Mike Smith urged Council to reconsider their support of funding CEPCO due to their political involvement in local issues.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the Finance Committee’s recommendations for General, CDBG and the TOT funding for tourism and economic development.
The Council convened as the Chico Redevelopment Agency.

2. **CONSENT AGENDA** — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to approve the following item:

2.1. **MINUTE ORDER NO. RDA 3-01** — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO A LOAN AGREEMENT WITH WAYNE COOK FOR THE REHABILITATION OF THE DIAMOND HOTEL, AND TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF CHICO FOR THE LEASE OF 40 PARKING SPACES IN THE DOWNTOWN PARKING STRUCTURE

This Minute Order authorized the Executive Director to enter into an agreement with Wayne Cook which provided for a loan in the amount of $1 million to assist in the rehabilitation of the old Diamond Hotel. The loan would be at the City's interest rate amortized over 25 years. The agreement also allowed Mr. Cook to sub-lease 40 parking spaces in the downtown parking structure from the Chico Redevelopment Agency which would be the leased by the Agency. This Minute Order authorized the Executive Director to enter into a lease agreement for the 40 parking spaces with the City of Chico. A City Council Minute Order to authorize the City Manager to execute such lease agreement was included on the City Council Consent Agenda as Item No. 2.6. Funds for the loan and acquisition of parking spaces have been requested in the 2001-02 Chico Redevelopment Agency Annual Budget, and approval of the Minute Order is subject to adoption of the budget. The Executive Director recommended approval of the Minute Order.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: None
DISQUAL: Wahl
ABSENT: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON ISSUANCE OF 2001 TAX ALLOCATION REVENUE BONDS BY THE CHICO PUBLIC FINANCING AUTHORITY** (This item was timed for 10:00 a.m. and heard after Item 4.2. on the regular City Council Agenda.)

4. **REGULAR AGENDA**

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

4.2. **REDEVELOPMENT AGENCY BUDGET REVIEW**

A. General Budget Review

The Chico Redevelopment Agency 2001-02 Proposed Budget pages were contained in the budget binder under the brown tabs.

The Executive Director provided an overview of the 2001-02 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, the Low and Moderate Income Housing Fund Summary and the Fine Arts Funds Summary, copies were provided with this agenda.

The request for design and construction funds for the BMX park was not approved, but may be reconsidered at the November work session meeting. It was requested that Staff provide a report for the 7/10/01 meeting outlining design and construction cost estimates. Staff was also directed to change the funding source for acquisition from Community Park Funds (330) to Chico Merged Redevelopment (351). The total contribution for acquisition costs from Fund 351 was to be revised to $240,000. The redesign of the City logo was not approved. Vice Mayor Kirk indicated she would not support design and construction of the BMX park until funds had been allocated for restroom facilities at the Skateboard Park.

It was further directed that a report be agendized at the 10/16/01 Council meeting regarding possible projects to be funded with the RDA bonds so funds can be allocated at the November work session.

B. Capital Budget Review

The Executive Director reviewed the Chico Merged Redevelopment Project Area 2001-02 project funding requests and recommendations as set forth in Appendix RDA A-4 (located under the brown RDA “Appendix” tab).

C. Conclude RDA Budget Review

In order to review both the 2001-02 Proposed City Budget and the 2001-02 Proposed Redevelopment Budget prior to the City Council taking action, the resolution adopting the 2001-02 Chico Redevelopment Agency Tentative Budget was moved to the end of the City budget review agenda (City Council Agenda Item No. 4.2.).

Council convened as the City Council.

REGULAR CHICO CITY COUNCIL MEETING

4.2 BUDGET REVIEW

C. Capital Budget Review

The City Manager reviewed capital projects with the Council. Council did not allocate funding for design of a new City logo (NW 22133).

1. Consideration of Minute Order authorizing City Manager to Acquire Property on Silver Dollar Way and Execute Lease Agreements for Use of the parcels as a Homeless Shelter Site and a BMX Park Site — (This matter was heard at 1:00 p.m.)

2. Consideration of Traffic Congestion Problems in the Business and Baney Lane Area -
those actions which are deemed necessary to be resolved prior to the acceptance of Baney and Business Lanes as public streets. In order to relieve the traffic restriction on Baney Lane at Business Lane, other items need to be addressed. As both streets are private, actions which need to be resolved prior to acceptance of Baney and Business Lanes as public streets.
Staff updated the City Council on the title issues in front of Toys R Us and that the traffic restricter was requested to be removed by future development. Allegany Properties has been working on the formation of a maintenance district. Russ Croninger, who represents the Baney Corporation, Oxford Suites and Alleghany Properties provided Council with the history of Baney Lane.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to make Baney Lane two-way with the City Attorney working with the various property owners to secure access in front of Toys R Us.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Jarvis

F. Consideration of an Ordinance Amending Chico Municipal Code Sections 3.56.040 and 3.56.050 to Allow for the Adjustment of the Utility Users’ Tax Collection Rate and Discussion of Potential Energy Related Programs for Conservation, Retrofit and Energy Production

At the 2/20/01 City Council meeting an urgency ordinance was enacted to reduce the collection rate of the Utility Users’ Tax on gas utility services for a period of six months to provide relief to citizens for rapidly increasing gas rates. The urgency ordinance will expire on 8/20/01. By memorandum dated 5/29/01, the City Manager recommended that the Council adopt an ordinance to amend Chico Municipal Code Sections 3.56.040 for electricity and 3.56.050 for gas to allow Council, by resolution, to authorize a rate at which the tax will be collected that is less than the imposed tax rate of 5%. In addition, the City Manager recommended consideration of programs such as rebates for conservation, retrofit and energy production and Council concurred to send these items to the Finance Committee. Councilmember Jarvis asked that the Committee look at refunding retroactively for those who have already completed some retrofitting in their homes. Council referred the consideration of programs such as rebates for conservation, retrofit and energy production to the Finance Committee.
A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve:

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

D. Review of Additive Requests
The City Manager reviewed his recommendations for additive requests as set forth in Exhibit “B” to the City Manager’s Budget Message and the supplemental additive list distributed at today’s meeting.

E. Community Organization Funding. (This matter was heard at 2:00 p.m.)

F. Consideration of an Ordinance Amending Chico Municipal Code Sections 3.56.040 and 3.56.050 to Allow for the Adjustment of the Utility Users’ Tax Collection Rate and Discussion of Potential Energy Related Programs for Conservation, Retrofit and Energy Production (This item was heard before Item D. — Review of Additive Requests.)

G. Conclude Budget Review
At the conclusion of the City Council Budget Review, the Council approved the modifications to the proposed budgets, including the City Manager’s recommendations on the Additive List and Supplemental Additive List and adopted the resolutions listed below, copies of which were included in the budget binders.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to adopt:

(The Council convened as the Redevelopment Agency for adoption of this resolution)
RESOLUTION NO. RDA 3-01, A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2001-02 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY, with the additives.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.3. CONSIDERATION OF APPOINTMENT OF A COUNCIL COMMITTEE TO MEET WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) REGARDING THE POTENTIAL FOR CONSOLIDATION

By letter dated 5/7/01, Fred Davis, Interim General Manager of CARD, requested that if the City Council was interested in exploring the potential for consolidation of Chico’s recreation and park functions under one jurisdiction, a meeting with CARD should be scheduled. The City Manager recommended the Council appoint a subcommittee of two Councilmembers to meet with CARD regarding possible consolidation. The Council concurred that Councilmembers Bertagna and Wahl would represent the City.

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 5/21/01 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 2000, as required by the Revenue and Taxation Code. There were no substandard rental units reported to the Franchise Tax Board during 2000.

6.2. Memorandum dated 5/25/01 from the Finance Director reporting that the list of claims paid during the month of April 2001 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 4/28/01 - Dollar Tree Stores Inc.

7. **ADJOURNMENT**

The meeting was adjourned at 4:35 p.m. to an Adjourned Meeting Tuesday, June 19, 2001, 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** – The Council adjourned to closed session at 7:00 p.m. in Conference Room 2, Chico Municipal Building, 421 Main Street.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

   Adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:35 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Reverend Robert Roberts, Redeemer Lutheran Church

1.3. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
Absents: None

1.4. Introduction of City Staff: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Public Works Admin. Manager Halldorson, Housing Officer McLaughlin, Finance Administrative Secretary Armstrong, Police Officers Dawson and Richardson, and City Clerk Presson.

1.5. Closed Session Announcement – None.

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MAY 14, 2001**

By memorandum dated 5/21/01, the Finance Committee provided a report on its meeting held 5/14/01. Committee members present were Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

**COMMITTEE ITEMS REQUIRING COUNCIL/AGENCY ACTION:**

Item “A”  **Consideration of Establishment of Monthly Sanitary Sewer Lift Station Fee Pursuant to Chico Municipal Code Section 15.36.062**

The Committee (3-0) forwarded the establishment of Monthly Sanitary Sewer Lift Station Fees for the Lassen Avenue sewer lift station tributary area (in the amount of $1.10 per residential unit and $0.12/CCF for non residential uses) to the full City Council for consideration.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to adopt the following:

**RESOLUTION NO. 131 00-01 OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 258 - SEWER LIFT STATION CAPACITY FEES)**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert  
**NOES:** None
ITEMS REQUIRING NO COUNCIL/AGENCY ACTION. A verbal report may be given by the Committee Chair regarding the following items if requested by Council:

Item “B”  Consideration of Establishment of Emergency Reserve Fund Policies and Establishment of Other Reserve Funds.


Item “D”  Consideration of Mortgage Subsidy Program (MSP) Loan Request – O’Callaghan

Item “E”  Consideration of Mortgage Subsidy Program (MSP) Borrower Request

5.  ITEMS ADDED AFTER POSTING OF THE AGENDA

6.  ADJOURNMENT

Adjourned at 7:40 p.m. to a City Council meeting.
1. **CALL TO ORDER** - The Mayor called the meeting to order at 7:40 p.m.

1.1. Roll Call

2. **CONSENT AGENDA** - Items 2.6 and 2.7 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Nguyen-Tan to approve the following Consent Agenda:


B. **RESOLUTION NO. 132 00-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A REDUCTION IN THE COLLECTION RATE FOR THE ELECTRIC AND GAS UTILITY USERS’ TAX FROM 5.0% TO 3.9%**

By memorandum dated 5/29/01, the City Manager recommended adoption of an ordinance to amend Chico Municipal Code Sections 3.56.040 for electricity and 3.56.050 for gas to allow Council, by resolution, to authorize a rate at which the tax will be collected that is less than the imposed tax rate of 5%. At its meeting of 6/5/01 the City Council concurred with the City Manager’s recommendation and the above ordinance received introductory reading. By memorandum dated 6/11/01, the Finance Director forwarded the above resolution authorizing a tax collection rate of 3.9%, the rate that is currently in effect and which would have expired in August 2001 along with the urgency ordinance that authorized it.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE RELATING TO THE UNDERGROUNDING OF CABLE TELEVISION FACILITIES IN NEW DEVELOPMENTS – INTRODUCTORY READING**

At its meeting of 5/22/01, the City Council directed that this ordinance be brought back for adoption after agreement had been reached between the interested parties. The ordinance would modify the requirements of installation of cable television facilities in new developments. The City Attorney recommended adoption of the ordinance.

Councilmember Bertagna disqualified himself from the discussion.

2.3. **RESOLUTION NO. 133 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 - 1708 MAGNOLIA AVENUE / A.P. NO. 003-574-014**

By memorandum dated 4/17/01, the Director of Public Works reported that in accordance with a petition from the property owners, Louis A. Langie and Ada Rae Langie, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated April 17, 2001 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. 134 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 - 1708 MAGNOLIA AVENUE / A.P. NO. 003-574-014**

By memorandum dated 4/17/01, the Director of Public Works reported that in accordance with a petition from the property owners, Louis A. Langie and Ada Rae Langie, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated April 17, 2001 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.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:34 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Reverend Robert Roberts, Redeemer Lutheran Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

1.4. Introduction of City Staff: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Personnel Director Erlandson, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Information Systems Director McEnespy, Airport Manager Grierson, Fire Chief Brown, Park Director Beardsley, Accountant Vidners, Budget Officer Pierce, Arts Projects Coordinator Gardner, and City Clerk Presson.

1.5. Closed Session Announcement - None

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

   To consider these items, the City Council convened as both the City Council and the Chico Redevelopment Agency.

4.1. **CONSIDERATION OF CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS**

   A. **CONSIDERATION OF REPORT ON FUNDING FOR THE DOMESTIC VIOLENCE RESPONSE TEAM (DVRT) ADVOCATE IN THE POLICE DEPARTMENT**

   By memorandum dated 6/26/01, the Chief of Police reported that Catalyst has been unable to secure grant funding to continue this position in the Police Department. Catalyst is currently working on a proposal for Countywide funding of the DVRT program and will be submitting a proposal in the near future. The Chief of Police will review this proposal and subsequently forward it with his recommendations to the Finance Committee. At this time the Chief of Police does not recommend City funding of the Domestic Violence Response Team Advocate in the 2001-02 Final Budget if it would affect the funding of other police department programs or positions.

   A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve funding for the position through October 1, 2001 to allow time for a grant to be obtained for future funding. In addition, Councilmember Jarvis suggested that Council move towards a two day budget work session in order to allow more time for the budget review.

   The motion carried by the following vote:

   **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   **NOES:** None
B. ADOPTION OF 2001-02 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS

By memorandum dated 06/29/01, the City Manager submitted the Final Budget resolutions for the 2001-02 City of Chico and Chico Redevelopment Agency Annual Budgets together with a summary of budget adjustments, including those approved at the May 15, June 5, and June 19, 2001, meetings, and those additional requests and corrections that were discovered by staff following adoption of the Tentative Budgets on 06/05/01. The Budget adjustments, adopted by the below resolutions, will be incorporated into the Final Budget. Robin Nichols, Arts Commissioner addressed the Council regarding the Arts selection process.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt the following:


RESOLUTION NO. RDA 4-01, A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2001-02 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY

The Council further directed the financing of the Airport Hangar and RDA Procedures be referred to the Finance Committee for its review and recommendations.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to direct the Arts Commission to come back with a report in the fall regarding the Arts community organization selection process, including consideration of having two Councilmembers participate in the Commission’s process to recommend funding.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

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. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. **CONSENT AGENDA** – Items 2.11, 2.12, and 2.13 were removed from the Consent Agenda and heard under 4.1 for further clarification.

2.1. **ORDINANCE NO. 2230, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE RELATING TO THE UNDERGROUNDING OF CABLE TELEVISION FACILITIES IN NEW DEVELOPMENTS – FINAL READING AND ADOPTION**

This ordinance modifies the requirements of installation of cable television facilities in new developments. The City Attorney recommended adoption of the ordinance. Councilmember Bertagna disqualified himself due to his business relationship with AT&T.

2.2. **RESOLUTION NO. 2 01-02, A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 114 00-01 TO ADD AN ADDITIONAL BENEFIT FOR CERTAIN MANAGEMENT EMPLOYEES OF THE CITY (AMENDMENT NO. 1 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)**

By memorandum dated 6/13/01, the Personnel Director reported that agreement had been reached with the Management Team regarding the establishment of a vehicle allowance for the Community Development Director and Assistant City Manager positions. The resolution adopts the change to the Management Team Pay and Benefits Resolution. The estimated cost for the change is $4,800 per year, half of which is General Fund. Funding for this increase is included in the 2001-02 Final Budget resolution. The Personnel Director and City Manager recommended adoption of the resolution.

2.3. **RESOLUTION NO. 3 01-02, 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 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"**

**RESOLUTION NO. 4 01-02, 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 CHICO POLICE OFFICERS’ ASSOCIATION UNIT B (NON-SWORN) REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"**

**MINUTE ORDER NO. 25-01, APPROVING AN INCREASE IN CITY PAYMENT OF MEDICAL/DENTAL PLAN PREMIUM FOR CITY COUNCILMEMBERS UPON IMPLEMENTATION OF INCREASE IN CITY PAYMENT OF SUCH PREMIUM FOR CITY EMPLOYEES**

By memorandum dated 6/13/01, the Personnel Director reported that agreement had been reached with the International Association of Firefighters (IAFF) and with the Chico Police Officers’ Association - Non-Sworn Unit, regarding an increased in City contribution for employee health insurance to be effective 7/1/01. The resolutions adopt amendments to the Memorandum of Understanding with each group implementing the change. Additionally, it has been a long-standing City policy to provide the same health and dental plan benefits and premium payment provisions for City Councilmembers participating in the employee group health and dental insurance plans as provided to City employees. The minute order authorizes the same increase for Councilmembers as is being provided to other City employees. Funding for this increase is included in the 2001-02 Final Budget resolution. The Personnel Director and City Manager recommended adoption of the resolutions and minute order.
2.4. **RESOLUTION NO. 5 01-02, 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 - 773 COLORADO STREET / A.P. NO. 005-401-007

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owners, Ronald D. and Marcie J. Tevis, the resolution authorized sewer assessments
to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01, attached
to the resolution. These assessments are in lieu of payment of the sewer system connection fees that
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. 6 01-02, 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 - 1520 LABURNUM / A.P. NO. 003-404-012

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owner, Douglas M. Roberts, the resolution authorized sewer assessments to be
collected on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01 attached to the
resolution. These assessments are in lieu of payment of the sewer system connection fees that 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.

2.6. **RESOLUTION NO. 7 01-02, 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 - 725 W. 1ST AVENUE / A.P. NO. 043-180-007

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owner, Kevin Archbold, the resolution authorized sewer assessments to be collected
on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01 attached to the resolution.
These assessments are in lieu of payment of the sewer system connection fees that 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.

2.7. **RESOLUTION NO. 8 01-02, 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 - 1280 W. SACRAMENTO AVENUE / A.P. NO. 043-280-010

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owners, Leroy C. Rudolph and Evelyn E. Rudolph, the resolution authorized sewer
assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated
5/22/01 attached to the resolution. These assessments are in lieu of payment of the sewer system
connection fees that 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.

2.8 **RESOLUTION NO. 9 01-02, 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 - HUMBOLDT AVENUE ANNEXATION DISTRICT No. 15.

By memorandum dated 6/19/01, the Assistant Community Development Director forwarded a report on
initiation of the annexation of nine parcels along Humboldt Avenue between Bruce Street and the freeway,
and a portion of the street right of way. The parcel currently contains six single family residences and
a triplex. Two vacant parcels are owned by the City as open space and bike trail along Little Chico
Creek. The property is designated and zoned for single family residential use. In accordance with
adopted LAFCo policy, the City adopted the resolution to initiate the annexation of property to the City.
The Assistant Community Development Director recommended adoption of the resolution.
2.9.  RESOLUTION NO. 10 01-02, A 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)

As a condition of approval of a subdivision map, the developer of Walnut Park Subdivision was required to consent to the formation of a maintenance district to fund the annual cost of operation and maintenance of the landscaping and masonry wall along the E. 8th Street and Centennial Avenue frontages, and storm water quality treatment facilities within the subdivision. Because of the timing, formation of the district was not finalized before the passage of Proposition 218 in 1996. As a result, it was necessary to go to a vote of the property owners to establish a maintenance district for this subdivision.

Several neighborhood meetings were held, and as a result the proposed annual assessment and level of service was reduced three times. Even with the reductions, formation attempts failed to pass on three separate occasions by vote of the property owners, most recently at the public hearing held May 5/1/01. Subsequently, a letter was sent to all homeowners notifying them that the City would be removing the lawn and all plants and shrubs since there was no mechanism in place which would cover ongoing maintenance costs. The City has now received a petition signed by a majority of the property owners advising that they will agree to form a maintenance district under the condition that the City plant ivy along the outside perimeter fence every five feet with a proper water source to sustain growth. The developer has already added 60 plants.

Therefore, in accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council was asked to adopt the 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 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 future replacement of the facilities. All sealed ballots will be opened and tabulated at the final public hearing. The Director of Public Works recommended adoption of the resolution and that the City Clerk schedule the two hearings.

2.10.  RESOLUTION NO. 11 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 5, 2001

By this resolution the City Council acknowledged receipt of the County of Butte Certified Copy of Statement of Votes Cast and declared the results of the Special Election held on June 5, 2001, which are attached to the resolution. This election was held in order to submit to the voters of the City of Chico, Measure “A”, a proposed general plan amendment regarding the extension of Otterson Drive, which failed. No other action, other than the adoption of this resolution, was needed due to the original resolution being “suspended” by certification of the referendum petitions. The City Clerk recommended adoption of the Resolution.

2.11.  MINUTE ORDER NO. 26-01, AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT. This item was removed from the Consent Agenda by Councilmember Bertagna and heard under Item 4.1.

2.12.  MINUTE ORDER – AUTHORIZATION FOR CITY MANAGER TO EXECUTE LICENSE AGREEMENT WITH ERIC AND ALISON HART FOR THE RESTORATION AND MAINTENANCE OF THE SENATOR THEATRE TOWER. This item was removed from the Consent Agenda by Councilmember Wahl and heard under Item 4.1.

2.13.  APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2001-02 FISCAL YEAR. This item was removed from the Consent Agenda by Councilmember Nguyen-Tan and heard under Item 4.1.
2.14. APPROVAL OF MINUTES FOR MEETINGS HELD APRIL 24, MAY 1, MAY 4, MAY 11, AND MAY 22, 2001

The Council was provided with copies of minutes for its meetings held 4/24/01, 5/1/01, 5/4/01, 5/11/01, and 5/22/01.

The motion to approve the Consent Agenda with Items 2.11, 2.12, and 2.13 removed and heard under Item 4.1 carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: Bertagna (Item 2.1 only)

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 511, FLORAL GARDENS COMMERCIAL

By memorandum dated 6/14/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 511. As a condition of approval of a Minor Land Division application for this subdivision, generally located at the northeast corner of Floral and East Avenues, the developers, Dan Hays and Gene Damschen of Floral and East Avenue Investment Group, LLC, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation of fifty percent of the median within Floral Avenue. This maintenance assessment district will 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 will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to adopt:

RESOLUTION NO. 12 01-02, 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. 511 — FLORAL GARDENS COMMERCIAL)

The motion was carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 512, DOMINIC PARK SUBDIVISION

By memorandum dated 6/19/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 512. As a condition of approval of a subdivision map for this subdivision, generally located just north of East Avenue on the west side of Mariposa Avenue, the developer, Tony Symmes, has consented to the formation of this district for the operation, maintenance, and future replacement of the landscaped and irrigated traffic circle, and the landscaped and irrigated detention facility interior to the subdivision. This maintenance assessment district will 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 will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public.
A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to adopt:

**RESOLUTION NO. 13 01-02, 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. 512 — DOMINIC PARK SUBDIVISION)**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keen, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

### 4. REGULAR AGENDA

#### 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.11. MINUTE ORDER NO. 26-01, AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT. This item was removed from the Consent Agenda by Councilmember Bertagna to recognize the officers.

Funding in the amount of $10,000 for the Mounted Enforcement Unit expenses was included in the Final Budget resolution adopted at the meeting. The minute order authorized the City Manager to execute agreements with each officer assigned to the Unit for the use of the officer’s horse, subject to the terms set forth in the minute order. The Chief of Police recommended approval of this minute order.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to approve the Minute Order.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

2.12. MINUTE ORDER - AUTHORIZATION FOR CITY MANAGER TO EXECUTE LICENSE AGREEMENT WITH ERIC AND ALISON HART FOR THE RESTORATION AND MAINTENANCE OF THE SENATOR THEATRE TOWER. This item was removed from the Consent Agenda by Councilmember Wahl.

Eric and Alison Hart, owners of the Senator Theatre Building, agreed to allow the City to restore, reconstruct and maintain the Senator Theatre Building Tower, subject to the execution of a revocable license agreement that sets forth the terms and conditions relating to the project. The license would be granted for an initial term of ten years, with two automatically renewing five-year terms thereafter. The City Manager recommended approval of the Minute Order. Stephen Swenson, Attorney for the Harts was in attendance and answered Council’s questions.

This item was referred back to the City Attorney and Risk Manager, along with Councilmembers Keene and Jarvis to work with the Hart’s attorney on the terms of the agreement pertaining to the potential “request for removal of the tower.”

2.13. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2001-02 FISCAL YEAR. This item was removed from the Consent Agenda by Councilmember Nguyen-Tan for clarification.

By memorandum dated 6/27/01, the City Clerk forwarded information on the bid received for Legal Publications, and the bids received for Display Publications for the 2001-02 fiscal year. It was noted that in November 2000, it was determined that Chico Enterprise-Record is the only newspaper in the City that meets the criteria set forth in Government Code Section 6008 as a “newspaper of general circulation,” and therefore the only newspaper qualified to bid for the City’s Legal Publications pursuant to the City’s Charter.
A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to approve (1) award bid for all ‘Legal Publications’ to the Chico Enterprise-Record, and (2) award the bid for ‘Display Advertising’ to both the Chico Enterprise-Record and the Chico News and Review. Council instructed Staff to place publications in both newspapers as equally as possible, subject to consideration of the frequency of publication of the newspaper, circulation, and cost to the City.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

### 4.2. CONSIDERATION OF: (A) REQUEST FOR WAIVER OF INSURANCE FEE REQUIRED FOR CELEBRATION OF PEOPLE PARADE HELD ON 5/5/01; AND (B) REPORT FROM CHIEF OF POLICE REGARDING THE PARADE

At its meeting of 6/19/01, the City Council directed: (a) that the request from Richard Elsom and Bob Ray for waiver of the insurance fee required for the Celebration of People be scheduled for consideration; and (b) that the Chief of Police report on his Department’s perception of the event. The Council was provided with copies of the letter received 6/1/01 from Richard Elsom and Bob Ray requesting waiver of the insurance fee; a Profit / Loss Statement for the Parade submitted by Celebration of People, Inc.; and a memorandum dated 6/26/01 from the Chief of Police evaluating the Parade from his Department’s perspective.

This item was removed from the agenda and not heard and a refund will be made to the sponsor of the Celebration of People parade based upon the advice of the City Attorney. The City will develop a policy on fee waiver to parades once it has received the legal opinion from the City Attorney.

### 4.3. CONSIDERATION OF THE SOLID WASTE COMMITTEE’S RECOMMENDATIONS REGARDING A REQUEST FROM WASTE MANAGEMENT FOR A SOLID WASTE COLLECTION RATE INCREASE AND ESTABLISHING A RATE METHODOLOGY

At its 5/1/01 meeting, the City Council considered recommendations from the Solid Waste Committee regarding a request from Waste Management that the City Council consider approving a 4.46% Consumer’s Price Index (CPI) increase in the residential solid waste collection rates due to the company’s increased fuel and health benefit costs. The Council did not approve the recommendation, stating that it would like more information justifying the need for the increase, and appointed Councilmembers Keene and Wahl as a Subcommittee to meet with Waste Management to further evaluate the rate increase request. By memorandum dated 6/17/01, Management Analyst Herman reports on the Subcommittee’s meeting with Waste Management and submits the Solid Waste Committee’s recommendation that Council approve amending the City’s Solid Waste Collection and Recycling Fee Schedule to increase the rates by the 4.46% CPI increase. The Council was being provided with copies of a memorandum dated 6/19/01 from the Solid Waste Committee providing a report on its meeting held 6/15/01. The Solid Waste Committee recommended adoption of the resolution. Bill Mannel addressed Council regarding the increase and urged Council to move forward. Dave Donnan opposed the increase.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt:

**RESOLUTION NO. 14_01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 257 - SOLID WASTE COLLECTION AND RECYCLING FEES), and directed Staff to send out a press release immediately informing the public of the availability of bags for individuals who need minimum garbage pickup. The fee for this service is unaffected by the rate change.**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None
4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JUNE 12, 2001

By memorandum dated 6/20/01, the Internal Affairs Committee provided a report on its meeting held 6/12/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, (substituting for Kirk and Jarvis) and Bertagna, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item “A” Consideration of Request to Abandon the Bike Path Between Parkway Village Drive and Mansfield Court. The Committee recommended (3-0) that the bike path between Parkway Village Drive and Mansfield Court be abandoned; and that future requests be considered on a case-by-case basis with staff to provide an analysis of alternate bicycle/pedestrian routes, and how such abandonment would fit in with the overall bike path system.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve request to abandon bike path:

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Item “B” Consideration of Establishment of a Radar Enforceable Speed Limit on East Lassen Avenue Between SHR 99 and Cohasset Road. The Committee (3-0) concurred with the City Manager’s recommendation to forward a resolution to the City Council for adoption which would establish a 35 MPH speed limit on East Lassen Avenue.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 15 01-02 OF THE CITY COUNCIL OF THE CITY OF CHICO

ADOPT
G
TRAFFIC
REGULATION
AMEND
MENT
NO. 713

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Item “C” Consideration of Development of Traditional Neighborhood Design (TND) Improvement Standards. The Committee (3-0) recommended that the City Council delay consideration of development of parallel Traditional Neighborhood Design (TND) standards until after the TND project that was currently being developed was completed.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to table this item until after the first of the year when Internal Affairs Committee will consider again.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan,
COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION.

Item “D”  Consideration of Conversion to Diagonal Parking on various Streets in the South Campus Area from Orange to Salem Streets.  — no action at this time but option to be left open

Item “E”  Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 716 (establishing a “Handicapped Parking” space in front of 637 West Sixth Avenue).  — adopted

Item “F”  Consideration of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 715 (removal of three Two-Hour limited time parking spaces at corner of Main and East Ninth Streets, and conversion of two, Two-Hour limited time parking spaces adjacent to 1000 Main Street to Ten-Minute spaces).  — adopted

Item “G”  Status Report on the City / County Fire Automatic Aid Agreement.  — no action required

Item “H”  Business from the Floor  — Mitigation Monitoring Program.  — will be reviewed by Committee

Item “I”  Reports and Communications.  — Letter dated 5/2/01 from Jann Reed, 347 Legion Avenue, requesting amendments to the preferential parking permits in the Mansion Park area which would limit permittees to parking on certain streets.  — continued one month in case regular Committee members wish to agendize.

4.5. ACKNOWLEDGMENT OF BIDWELL PARK AND PLAYGROUND COMMISSION VACANCY AND CONSIDERATION OF APPOINTMENT TO FILL THE POSITION

By letter dated 6/11/01 Barbara Kopicki resigned from the Bidwell Park and Playground Commission, effective 6/12/01. This resignation created a vacancy that expires 1/1/03. Council acknowledged the resignation and considered the following applicants: Anne Barrington, Troy Beglinger, Scott Coffman, Richard Cory, DNA, Tara Hames, Irwin Karp, Kimberly King, Gerda Lydon, Russell Mills, Sandra Rosas, Ali Sarsour, Kathryn Tzikas, Jim Walker, and Michael Worley.

The City Council selected Kathryn Tzikas to fill the vacant position.

4.6. 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.

6.1. Memorandum dated 6/25/01, 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 in the current Annual Budget.


7. ADJOURNMENT

Adjourned at 9:40 p.m. to Tuesday, July 17, 2001, 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.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:00 p.m. in Conference Room No. 2, Chico Municipal Center, 421 Main Street

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absent: None

**ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 1.5-A, CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

The City Council adjourned to closed session and discussed negotiations with the City’s real property negotiator regarding the proposed acquisition of 1285 and 1299 Humboldt Avenue, Assessor’s Parcel Nos. 004-370-002, 004-364-006, and 004-364-009. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are Wilbur and Bernice Sherrill, 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 for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and 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 LEGAL COUNSEL AND RISK MANAGER — EXISTING LITIGATION:** The City Attorney and Risk Manager reviewed the following: John McGowan v. City of Chico, et al., Butte County Superior Court Case No. 125928. (Gov. Code Sec. 54956.9(a).)

2.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1285 & 1299 HUMBOLDT AVENUE (WILBUR AND BERNICE SHERRILL).** Pursuant to Government Code Section 54954.8, the item of business 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, Wilbur and Bernice Sherrill (or such persons designated as their agent for the purpose of negotiations). The property is identified as 1285 and 1299 Humboldt Avenue, Assessor’s Parcel Nos. 004-370-002, 004-364-006, and 004-364-009. The items discussed were instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

3. **ADJOURNMENT**

Adjoined at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:34 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Reverend Robert Roberts, Redeemer Lutheran Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absents: None

1.4. Introduction of City Staff: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Personnel Director Erlandson, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Information Systems Director McEnespy, Airport Manager Grierson, Fire Chief Brown, Park Director Beardsley, Accountant Vidners, Budget Officer Pierce, Arts Projects Coordinator Gardner, and City Clerk Presson.

1.5. Closed Session Announcement - None

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

   To consider these items, the City Council convened as both the City Council and the Chico Redevelopment Agency.

4.1. **CONSIDERATION OF CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS**

   **A. CONSIDERATION OF REPORT ON FUNDING FOR THE DOMESTIC VIOLENCE RESPONSE TEAM (DVRT) ADVOCATE IN THE POLICE DEPARTMENT**

   By memorandum dated 6/26/01, the Chief of Police reported that Catalyst has been unable to secure grant funding to continue this position in the Police Department. Catalyst is currently working on a proposal for Countywide funding of the DVRT program and will be submitting a proposal in the near future. The Chief of Police will review this proposal and subsequently forward it with his recommendations to the Finance Committee. At this time the Chief of Police does not recommend City funding of the Domestic Violence Response Team Advocate in the 2001-02 Final Budget if it would affect the funding of other police department programs or positions.

   A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve funding for the position through October 1, 2001 to allow time for a grant to be obtained for future funding. In addition, Councilmember Jarvis suggested that Council move towards a two day budget work session in order to allow more time for the budget review.

   The motion carried by the following vote:

   AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

   NOES: None
B. ADOPTION OF 2001-02 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS

By memorandum dated 06/29/01, the City Manager submitted the Final Budget resolutions for the 2001-02 City of Chico and Chico Redevelopment Agency Annual Budgets together with a summary of budget adjustments, including those approved at the May 15, June 5, and June 19, 2001, meetings, and those additional requests and corrections that were discovered by staff following adoption of the Tentative Budgets on 06/05/01. The Budget adjustments, adopted by the below resolutions, will be incorporated into the Final Budget. Robin Nichols, Arts Commissioner addressed the Council regarding the Arts selection process.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt the following:


RESOLUTION NO. RDA 4-01, A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2001-02 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY

The Council further directed the financing of the Airport Hangar and RDA Procedures be referred to the Finance Committee for its review and recommendations.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to direct the Arts Commission to come back with a report in the fall regarding the Arts community organization selection process, including consideration of having two Councilmembers participate in the Commission’s process to recommend funding.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

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. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert Absent: None

2. **CONSENT AGENDA** – Items 2.11, 2.12, and 2.13 were removed from the Consent Agenda and heard under 4.1 for further clarification.

2.1. **ORDINANCE NO. 2230, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE RELATING TO THE UNDERGROUNDING OF CABLE TELEVISION FACILITIES IN NEW DEVELOPMENTS – FINAL READING AND ADOPTION**

This ordinance modifies the requirements of installation of cable television facilities in new developments. The City Attorney recommended adoption of the ordinance. Councilmember Bertagna disqualified himself due to his business relationship with AT&T.

2.2. **RESOLUTION NO. 201-02, A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 114 00-01 TO ADD AN ADDITIONAL BENEFIT FOR CERTAIN MANAGEMENT EMPLOYEES OF THE CITY (AMENDMENT NO. 1 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)**

By memorandum dated 6/13/01, the Personnel Director reported that agreement had been reached with the Management Team regarding the establishment of a vehicle allowance for the Community Development Director and Assistant City Manager positions. The resolution adopts the change to the Management Team Pay and Benefits Resolution. The estimated cost for the change is $4,800 per year, half of which is General Fund. Funding for this increase is included in the 2001-02 Final Budget resolution. The Personnel Director and City Manager recommended adoption of the resolution.

2.3. **RESOLUTION NO. 301-02, 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 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"**

**RESOLUTION NO. 4 01-02, 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 CHICO POLICE OFFICERS’ ASSOCIATION UNIT B (NON-SWORN) REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"**

**MINUTE ORDER NO. 25-01, APPROVING AN INCREASE IN CITY PAYMENT OF MEDICAL/DENTAL PLAN PREMIUM FOR CITY COUNCILMEMBERS UPON IMPLEMENTATION OF INCREASE IN CITY PAYMENT OF SUCH PREMIUM FOR CITY EMPLOYEES**

By memorandum dated 6/13/01, the Personnel Director reported that agreement had been reached with the International Association of Firefighters (IAFF) and with the Chico Police Officers’ Association - Non-Sworn Unit, regarding an increased in City contribution for employee health insurance to be effective 7/1/01. The resolutions adopt amendments to the Memorandum of Understanding with each group implementing the change. Additionally, it has been a long-standing City policy to provide the same health and dental plan benefits and premium payment provisions for City Councilmembers participating in the employee group health and dental insurance plans as provided to City employees. The minute order authorizes the same increase for Councilmembers as is being provided to other City employees. Funding for this increase is included in the 2001-02 Final Budget resolution. The Personnel Director and City Manager recommended adoption of the resolutions and minute order.
2.4. RESOLUTION NO. 5 01-02, 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 - 773 COLORADO STREET / A.P. NO. 005-401-007

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owners, Ronald D. and Marcie J. Tevis, the resolution authorized sewer assessments
to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01, attached
to the resolution. These assessments are in lieu of payment of the sewer system connection fees that
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. 6 01-02, 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 - 1520 LABURNUM / A.P. NO. 003-404-012

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owner, Douglas M. Roberts, the resolution authorized sewer assessments to be
collected on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01 attached to the
resolution. These assessments are in lieu of payment of the sewer system connection fees that 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.

2.6. RESOLUTION NO. 7 01-02, 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 - 725 W. 1ST AVENUE / A.P. NO. 043-180-007

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owner, Kevin Archbold, the resolution authorized sewer assessments to be collected
on the tax roll as set forth in the Director of Public Works’ report dated 5/22/01 attached to the resolution.
These assessments are in lieu of payment of the sewer system connection fees that 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.

2.7. RESOLUTION NO. 8 01-02, 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 - 1280 W. SACRAMENTO AVENUE / A.P. NO. 043-280-010

By memorandum dated 5/22/01, the Director of Public Works reported that in accordance with a petition
from the property owners, Leroy C. Rudolph and Evelyn E. Rudolph, the resolution authorized sewer
assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated
5/22/01 attached to the resolution. These assessments are in lieu of payment of the sewer system
connection fees that 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.

2.8 RESOLUTION NO. 9 01-02, 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 - HUMBOLDT AVENUE ANNEXATION DISTRICT NO. 15.

By memorandum dated 6/19/01, the Assistant Community Development Director forwarded a report on
initiation of the annexation of nine parcels along Humboldt Avenue between Bruce Street and the freeway,
and a portion of the street right of way. The parcel currently contains six single family residences and
a triplex. Two vacant parcels are owned by the City as open space and bike trail along Little Chico
Creek. The property is designated and zoned for single family residential use. In accordance with
adopted LAFCo policy, the City adopted the resolution to initiate the annexation of property to the City.
The Assistant Community Development Director recommended adoption of the resolution.
2.9. RESOLUTION NO. 10 01-02, A 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)

As a condition of approval of a subdivision map, the developer of Walnut Park Subdivision was required to consent to the formation of a maintenance district to fund the annual cost of operation and maintenance of the landscaping and masonry wall along the E. 8th Street and Centennial Avenue frontages, and storm water quality treatment facilities within the subdivision. Because of the timing, formation of the district was not finalized before the passage of Proposition 218 in 1996. As a result, it was necessary to go to a vote of the property owners to establish a maintenance district for this subdivision.

Several neighborhood meetings were held, and as a result the proposed annual assessment and level of service was reduced three times. Even with the reductions, formation attempts failed to pass on three separate occasions by vote of the property owners, most recently at the public hearing held May 5/1/01. Subsequently, a letter was sent to all homeowners notifying them that the City would be removing the lawn and all plants and shrubs since there was no mechanism in place which would cover ongoing maintenance costs. The City has now received a petition signed by a majority of the property owners advising that they will agree to form a maintenance district under the condition that the City plant ivy along the outside perimeter fence every five feet with a proper water source to sustain growth. The developer has already added 60 plants.

Therefore, in accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council was asked to adopt the 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 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 future replacement of the facilities. All sealed ballots will be opened and tabulated at the final public hearing. The Director of Public Works recommended adoption of the resolution and that the City Clerk schedule the two hearings.

2.10. RESOLUTION NO. 11 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 5, 2001

By this resolution the City Council acknowledged receipt of the County of Butte Certified Copy of Statement of Votes Cast and declared the results of the Special Election held on June 5, 2001, which are attached to the resolution. This election was held in order to submit to the voters of the City of Chico, Measure “A”, a proposed general plan amendment regarding the extension of Otterson Drive, which failed. No other action, other than the adoption of this resolution, was needed due to the original resolution being “suspended” by certification of the referendum petitions. The City Clerk recommended adoption of the Resolution.

2.11. MINUTE ORDER NO. 26-01, AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT. This item was removed from the Consent Agenda by Councilmember Bertagna and heard under Item 4.1.

2.12. MINUTE ORDER – AUTHORIZATION FOR CITY MANAGER TO EXECUTE LICENSE AGREEMENT WITH ERIC AND ALISON HART FOR THE RESTORATION AND MAINTENANCE OF THE SENATOR THEATRE TOWER. This item was removed from the Consent Agenda by Councilmember Wahl and heard under Item 4.1.

2.13. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2001-02 FISCAL YEAR. This item was removed from the Consent Agenda by Councilmember Nguyen-Tan and heard under Item 4.1.
2.14. **APPROVAL OF MINUTES FOR MEETINGS HELD APRIL 24, MAY 1, MAY 4, MAY 11, AND MAY 22, 2001**

The Council was provided with copies of minutes for its meetings held 4/24/01, 5/1/01, 5/4/01, 5/11/01, and 5/22/01.

The motion to approve the Consent Agenda with Items 2.11, 2.12, and 2.13 removed and heard under Item 4.1 carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
**NOES:** None
**DISQUAL:** Bertagna (Item 2.1 only)

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 511, FLORAL GARDENS COMMERCIAL**

By memorandum dated 6/14/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 511. As a condition of approval of a Minor Land Division application for this subdivision, generally located at the northeast corner of Floral and East Avenues, the developers, Dan Hays and Gene Damschen of Floral and East Avenue Investment Group, LLC, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation of fifty percent of the median within Floral Avenue. This maintenance assessment district will 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 will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to adopt:

**RESOLUTION NO. 12 01-02, 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. 511 — FLORAL GARDENS COMMERCIAL)**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
**NOES:** None

3.2. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 512, DOMINIC PARK SUBDIVISION**

By memorandum dated 6/19/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 512. As a condition of approval of a subdivision map for this subdivision, generally located just north of East Avenue on the west side of Mariposa Avenue, the developer, Tony Symmes, has consented to the formation of this district for the operation, maintenance, and future replacement of the landscaped and irrigated traffic circle, and the landscaped and irrigated detention facility interior to the subdivision. This maintenance assessment district will 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 will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public.
A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to adopt:


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keen, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.11. MINUTE ORDER NO. 26-01, AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT. This item was removed from the Consent Agenda by Councilmember Bertagna to recognize the officers.

Funding in the amount of $10,000 for the Mounted Enforcement Unit expenses was included in the Final Budget resolution adopted at the meeting. The minute order authorized the City Manager to execute agreements with each officer assigned to the Unit for the use of the officer’s horse, subject to the terms set forth in the minute order. The Chief of Police recommended approval of this minute order.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to approve the Minute Order.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

2.12. MINUTE ORDER - AUTHORIZATION FOR CITY MANAGER TO EXECUTE LICENSE AGREEMENT WITH ERIC AND ALISON HART FOR THE RESTORATION AND MAINTENANCE OF THE SENATOR THEATRE TOWER. This item was removed from the Consent Agenda by Councilmember Wahl.

Eric and Alison Hart, owners of the Senator Theatre Building, agreed to allow the City to restore, reconstruct and maintain the Senator Theatre Building Tower, subject to the execution of a revocable license agreement that sets forth the terms and conditions relating to the project. The license would be granted for an initial term of ten years, with two automatically renewing five-year terms thereafter. The City Manager recommended approval of the Minute Order. Stephen Swenson, Attorney for the Harts was in attendance and answered Council’s questions.

This item was referred back to the City Attorney and Risk Manager, along with Councilmembers Keene and Jarvis to work with the Hart’s attorney on the terms of the agreement pertaining to the potential “request for removal of the tower.”

2.13. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2001-02 FISCAL YEAR. This item was removed from the Consent Agenda by Councilmember Nguyen-Tan for clarification.

By memorandum dated 6/27/01, the City Clerk forwarded information on the bid received for Legal Publications, and the bids received for Display Publications for the 2001-02 fiscal year. It was noted that in November 2000, it was determined that Chico Enterprise-Record is the only newspaper in the City that meets the criteria set forth in Government Code Section 6008 as a “newspaper of general circulation,” and therefore the only newspaper qualified to bid for the City’s Legal Publications pursuant to the City’s Charter.
A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to approve (1) award bid for all ‘Legal Publications’ to the Chico Enterprise-Record, and (2) award the bid for ‘Display Advertising’ to both the Chico Enterprise-Record and the Chico News and Review. Council instructed Staff to place publications in both newspapers as equally as possible, subject to consideration of the frequency of publication of the newspaper, circulation, and cost to the City.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

4.2. CONSIDERATION OF: (A) REQUEST FOR WAIVER OF INSURANCE FEE REQUIRED FOR CELEBRATION OF PEOPLE PARADE HELD ON 5/5/01; AND (B) REPORT FROM CHIEF OF POLICE REGARDING THE PARADE

At its meeting of 6/19/01, the City Council directed: (a) that the request from Richard Elsom and Bob Ray for waiver of the insurance fee required for the Celebration of People be scheduled for consideration; and (b) that the Chief of Police report on his Department’s perception of the event. The Council was provided with copies of the letter received 6/1/01 from Richard Elsom and Bob Ray requesting waiver of the insurance fee; a Profit / Loss Statement for the Parade submitted by Celebration of People, Inc.; and a memorandum dated 6/26/01 from the Chief of Police evaluating the Parade from his Department’s perspective.

This item was removed from the agenda and not heard and a refund will be made to the sponsor of the Celebration of People parade based upon the advice of the City Attorney. The City will develop a policy on fee waiver to parades once it has received the legal opinion from the City Attorney.

4.3. CONSIDERATION OF THE SOLID WASTE COMMITTEE’S RECOMMENDATIONS REGARDING A REQUEST FROM WASTE MANAGEMENT FOR A SOLID WASTE COLLECTION RATE INCREASE AND ESTABLISHING A RATE METHODOLOGY

At its 5/1/01 meeting, the City Council considered recommendations from the Solid Waste Committee regarding a request from Waste Management that the City Council consider approving a 4.46% Consumer’s Price Index (CPI) increase in the residential solid waste collection rates due to the company’s increased fuel and health benefit costs. The Council did not approve the recommendation, stating that it would like more information justifying the need for the increase, and appointed Councilmembers Keene and Wahl as a Subcommittee to meet with Waste Management to further evaluate the rate increase request. By memorandum dated 6/17/01, Management Analyst Herman reports on the Subcommittee’s meeting with Waste Management and submits the Solid Waste Committee’s recommendation that Council approve amending the City’s Solid Waste Collection and Recycling Fee Schedule to increase the rates by the 4.46% CPI increase. The Council was being provided with copies of a memorandum dated 6/19/01 from the Solid Waste Committee providing a report on its meeting held 6/15/01. The Solid Waste Committee recommended adoption of the resolution. Bill Mannel addressed Council regarding the increase and urged Council to move forward. Dave Donnan opposed the increase.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 14 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 257 - SOLID WASTE COLLECTION AND RECYCLING FEES), and directed Staff to send out a press release immediately informing the public of the availability of bags for individuals who need minimum garbage pickup. The fee for this service is unaffected by the rate change.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JUNE 12, 2001

By memorandum dated 6/20/01, the Internal Affairs Committee provided a report on its meeting held 6/12/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, (substituting for Kirk and Jarvis) and Bertagna, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item “A”  **Consideration of Request to Abandon the Bike Path Between Parkway Village Drive and Mansfield Court.** The Committee recommended (3-0) that the bike path between Parkway Village Drive and Mansfield Court be abandoned; and that future requests be considered on a case-by-case basis with staff to provide an analysis of alternate bicycle/pedestrian routes, and how such abandonment would fit in with the overall bike path system.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve request to abandon bike path:

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

Item “B” **Consideration of Establishment of a Radar Enforceable Speed Limit on East Lassen Avenue Between SHR 99 and Cohasset Road.** The Committee (3-0) concurred with the City Manager’s recommendation to forward a resolution to the City Council for adoption which would establish a 35 MPH speed limit on East Lassen Avenue.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 15 01-02 OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 713

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

Item “C”  **Consideration of Development of Traditional Neighborhood Design (TND) Improvement Standards.** The Committee (3-0) recommended that the City Council delay consideration of development of parallel Traditional Neighborhood Design (TND) standards until after the TND project that was currently being developed was completed.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to table this item until after the first of the year when Internal Affairs Committee will consider again.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Wahl, Herbert  
**NOES:** Jarvis, Kirk, Nguyen-Tan

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION.

Item “D”  **Consideration of Conversion to Diagonal Parking on various Streets in the South Campus Area from Orange to Salem Streets.** – no action at this time but option to be left open
Item “E” Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 716 (establishing a “Handicapped Parking” space in front of 637 West Sixth Avenue). – adopted

Item “F” Consideration of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 715 (removal of three Two-Hour limited time parking spaces at corner of Main and East Ninth Streets, and conversion of two, Two-Hour limited time parking spaces adjacent to 1000 Main Street to Ten-Minute spaces). – adopted

Item “G” Status Report on the City / County Fire Automatic Aid Agreement. – no action required

Item “H” Business from the Floor – Mitigation Monitoring Program. – will be reviewed by Committee

Item “I” Reports and Communications. – Letter dated 5/2/01 from Jann Reed, 347 Legion Avenue, requesting amendments to the preferential parking permits in the Mansion Park area which would limit permittees to parking on certain streets. – continued one month in case regular Committee members wish to agendize.

4.5. ACKNOWLEDGMENT OF BIDWELL PARK AND PLAYGROUND COMMISSION VACANCY AND CONSIDERATION OF APPOINTMENT TO FILL THE POSITION

By letter dated 6/11/01 Barbara Kopicki resigned from the Bidwell Park and Playground Commission, effective 6/12/01. This resignation created a vacancy that expires 1/1/03. Council acknowledged the resignation and considered the following applicants: Anne Barrington, Troy Beglinger, Scott Coffman, Richard Cory, DNA, Tara Hames, Irwin Karp, Kimberly King, Gerda Lydon, Russell Mills, Sandra Rosas, Ali Sarsour, Kathryn Tzikas, Jim Walker, and Michael Worley.

The City Council selected Kathryn Tzikas to fill the vacant position.

4.6. 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.

6.1. Memorandum dated 6/25/01, 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 in the current Annual Budget.


7. ADJOURNMENT

Adjourned at 9:40 p.m. to Tuesday, July 17, 2001, 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.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:00 p.m. in the Conference Room 2, Chico Municipal Building, 421 Main Street.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert Absent: None

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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and 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 LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following: *Neighbors for Environmental and Fiscal Responsibility (NEFR), Michael A. Smith, et al., v. City of Chico, et al.*, Petition for Writ of Mandamus, Butte County Superior Court Case No. 125106. (Gov. Code Sec. 54956.9(a).)

2.3. **CITY ATTORNEY PERFORMANCE EVALUATION**

The City Council reviewed the City Attorney’s performance pursuant to Gov. Code Section 54957.

3. **ADJOURNMENT**

Adjourned at 7:35 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:37 p.m. in the Council Chamber, Chico Municipal Center, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Police Chaplain Dale Rash

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

1.4. Introduction of City Staff: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Principal Planner Figge, Airport Manager Grierson, Park Director Beardsley, Housing Officer McLaughlin, Senior Civil Engineer Alexander, Assoc Civil Engineer Johnson, Police Officer Richardson, and City Clerk Presson.

1.5. Closed Session Announcement – None

2. **CONSENT AGENDA**

2.1. APPROVAL OF AMENDMENT TO ADMINISTRATIVE PROCEDURE AND POLICY NO. 10-31, ENTITLED “ESTABLISHMENT OF THE REDEVELOPMENT COMMITTEE,” TO REMOVE THE CHICO MERGED REDEVELOPMENT PROJECT AREA FROM OVERSIGHT OF THE REDEVELOPMENT COMMITTEE – This item was not heard

A motion was made by Councilmember Kirk and seconded by Councilmember Nguyen-Tan to refer this item to Finance Committee.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

3. **NOTICED PUBLIC HEARINGS** - None

4. **REGULAR AGENDA**

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON JUNE 25, 2001

By memorandum dated 6/27/01, the Finance Committee provided a report on its meeting of 6/25/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.
COMMITTEE ITEMS REQUIRING COUNCIL / AGENCY ACTION:

Item "A"  Consideration of Request from Aspire Homes (Tony Symmes) to Increase the Mortgage Subsidy Program (MSP) Sale Price Limit and Consider Different Sale Price Limits for New and Existing Homes — The Committee recommended (3-0) that the MSP sales price limit be increased from $125,000 to $135,000, and that staff be directed to monitor the housing market closely and report back to the Committee in six months or sooner, if there were significant changes, in order that the sales price limit could be re-evaluated to ensure that borrowers would not be put in a position of exceeding a prudent loan-to-value ratio.

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to approve the Mortgage Subsidy Program (MSP) sales price limit as recommended by the Finance Committee.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Item "B"  Consideration of Amendments to the City of Chico Fee Schedule (Mortgage Credit Certificate Program Application Processing Fee, Utility Users’ Tax Refund Criteria and Levels/Exemption, Police Department Fees, Public Right-of-Way Café License Fees, and Airport Fees) — The Committee:

1. Recommended (3-0) that the Fee Schedule Amendments as proposed by staff be forwarded to the City Council for adoption, with the exception that the minimum fee for preparation of Airport lease agreements be deleted entirely; and
2. Directed staff to bring back for Committee consideration in August or September (along with the other Utility User Tax issues) consideration of whether the Utility User Tax Exemption levels should continue to be based on the Department of Housing and Urban Development’s low income levels (as opposed to the very low income levels).

A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to adopt the following:

RESOLUTION NO. 16 01-02 OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 259 - MORTGAGE CREDIT CERTIFICATE PROGRAM APPLICATION PROCESSING FEE, UTILITY USERS’ TAX REFUND CRITERIA AND LEVELS/EXEMPTION, POLICE DEPARTMENT FEES, PUBLIC RIGHT-OF-WAY CAFÉ LICENSE FEES, AND AIRPORT FEES)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None

Item "C"  Consideration of Amendment to the Mortgage Subsidy Program (MSP) Policy that would Authorize Staff to Allow MSP Borrowers to Use Equity in the Property for Home Repairs under Certain Conditions — The Committee recommended (3-0) that the Mortgage Subsidy Program (MSP) guidelines not be amended to authorize staff to allow borrowers to use equity in the property for home repairs, but that individual requests for exceptions based on health issues be submitted to the Finance Committee for consideration instead.
A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to accept the Committee’s recommendation.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
**NOES:** None

**COMMITTEE ITEMS REQUIRING NO COUNCIL / AGENCY ACTION:**

Item “D” **Consideration of (1) a Methodology for the Calculation of the Utility Users’ Tax (UUT) Differential Brought About by the Increased Gas and Electric Rates and (2) Potential Uses for that UUT Differential including a Methodology for the Adjustment of the Rate of Collection for the UUT and Potential Energy Related Programs for Conservation, Retrofit and Generation** — continued to Committee’s August or September meeting.

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

6. **ADJOURNMENT**

Adjourned at 7:40 p.m. to a City Council meeting.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:40 p.m.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absents: None

2. **CONSENT AGENDA** - A motion was made by Councilmember Keene and seconded by Councilmember Nguyen-Tan to approve the following Consent Agenda:


By memorandum dated 7/2/01, Senior Planner Palmeri reported that at the Planning Commission meeting of 6/21/01, the Commission voted 6-0-1 on consent to recommend approval of text amendments to Title 19 Land Use and Development Regulations. The proposed amendments would add telemarketing to the list of uses defined as “Professional Offices” and amend typographic errors to the C-1 Restricted Commercial and C-2 General Commercial zoning districts. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the 8/7/01 City Council meeting.

2.2. **RESOLUTION NO. 17 01-02 - 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 7/2/01, the Assistant Community Development Director reported that City approval of the Dominic Park Subdivision Phase II required the annexation of the project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This proposed 21-lot single-family residential subdivision is located on the west side of Mariposa Avenue, 500 feet north of East Avenue. Prior to the annexation of properties within the City limits to a County Service Area, City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.


RESOLUTION NO. 19 01-02, A RESOLUTION APPROVING "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT - TRADES AND CRAFTS UNIT (2001 SEIU - TC MOU)"

By memorandum dated 7/11/01, Personnel Director Erlandson reported that agreement was reached with Service Employees International Union - Clerical, Technical and Professional Unit, and Trades and Crafts Unit. The proposed resolutions approved replacement Memoranda of Understanding (MOU) with both units. The agreement term is from 1/1/01 through 7/31/04. The resolutions authorized budget modifications to cover the costs associated with the MOU. The City Manager and Personnel Director recommended approval of the proposed resolutions.
2.4. **APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - GOLDEN CAB**

By memorandum dated 7/3/01, the Risk Manager recommended that Council approve the issuance of a Vehicle for Hire Owner’s Permit to Golden Cab (Juan C. Gonzales and Jose Luis Abarca), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicants meeting all Code requirements relating thereto.

2.5. **APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - 319 MAIN STREET, SUITE F, CHICO**

By memorandum dated 6/29/01 from Community Development Director Baptiste, staff recommended that 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 alcoholic beverage license for Mr. Lucky located at 319 Main Street, Suite F.

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

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, and Herbert  
**NOES:** None

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

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

4.2. **CITY COUNCIL EVALUATION OF “YOUTH SHADOW CITY COUNCIL” AND CONSIDERATION OF CONTINUANCE OF THE PROGRAM**

The Council reviewed and evaluated the Youth Shadow City Council, which conducted its meetings once a month this past spring. The Council was provided with a memorandum from Coordinator Dolly Brown outlining her recommendations for continuance of this program. Council thanked Coordinator Brown for her dedication to the program, and all the students who participated.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk for conceptual approval on the continuance of the program, including the requirement that only students age 25 and under would serve on the Youth Shadow Council. It was also requested that Internal Affairs Committee work with Dolly Brown on the preparation of a detailed summary to come back to Council at the second meeting in October for final determination of the new structure. The following items need to be addressed:

A. The number of staff hours, impact on staff, and anticipated hours needed;  
B. Commitment letters from Behavioral Health and CSU for the program; and

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None

4.3. **CONSIDERATION OF PROPOSED DESIGN OF WEST 8TH AVENUE**

Butte County held several neighborhood meetings to discuss the design of West 8th Avenue between the Esplanade and State Highway Route 32. Based upon these meetings, a revised design concept was prepared, including the use of traffic circles and limited median landscaping. This project is jointly funded between the County of Butte and the City of Chico. Butte County Public Works Director Mike Crump and Design Engineer Brian Graves were present to explain the plan and answer questions.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk for conceptual approval on the design.
The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

Council was in recess from 8:45 p.m. to 8:55 p.m.

4.6. **ACKNOWLEDGMENT OF ARTS COMMISSION VACANCY AND CONSIDERATION OF APPOINTMENT TO FILL POSITION**

By letter dated 5/7/01 Sara Cooper reported that due to a teaching conflict she was unable to accept the position offered to her at the 5/1/01 Council meeting. The vacancy is for a term that expires 1/1/03, and Council should consider making an appointment from applicants who currently have their applications on file in the Clerk’s office, or direct staff to advertise for additional applicants. Copies of applications received from Anne Barrington, Sarena Breed, Tara Hames, Stephanie Roos, Sandra Rosas, and Annemarie Sutton are provided for Council’s consideration.

The City Council utilized its Boards and Commission recruitment process and Stephanie Roos was selected by Council to fill the vacant position.

4.4. **INITIAL CONSIDERATION OF THREE APPEALS RECEIVED REGARDING THE APPROVAL OF USE PERMIT 01-15 (WEBB/COMMUNITY ACTION AGENCY) ALLOWING A 60 UNIT APARTMENT COMPLEX TRANSITIONAL LIVING FACILITY ON PROPERTY LOCATED AT 2920 ESPONADE**

By memorandum dated 7/9/01, Associate Planner Summerville reported that at its 6/21/01 meeting, the Planning Commission approved a use permit to allow the expansion of the Esplanade House transitional living facility at a new location, which includes 60 apartment units, a day care facility for up to 75 children, and residential uses on the ground floor of a CC Community Commercial zoning district. The property is a 3.5 acre site near the southeast corner of The Esplanade and East Shasta Avenue at the address of 2920 Esplanade and identified as Assessor’s Parcel No. 006-380-010. The property is designated Community Commercial/Medium Density Residential on the City of Chico General Plan Diagram and is located in a CC Community Commercial/R 2 Medium Density Residential “split”-prezoning district. The use permit was approved on a motion passed 5-0-1-1 (one Commissioner absent, one disqualified). Three appeals of approval of this use permit were filed as set forth below, and the staff report addressed the appeal issues listed by the appellants.

Speaking in favor of hearing the appeal was Melissa Nicholaw, Karen Duncan, Venita Tuter, John Gillander, Dan Rodrigues, Bill Wells, Spiro Nicholaw, Dan Angel, Dale Downey, Bob Ozatio, Joe Martinez, Robert Bergman, Marilyn Ey, Stan Gungl, Frank Sisco, and Dawn Pigman.

Speaking against hearing the appeal was Andy Holcombe, Greg Webb, Caryn Jones, Chen Whitworth, Cindy Privitt, Michele Porter, Ted Sandberg, Bobbie McFarland, and Melinda Barrington.

Council recessed at 10:35 for a ten minute break.

Councilmember Nguyen-Tan indicated that based on what was presented he would be willing to hear a limited appeal that covered the egress and ingress of the project. A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to hear the appeal without limiting the issues. The motion was withdrawn.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to hear the appeal without limiting the issues and include the review of alternative sites. The motion was amended by Councilmember Keene to ask the appellants to work with the project proponents to continue the appeal in order to explore alternative sites and to hear the appeal in 72 days.
The motion failed due to the following vote:

AYES: Bertagna, Keene, Wahl
NOES: Kirk, Jarvis, Nguyen-Tan
DISQUAL: Herbert

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to set the appeal out 72 days and hear only Items 1 & 3 that were filed by Melissa Nicholaw and items 3 & 4 filed by Karen Duncan.

The motion failed by the following vote:

AYES: Bertagna, Keene, Wahl
NOES: Kirk, Jarvis, Nguyen-Tan
DISQUAL: Herbert

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to hear only the following items on appeal at the meeting to be held August 21, 2001 with the discussion of alternative sites being held at the August 7, 2001 council meeting.

Appeal filed by Melissa Nicholaw

1. Planning Commission did not discuss the addition of another ingress/egress to the project from the Esplanade other than for emergency vehicles.
2. Maintenance of current C-2 zoning, whether annexed or not.

Appeal filed by Karen Duncan

3. Inconsistent, inappropriate use of zoning.
4. Incomplete police reports/unacceptable risk to neighborhood.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Wahl
NOES: Jarvis, Nguyen-Tan
DISQUAL: Herbert

4.5. CONSIDERATION OF POSSIBLE SITE RELOCATION FOR THE BMX PARK AND THE ESPLANADE HOUSE EXPANSION

At its meeting held 6/19/01, Council concurred to agendize the request of Councilmember Wahl to have the City Council consider the possible site relocation for the BMX Park and Esplanade House. As requested by the City Council, the planning division provided a map showing areas zoned appropriately for transitional housing.

Staff was directed to provide Council very basic information on the list of properties that might be suitable for the project and to talk to the proponent about a possible relocation.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to continue the item to the August 7, 2001 meeting.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: Herbert
4.6. **ACKNOWLEDGMENT OF ARTS COMMISSION VACANCY AND CONSIDERATION OF APPOINTMENT TO FILL POSITION** – This item was heard before Item 4.4

4.7. **FUTURE MEETINGS – SCHEDULING OF COUNCIL PUBLIC FORUM / WORKSHOP IN AUGUST REGARDING SOLID WASTE ISSUES**

At its 7/17/01 meeting the Council’s Solid Waste Committee recommended that Council schedule a workshop / public forum in August to address solid waste issues. The Committee also recommended that if Council wished to consider the issue of deregulation of solid waste collection, it should be scheduled for the Council’s first meeting in August, before the workshop. Council agreed to discuss the possible deregulation of Solid Waste Collection at its 8/7/01 meeting.

5. **BUSINESS FROM THE FLOOR**

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. Memorandum dated 7/6/01 from the Finance Director reported that the list of claims paid during the month of May 2001 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 11:37 p.m. an adjourned regular City Council Meeting on August 7, 2001, 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.
1. **CALL TO ORDER**

1.1. Flag Salute

1.2. Invocation — Chaplain Bob Vilcone, Grace Community Church

1.3. The City Council observed a moment of silence for Butte County Sheriff Lieutenant Larry Estes and Deputy Bill Hunter who were killed in the line of duty on July 26, 2001. In addition, there was a moment of silence for Ted Meriam, who passed away on 8/5/01. Ted Meriam took office as a Chico City Councilmember in 1947, serving as Mayor of Chico from 1949 - 1957, and also served as President of the League of California Cities from 1956 - 1957.

1.4. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absent: None

1.5. Introduction of City Staff – Assistant City Manager Dunlap, City Attorney Frank, City Clerk Presson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Assistant Director of Public Works McKinley, Principal Planner Figge, Management Analyst Herman, Police Captain Maloney, Parks Director Beardsley, Administrative Analyst Armstrong, Housing Officer McLaughlin

2. **CONSENT AGENDA** — A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the following Consent Agenda, with Items 2.1, 2.8, and 2.9 being removed and heard under Item 4.1:

2.1. **RESOLUTION NO. 20 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12R.04.050 OF THE CHICO MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE IN PARKS OR PLAYGROUNDS IN THE CITY OF CHICO** — this item was removed from the Consent Agenda at the request of Councilmember Bertagna and heard under Item 4.1.

2.2. **RESOLUTION NO. 21 01-02, A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (719 PARKWOOD DRIVE, LOT 26 OF SHIRLEY PARK SUBDIVISION, ASSESSOR’S PARCEL NO. 002-150-079)**

By memorandum dated 7/3/01, the Director of Public Works reported that the developer of Lots 25 and 26 of Shirley Park Subdivision, Dave Jones, has petitioned the City to abandon the 4-foot-wide public utility easement located on Lot 26 of Shirley Park Subdivision, 719 Parkwood Drive, Assessor’s Parcel No. 002-150-079. Comments on the proposed abandonment were solicited from local utility companies, all of whom have advised that they have no objections to the abandonment. This abandonment was required as a condition of a recent boundary line modification. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing for 9/4/01.

2.3. **RESOLUTION NO. 22 01-02, A RESOLUTION DECLARING A SURPLUS IN THE RESERVE FUND (735) OF SOUTHEAST CHICO SEWER REFUNDING ASSESSMENT DISTRICT - OPTION I AND OPTION II AND AUTHORIZING THE DISTRIBUTION THEREOF**

At its meeting held 1/23/01, the City Council adopted Administrative Procedure and Policy No. 10-39 providing for the distribution of surplus assessment district funds to property owners. By memorandum dated 7/23/01, the Finance Director reported that excess monies exist in the Reserve Fund (735) of the Southeast Chico Sewer Refunding Assessment District and transmits a Resolution for adoption by the Council which declares the funds to be surplus as of 6/30/01, and authorizes their distribution. The Finance Director recommended adoption of the Resolution.
2.4. **DECLARATION OF SURPLUS MONIES IN THE REDEMPTION FUND (725) OF THE CALIFORNIA PARK SUBDIVISION UNIT 1A ASSESSMENT DISTRICT AND IN THE RESERVE FUND (750) OF THE FOREST AVENUE IMPROVEMENT ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF (REPEALING AND SUPERSEDING RESOLUTIONS NO. 136 00-01 AND 140 00-01 IN ALL RESPECTS AND FOR ALL PURPOSES)**

At its meeting held 6/19/01, the City Council adopted Resolution NoS. 136 00-01 and 140 00-01 declaring surplus monies and authorizing their distribution to property owners in the California Park Subdivision Unit 1A and Forest Avenue Improvement Assessment Districts. Subsequent to that meeting, staff became aware of a parcel split in each district, including one segregation involving a prior delinquency which affects the entire Schedule of Distribution. By memorandum dated 7/23/01, the Finance Director transmits corrected Schedules of Distribution for these two districts with Resolutions which will repeal and supersede in all respects and for all purposes the Resolutions previously adopted. The Finance Director recommended adoption of both Resolutions.

**RESOLUTION NO. 23 01-02 — A RESOLUTION DECLARING A SURPLUS IN THE REDEMPTION FUND (725) OF THE CALIFORNIA PARK SUBDIVISION UNIT 1A ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF (REPEALING AND SUPERSEDING RESOLUTION NO. 136 00-01 IN ALL RESPECTS AND FOR ALL PURPOSES)**

**RESOLUTION NO. 24 01-02 — A RESOLUTION DECLARING A SURPLUS IN THE RESERVE FUND (750) OF THE FOREST AVENUE IMPROVEMENT ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF (REPEALING AND SUPERSEDING RESOLUTION NO. 140 00-01 IN ALL RESPECTS AND FOR ALL PURPOSES)**

2.5. **RESOLUTION NO. 25 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE FILING FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000**

By memorandum dated 7/25/01, the Park Director recommended adoption of a resolution authorizing an application for funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, Per Capita Grant Program. A portion of the bond is available as a direct grant to local agencies providing park and recreation services. The City’s allocation is $502,000. At its 04/24/00 meeting, the Bidwell Park and Playground Commission unanimously supported allocating the per capita grant funding for four capital projects as set forth in the Park Director’s memorandum. In addition to authorizing the City Manager to submit and execute documents and applications required to secure the grant funds, the resolution would also authorize the City Manager to approve the Supplemental Appropriation necessary to confirm the City Council’s allocation of revenue and expenditures in the amount of $502,000. The Bidwell Park and Playground Commission and the Park Director recommended adoption of the resolution.

2.6. **APPROVAL OF ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS REGARDING PROJECT PRIORITIES FOR THE 2001-02 UPDATE OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)**

The Tri-County Economic Development Corporation (TCEDC) acts as the planning and coordinating agency for the Tri-County Economic Development District, which consists of the three counties and ten incorporated cities within the region of Butte, Glenn and Tehama counties. In 1999, the Federal Economic Development Administration (EDA) required TCEDC to submit a five-year Comprehensive Economic Development Strategy (CEDS) with recommended projects for the District. The projects contained in the CEDS must be related to economic development and must provide technical assistance, financing or infrastructure. The EDA also requires that the CEDS project list be updated each year by each jurisdiction within the District.

The Economic Development Committee reviewed the list of CEDS projects at its 6/14/01 and 7/12/01 meetings. By memorandum dated 7/19/01, Management Analyst Herman submitted a revised list of projects that were reviewed by the Committee and are recommended to be included in the 2001-02 annual update of the CEDS document. The Economic Development Committee recommended approval of the proposed CEDS projects for submittal to the Economic Development Administration.
2.7. APPROVAL OF DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY – SAFEWAY STORE, 720 MANGROVE AVENUE

By memorandum dated 7/16/01, the Community Development Director recommended that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of an off-Sale alcoholic beverage license for the Safeway Store #1651 which will be relocating from 680 Mangrove to 720 Mangrove.

2.8. APPROVAL OF MINUTES FOR MEETINGS HELD MAY 4, AND MAY 15, 2001 — this item was removed at the request of Vice Mayor Kirk and heard under Item 4.1.

2.9. ACKNOWLEDGMENT OF RECEIPT OF REPORT ON BUILD-UP OF GRAVEL IN THE SACRAMENTO RIVER AND ITS EFFECT ON THE CITY’S WATER POLLUTION CONTROL PLANT (WPCP) OUTFALL DIFFUSERS, AND REFERRAL TO FINANCE COMMITTEE — this item was removed at the request of Councilmember Bertagna and heard under Item 4.1.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON TEXT AMENDMENTS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE

By memorandum dated 7/24/01, Associate Planner Palmeri reported that at the Planning Commission meeting of 6/21/01, the Commission voted 6-0-1 on consent to recommend approval of text amendments to Title 19 Land Use and Development Regulations. The proposed amendments will add telemarketing to the list of uses defined as “Professional Offices” and amend typographical errors to the C-1 Restricted Commercial and C-2 General Commercial zoning districts. The Planning Commission and Planning Director recommended that the City Council find that the amendments are exempt from environmental review and adopt the ordinance amending Title 19. The below ordinance received introductory reading at Council’s meeting of 7/17/01. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Jarvis and seconded Vice Mayor Kirk to adopt:


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. RESOLUTION NO. 20 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12R.04.050 OF THE CHICO MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE IN PARKS OR PLAYGROUNDS IN THE CITY OF CHICO – this item was removed from the Consent Agenda by Councilmember Bertagna for further discussion.

By memorandum dated 7/19/01, the Park Director submitted a proposed resolution that would amend Section 12R.040.050 of the Chico Municipal Code to prohibit possession of open containers of alcoholic beverages. The current Code prohibits only consumption of an alcoholic beverage in any park or playground in the city. The Park Director is requesting approval of this resolution to be consistent with the current policy of no alcoholic beverages in city parks.
This resolution is consistent with previous Council action to include possession of open containers of alcoholic beverages in Section 9.30.030 of the Chico Municipal Code. The Park Director recommended adoption of the Resolution.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to adopt Resolution No. 2001-02. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

2.8. APPROVAL OF MINUTES FOR MEETINGS HELD MAY 4, AND MAY 15, 2001 — this item was removed from the Consent Agenda at the request of Vice Mayor Kirk for clarification on the May 15, 2001 minutes.

The Council was provided with copies of minutes for its meetings held 5/4/01 and 5/15/01.

A motion was made by Vice Mayor Kirk and seconded to approve the minutes of the 5/4/01 meeting. Staff was also directed to review the discussion on Item 4.3. considered at the 5/15/01 meeting and bring back the minutes for approval at the next City Council meeting.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

2.9. ACKNOWLEDGMENT OF RECEIPT OF REPORT ON BUILD-UP OF GRAVEL IN THE SACRAMENTO RIVER AND ITS EFFECT ON THE CITY’S WATER POLLUTION CONTROL PLANT (WPCP) OUTFALL DIFFUSERS, AND REFERRAL TO FINANCE COMMITTEE — this item was removed from the Consent Agenda at the request of Councilmember Bertagna.

By memorandum dated 7/20/01 the Director of Public Works provided Council with an update on the gravel bar which is building in the Sacramento River near the City’s WPCP outfall diffusers. The City has seven outfall diffusers discharging treated effluent into the Sacramento River at this location. Of these seven, one is blocked and one is partially blocked by the build-up of gravel. M&T Chico Ranch has been working with various agencies to secure a long-term solution to the problem of gravel build-up and erosion because the build-up is also affecting the M&T pumps which are located north of the City’s diffusers. In an effort of cooperation with M&T Chico Ranch and due to what appears to be a re-occurring problem, in March 2001 the City wrote letters to state representatives asking for any assistance they could provide to coordinate and, if possible, fund a long-term solution. Stillwater Sciences was contracted by CalFed to recommend alternative solutions. The recommended short-term solution is to apply for a gravel removal permit, for which it would be necessary to procure environmental clearance (mitigated negative declaration), an appraisal of property and evaluation of riparian habitat. This would allow the City’s WPCP to remain in operation with a long-term goal of developing a permanent solution that would mitigate the migration of the gravel bar affecting M&T Chico Ranch and the City. M&T Chico Ranch would coordinate a long-term solution. The City’s share of the cost for the short-term solution would be $100,000 and it would ultimately share in the cost for the long-term solution as well. The City Manager recommended that this matter be referred to the Finance Committee.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to refer this to the Finance Committee to come back in September 2001. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None
4.2. CONSIDERATION OF REQUEST FROM MIKE HAMILTON, HISTORIAN, FOR ACKNOWLEDGMENT OF OCTOBER 7, 1851 AS THE DATE AN OFFICIAL UNITED STATES POST OFFICE WAS ESTABLISHED IN CHICO

Councilmember Jarvis requested this matter be scheduled for consideration, and that the Council vote to consider it on this agenda. The Council was provided with copies of the memorandum dated 7/14/01 from Councilmember Jarvis transmitting Mr. Hamilton’s request. Mr. Hamilton was present to make a brief presentation to the Council regarding lack of an accurate date for Chico’s founding of the United States Post Office. A motion to hear this item at this meeting was made by Councilmember Jarvis and seconded by Councilmember Bertagna. The motion carried 7-0.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to acknowledge the date of October 7, 1851 as the date an official United States Post Office was established in Chico. Staff was also directed to confirm the date with other local historians. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4.3. CONSIDERATION OF POSSIBLE SITE RELOCATION FOR THE ESPLANADE HOUSE EXPANSION

— Mayor Herbert disqualified himself from the discussion and left the Chamber. Vice Mayor Kirk presided over this item.

At its 7/17/01 meeting, the City Council directed staff to refine its map of potential alternative sites for a transitional housing facility and provide an explanation of site characteristics to assist Council in assessing the feasibility of each site. By memorandum dated 7/31/01, the Planning Director submitted a revised map and a summary of alternative site characteristics.

The Council was provided with copies of a letter dated 7/27/01 from Greg Webb and Tom Tenorio (Community Action Agency), proponents of the Esplanade House expansion project, indicating the current site off East Shasta and the Esplanade best meets the needs for the project, and provided a matrix with comments on the alternate sites identified by staff. Additional information was received from staff which included a detailed map of Transitional Housing Alternative No. 1, analysis of acquisition costs and current estimated value of the Humboldt Housing/Park site and a memorandum dated 8/7/01 from the Housing Officer regarding CHDO funding. An email message was received from Grace Marvin and Julian Zenner urging the Council to consider the original site already approved for the project.

Greg Webb addressed the City Council about the project and his concern over the proposed location. Greg felt that the East Shasta location was best suited for their needs as far as construction costs and the way the property was laid out. The current location is a very secure site and if you were to stand in the office you could see the whole piece of property. He wasn’t sure that the Hank Marsh property had bus lines, would require extensive fencing in order to keep the children away from the creek and was not the location that they wanted. Tom Tenorio indicated that the Community Action Agency was not interested in looking into another location. The East Shasta location took over a year and half to find. He commended the Council for its efforts in trying to help find another location but that it would not work for the Esplanade House. Caryn Jones, Juanita Sumner, Will Nichols were also opposed to the alternative sites identified by Council and staff.

Stan Gungl and Melissa Nicholaw spoke in favor of finding a different location for the proposed Esplanade House expansion. John Gillander thanked Council for looking into other sites as he felt that this was a “City” project, not just the developers. Doug Muniz also thanked the Council for looking at alternative locations and urged Council to try to find something closer to Bidwell Park.

The City Council took a ten minute break at 8:30 p.m.

Councilmember Wahl thanked staff for all the work that went into preparing this information. A motion
was made by Councilmember Wahl to direct staff to move forward with a use permit for this site that would accommodate this project. The motion died for a lack of a second.

Councilmember Keene indicated that the appeal should be heard first. Councilmember Bertagna stated that he was supportive of looking at alternative sites but felt that it was important for the Council to first hear the appeal that is scheduled for the 8/21/01 City Council meeting. Councilmember Jarvis indicated that we did have an approved project at an approved site and that money would not be saved by finding a new location. In fact, we could be costing the CAA $500,000 in funding if we were to require them to relocate. Vice Mayor Kirk indicated that she had wanted to make sure that the Esplande House had looked for additional sites. She stated that she would wait for the appeal to be heard. Councilmember Nguyen-Tan also expressed that he was originally willing to look at alternative sites so that Councilmember Wahl could provide compelling reasons to move the applicant to another site. However, the applicant has expressed no desire to consider a relocation and while there was a chance of potentially not being able to sell the land, long term we might lose the other site also.

No action was taken and the appeal will be heard, as scheduled, at the City Council meeting to be held 8/21/01.

The City Council took a fifteen minute break at 9:30 p.m.

4.5. ITEM “C” – CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JULY 10, 2001 – this item was moved up by Council and heard before Item 4.4.

Item "C" Consideration of Request from Team Chapman for Measures to Reduce Tobacco Advertising and Promotions in Stores. The Committee recommended (3-0):

1. That staff be directed to pursue restriction of self-service tobacco product displays in stores.
2. That staff report back on how the City’s current sign ordinance impacts tobacco advertising and whether enforcement of current regulations would solve the concern with excessive tobacco advertising.
3. That the City Attorney provide an update on recent court decisions regarding restrictions on location of retail tobacco product stores and advertising.

Sakuna Lay addressed Council about the Teen Chapman program that surveyed over 80 stores regarding the display of tobacco advertisements and location of tobacco related items. This student felt that self service tobacco displays were a problem in Chico. Bill Arnold from the Butte County Department of Health addressed the Council seeking support for a more restrictive ordinance. John Gillander also addressed Council. Councilmember Jarvis asked that staff work on the requested items and bring back the information to the Internal Affairs Committee where perhaps a sub committee consisting of the Chamber of commerce and local businesses could address the possible impacts of such a restriction. Councilmember Keene indicated that he didn’t want to pursue placing further restrictions on local businesses. Councilmember Wahl indicated that he felt that the restrictions being requested would prohibit free speech.

Councilmember Keene made a motion to direct the City Attorney to review the recent court cases dealing with the restriction of tobacco advertising and to report back to Council as soon as possible which was item 3. Councilmember Jarvis asked for a friendly amendment to send the information back to the Internal Affairs Committee for review and stated that item number 1, “the restriction of self-service tobacco product displays in stores” did not restrict first amendment rights. The amendment was not accepted.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Wahl, Herbert
NOES: Nguyen-Tan
Councilmember Jarvis made a motion to approve Item #1, which would direct staff to pursue restriction of self-service tobacco product displays in stores. It was seconded by Councilmember Nguyen-Tan.

The motion failed by the following vote:

**AYES:** Jarvis, Kirk, Nguyen-Tan  
**NOES:** Bertagna, Keen, Wahl, Herbert

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to direct staff to report back on how the City’s current sign ordinance for all advertising is being enforced. Due to the information provided by staff that the enforcement of the sign ordinance was complaint driven, the motion was withdrawn.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to provide a copy of the City’s sign ordinance to the Teen Chapman group. This motion was withdrawn due to the group already receiving a copy of said ordinance. The group was instructed to communicate with City staff if there was a question on whether or not advertising signs were in compliance with the current regulations.

4.4. **CONSIDERATION OF DEREGULATION OF SOLID WASTE COLLECTION AND RATES** – Council moved Item 4.5. to be heard prior to this item.

At its meeting on 7/17/01, the Council accepted the Solid Waste Committee’s recommendation to schedule consideration of deregulation of solid waste collection and rates prior to addressing pending issues relating to rates. By memorandum dated 7/25/01, Management Analyst Herman provided background information on solid waste collection in Chico and other communities.

Comments in favor of deregulation were received from John Gillander, Nicholas Sutton and Steven Johnson. Those in opposition to deregulation was Bill Mannel, Marc Stemen, Joe Matz and Lyla Gregg.

Councilmember Jarvis asked the Council to define what deregulation actually meant. Councilmember Keene indicated that while they were talking only conceptually, by deregulating, the market would set the rates. In addition, if approved, a permit could be required of all haulers requiring the use of single path trucks. By deregulating, there would not be a need to review the financial information of each hauler in order to determine if a rate increase was justified which recently happened.

A motion was made by Councilmember Keene and seconded by Mayor Herbert to open up the permit process and not limit the number of haulers and talk about the conditions of the permits at a future meeting.

Councilmember Bertagna asked how diversion would be affected. Councilmember Keene indicated that the requirements of AB 939 could be included in the permits. He also felt that you could get a substantial number of trucks off the road. Councilmember Kirk stated that our current service was working well and that there wasn’t a need to deregulate. She didn’t feel that it was necessary to review all the information that Councilmember Keene had requested to review prior to the rate increase. A rate methodology could be developed.

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to continue the meeting to 11:15 p.m. The motion carried 7-0.

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Councilmember Nguyen-Tan said he couldn’t support the deregulation of the solid waste haulers as he felt that they were a quasi public utility and if the City Council chose to deregulate it would be difficult to regulate compliance with the diversion requirements imposed upon us by the state.
Councilmember Jarvis asked about the setting of rates for the yard waste hauler. Councilmember Keene indicated that the Council or Solid Waste Committee could talk about the rates at the time the ordinance came back. Councilmember Jarvis asked to be removed from the Solid Waste Committee. Councilmember Nguyen-Tan also expressed the desire to be replaced. Mayor Herbert suggested that the Finance Committee look at the yard waste rate. Councilmember Jarvis indicated that the franchise agreement had expired and there was a need to agendize the rates as soon as possible. Staff indicated that it could be added to the 8/21/01 Council meeting.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

--------------------------------------------------------------------------------------------------------------------------------------------

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to continue the meeting to 11:45 p.m. The motion carried 7-0.

--------------------------------------------------------------------------------------------------------------------------------------------

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JULY 10, 2001

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item "A". Consideration of Traffic Issues on Marigold Avenue, North of East Avenue, including the Establishment of a Speed Zone. The Committee recommended (3-0) that the speed limit on Marigold Avenue be established at 25 miles per hour, and that staff be directed to send a letter explaining the enforceability of this speed limit to residents in the area. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt:

RESOLUTION NO. 26 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 717

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item "B" Consideration of Parking Issues on the South Side of East 3rd Street between Wall and Flume Streets. The Committee recommended (3-0) denial of the request to establish a "Preferential Parking Area" for the five uncontrolled parking spaces on the south side of East 3rd Street between Wall and Flume Streets.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to uphold the committee's recommendation to deny the preferential parking request. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None
Item “D” Consideration of (1) Reclassification of Various Streets within the City from “Collector” to “Local;” and (2) Traffic Calming Measures in California Park

1. The Committee recommended (3-0) and a motion was made by Councilmember Keene and seconded by Councilmember Wahl to confirm the following Committee recommendation:

   a. That the following City streets be reclassified in the General Plan as “Local” streets, which would allow radar enforcement of a 25 mile-per-hour speed limit: East Lindo Avenue (Laburnum Avenue - Mangrove Avenue); East Sacramento Avenue; Idyllwild Circle; Lakewest Drive (Bruce Road - Idyllwild Circle); Palm Avenue; Spruce Avenue; Yosemite Drive; West Lindo Avenue (Moyer Way - Esplanade); West First Avenue (North Cedar Street - Warner Street); and West Fourth Avenue (Warner Street - Esplanade).

   b. That 25 mile-per-hour signs be installed on Idyllwild Circle and Lakewest Drive (Bruce Road - Idyllwild Circle).

   The motion carried by the following vote:

   AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   NOES: None
   ABSENT: None
   DISQUAL: None

2. The Committee (2-0-1, Kirk disqualified):

   a. Adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 719, authorizing the removal of three stop signs at the intersection of Burney Drive and Idyllwild Circle. Mark Maidenburg and Shawn Farrell urged Council to not remove the stop signs.

      This item didn’t require Council action as the Internal Affairs Committee had the authority to adopt this traffic regulation.

   b. Recommended that permanent speed bumps be installed where the temporary speed bumps were currently located on the south portion of Yosemite Drive; and that the issue of relocation of the temporary speed bumps from the south to the north section of Yosemite Drive be addressed by the Committee in six months, after the permanent speed bumps were installed on the south portion of the street, with notification of that meeting to be provided to California Park residents.

      A motion was made by Councilmember Jarvis and seconded by Councilmember Keen to send the financing of speed bumps to the Finance Committee. The motion carried 6-1, with Vice Mayor Kirk disqualified.

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION:

Item “F”. Reports and Communications

1. Letter dated 5/2/01 from Jann Reed, 347 Legion Avenue, requesting amendments to the preferential parking permits in the Mansion Park area which would limit permittees to parking on certain streets. No action was taken by the Committee.

2. Memorandum dated 6/26/01 from Assistant Director of Public Works McKinley providing a report on how other communities are handling diagonal parking and an analysis of whether it should be considered in the future for Salem Street. No action was taken by the Committee, and this matter will remain on the Committee’s pending list.
4.6. **CONSIDERATION OF REQUEST FROM BOYS AND GIRLS CLUB TO WAIVE FEES FOR PERMIT TO HOLD A PUBLIC ASSEMBLY** — this item was removed from the agenda and not considered by Council at the request of the Boys and Girls Club.

4.7. **DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE TO BE HELD IN SACRAMENTO – SEPTEMBER 12 - 15**

The Council was provided with copies of a memorandum from the LCC President, requesting the Council to designate a voting delegate (and alternate) who will be registered at the conference and present at the annual business meeting on Saturday, 9/15/01, at the Sacramento Convention Center.

Dan Nguyen-Tan was selected as the City Council representative.

4.8. **FUTURE MEETINGS – WORKSHOP ON SOLID WASTE ISSUES** — not discussed as the City Council voted to deregulate solid waste haulers earlier in the meeting.

If appropriate, the Solid Waste Committee recommended that the Council schedule a workshop / public forum as soon as possible to address the following solid waste issues: a) Rate Methodology; b) Yardwaste Collection Rates; c) Consolidation (or combining) of Rates; d) Commercial Rate Regulation; and e) Variable Container Rates. There was no Council discussion on this issue.

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

4.9. **CONSIDERATION OF COUNCILMEMBER NGUYEN-TAN’S REQUEST THAT THE CITY COUNCIL WRITE A LETTER TO THE BOARD OF SUPERVISORS EXPRESSING CONCERN OVER IMPLEMENTING ANY REDISTRICTING PLAN THAT WOULD DEFER THE VOTES OF A SIGNIFICANT NUMBER OF CHICO URBAN AREA RESIDENTS AND DIVIDE COMMUNITIES OF INTEREST IN THE CHICO URBAN AREA.**

On 8/14/01 the Board of Supervisors will vote to enact one of five possible redistricting scenarios. The criteria for evaluating redistricting plans includes: (1) Respect for communities of interest and (2) Avoiding unnecessary voter deferral. By memorandum dated 8/3/01, Councilmember Nguyen-Tan requested that Council, as elected representatives in the Chico Urban Area, submit a letter to the Board of Supervisors prior to its meeting on 8/14/01 expressing concern over any redistricting plan that would unnecessarily defer thousands of votes and divide a community of interest in the Chico Urban Area. Due to the time constraints, he requested the Council to vote to consider this matter at tonight’s meeting.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to hear this item tonight.

Councilmember Nguyen-Tan indicated that he believed the redistricting plan would impact Chico and urged Council to support sending a letter to that effect to the Board of Supervisors. Councilmember Keene said that he would not support hearing the item. Councilmember Bertagna indicated that past practice was for the Council not to participate in out of the area election issues. Councilmember Jarvis said that this was a plan that directly impacted the residents of Chico.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to continue the meeting to 12:15 a.m. The motion carried 6-1, with Councilmember Bertagna voting against.

Members of the audience speaking in favor of hearing the item at this meeting and sending a letter regarding the redistricting issue was James Gregg, Bob Ray, Michael Worley and Richard Elsom.

The motion to hear the item failed due to the following vote:
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 6/11/01 from Glenn Dunning, Chair of the Bidwell Park and Playground Commission, requesting and recommending that a management plan for the Teichert Ponds be completed, including any water quality analysis and studies that would be necessary to determine the appropriate type of uses and ultimate management of the property. (Staff advised that this matter will be scheduled for Council consideration this fall.)


7. **ADJOURNMENT**

   The meeting was adjourned at 12:20 a.m. to Tuesday, August 21, 2001, at 7:00 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.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: Keene

1. **CLOSED SESSION**

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

2.2. **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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2. **ADJOURNMENT**

    Adjourned at 7:30 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. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Bruce Murray, First Assembly of God

1.3. Roll Call — Present: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert

Absent: Keene

1.4. Introduction of City Staff — Assistant City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works McKinley, Principal Planner Figge, Management Analyst Herman, Park Director Beardsley, Housing Officer McLaughlin, Traffic Engineer Johnson, Engineer Thompson, Arts Coordinator Garner, Fire Marshal Meyers.

1.5. Closed Session Announcement — None

2. CONSENT AGENDA — No items

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1. CONSIDERATION OF RECOMMENDATION FROM ARTS COMMISSION REGARDING PUBLIC ART PROJECTS

By memorandum dated 8/10/01, the Art Projects Coordinator forwarded the recommendations of the Arts Commission regarding the following proposed art projects: a $6,000 allocation to install additional art treatments to the recently constructed Airport Sidewalk Art Project; a $20,000 allocation to purchase and install twenty art works, which had originally been submitted as a model for a previous public art project, to be located at two bus stops on Forest Avenue, and a $20,000 allocation as a contribution to the future renovation of the Senator Theater Tower. The Commission is recommending that all of these projects be funded from Art Fund 380, Chico Merged RDA Fine Arts. Staff was present to answer questions. The Arts Commission recommended approval of the proposed projects.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the $6,000 allocation for Airport Sidewalk Art Project.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Keene

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the $20,000 allocation to purchase and install twenty art works at several bus stops on Forest Avenue.

The motion failed due to the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Wahl, Herbert
ABSENT: Keene
A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to table the $20,000 allocation towards the future renovation of the Senator Theater Tower until the final recommendation comes back.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Herbert
NOES: None
ABSENT: Keene
DISQUAL: Wahl

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

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. in the Chico Municipal Center, Council Chamber, 421 Main Street.

2. **CONSENT AGENDA** — Items 2.4 and 2.7 were removed from the Consent Agenda for further discussion and heard under Item 4.1. A motion was made by Vice Mayor Kirk and seconded by Councilmember Nguyen-Tan to approve the following items:


By memorandum dated 7/17/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 22 parcels along Arbutus Avenue between East 7th Avenue and Lindo Channel, and the street right of way. The area proposed for annexation currently contains 22 single family residences. The properties are designated and zoned for 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. Property owners are identified in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

2.2. **RESOLUTION NO. 27 01-02** — 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. 4

By memorandum dated 7/27/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of an 8.89 acre parcel on the south side of Chico Canyon Road, approximately 3,250 feet east of Bruce Road - Manzanita Avenue. The subject property has been proposed for an eight 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 Assistant Community Development Director recommended adoption of the resolution.

2.3. **RESOLUTION NO. 28 01-02** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

**SUPPLEMENTAL APPROPRIATION PROVIDING FUNDING FOR REPLACEMENT OF A PEDESTRIAN /BICYCLE BRIDGE IN LOWER PARK AND REPLACEMENT OF THE IRRIGATION SYSTEM AT ONE MILE RECREATION AREA**

By memorandum dated 07/31/01, the Park Director recommended adoption of a resolution authorizing the City Manager to submit an application for funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, Roberti-Z'berg-Harris Urban Open Space and Recreation Program Grant Program and to execute funding agreements with the California Department of Parks and Recreation. A portion of the bond is available as a block grant to local agencies providing park and recreation services. The City’s allocation is $161,305 and requires at least 30% in matching City funds. At its 04/24/00 meeting, the Bidwell Park and Playground Commission unanimously supported allocating the Roberti-Z'berg-Harris Grant funds on two capital projects as set forth in the Park Director's memorandum.

The Bidwell Park and Playground Commission reviewed those recommendations with the City Council on 5/22/01. The Supplemental Appropriation would budget grant revenue in the amount of $161,305 and expenditures in the amount of $253,479. The Council is being provided with the fund summary for the
2.4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 722) — removed from the Consent Agenda at the request of Councilmember Bertagna and heard under Item 4.1.

2.5. MINUTE ORDER 27-01 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE TWO AGREEMENTS RELATING TO THE INSTALLATION OF CITY OWNED RADIO EQUIPMENT AND FACILITIES ON PROPERTY AND LEASED PREMISES AT 1110 W. EAST AVENUE (PACIFIC BELL)

In order to have effective and total radio communications throughout the Chico Urban Area, the Council has previously authorized the City Manager to enter into license agreements to locate radio communications equipment and facilities on private property. The Police Department and Butte County Sheriff’s Department have identified the site located at 1110 W. East Avenue as suitable to provide needed coverage for both agencies for the northwest quadrant of the Urban Area. The Masonic Lodge, owner of the property, and Pacific Bell, which leases a portion of the site for its transmitter, have offered the use of the property and a portion of the leased premises to install and house radio communications equipment. This minute order authorizes the City Manager to negotiate and execute license agreements or sublease agreements with Pacific Bell, its subsidiaries or affiliates, and the Masonic Lodge for use of the property and leased premises at 1110 W. East Avenue, subject to the conditions set forth in the minute order. The Chief of Police recommended approval of the minute order.

2.6. MINUTE ORDER NO. 28-01 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND AGREEMENT WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION TO DEOBIGATE $86,722 OF PREVIOUSLY COMMITTED FUNDS

At its meeting of 7/12/01, the Economic Development Committee considered a request from the Tri-County Economic Development Corporation that the City Council consider amending the CDBG Revolving Loan Fund agreement to deobligate $86,722 that was previously committed to the program so that it could be used for other CDBG eligible projects. By memorandum dated 8/2/01, Housing Specialist Burkland submitted the Economic Development Committee’s recommendation that a Minute Order be approved to authorize the City Manager to execute an amendment to the CDBG RLF Agreement to deobligate these funds. The Economic Development Committee recommended approval of the Minute Order.

2.7. APPROVAL OF CITY COUNCIL MINUTES OF MAY 15, JUNE 19, JULY 10, AND JULY 17, 2001— this item was removed from the Consent Agenda at the request of Vice Mayor Kirk and heard under Item 4.1.

The motion to approve the Consent Agenda with Items 2.4 and 2.7 being heard under Item 4.1, carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, and Herbert
NOES: None
ABSENT: Keene

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT 01-15
(WEBB/COMMUNITY ACTION AGENCY) TO ALLOW A 60-UNIT APARTMENT COMPLEX TRANSITIONAL LIVING FACILITY, RESIDENT-ONLY DAY CARE FACILITY FOR 75 CHILDREN, AND RESIDENTIAL USES ON THE GROUND FLOOR IN A CC COMMUNITY COMMERCIAL ZONING DISTRICT FOR PROPERTY LOCATED AT 2920 ESPLANADE AND IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 006-380-010

By memorandum dated 8/1/01, Principal Planner Figge reported that at the Planning Commission meeting of 6/21/01, the Commission voted (5-0-1-1 one Commissioner absent, one disqualified) to approve Use Permit 01-15. The Planning Commission’s action was subsequently appealed to the City Council by three separate filings. The City Council initially considered the Planning Commission’s decision and appellants’ reasons for hearing the appeals at its 7/17/01 meeting. The Council voted to set the matter for a public hearing tonight, limiting the issues of discussion to those listed below:

Appeal filed by Karen Duncan
1. Inconsistent, inappropriate use of zoning
2. Incomplete police reports/unacceptable risk to neighborhood

Appeal filed by Melissa Nicholaw
3. Planning Commission did not discuss the addition of another ingress/egress to the project from the Esplanade other than for emergency vehicles
4. Maintenance of current C-2 zoning, whether annexed or not

The property is a 3.5 acre site near the southeast corner of the Esplanade and East Shasta Avenue with an address of 2920 Esplanade. The subject site is designated Community Commercial on the City of Chico General Plan Diagram on the Esplanade frontage and Medium Density Residential on the rear portion of the site with access on East Shasta Avenue, and is prezoned CC Community Commercial and R2 Medium Density Residential.

Mayor Herbert disqualified himself from this item and left the meeting. Vice Mayor Kirk opened the hearing up to the public.

Speaking in favor of granting the appeal was Melissa Nickolaw, Karen Duncan, Vic McBurney, Bob Lasgot, Bill Wells, Spiro Nickolaw, Michael Reale, Daniel Rodriguez, Richard Yale, Marilyn Imes, John Gillander, Bob Battezzato, Christine LaMar, Bob Burton, Sandra Estrada, Harry Miller, Jan Smith, and Venita Tuter.

Speaking against granting the appeal was Tom Tenorio, Greg Webb, Karen Jones, Ted Sandberg, Mickey Taylor, Lynne Bussey, Darrell Dinsmore, Tami Ritter, Dan Ostrander, John Linhart, Gary Incando, Bob Ray, John Linhart, and Jan Rabo. Vice Mayor Kirk closed the hearing to the public.

Councilmember Keene arrived at 9:35 p.m.

Council took a 5 minute break at 10:05 p.m.
The Planning Commission and Planning Director recommended that the City Council deny the appeals and affirm the adoption of the negative declaration and approval of Use Permit 01-15 subject to the recommended findings and conditions of approval.

Council concurred to continue the meeting to 11:15 p.m.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to deny the appeal and approve the use permit with the following modifications or conditions and with the findings and conditions established by the Planning Commission:

- 8 ft. sound wall adjoining Ms. Nickolaw’s property
- additional ingress/egress off the Esplanade potentially not allowing left hand turns out of the complex

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan
NOES: Wahl
ABSTAIN: Keene
DISQUAL: Herbert

4. REGULAR AGENDA

Council concurred to continue the meeting to 11:30 p.m.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. RESOLUTION NO. 29 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 722) — This item was removed from the Consent Agenda by staff for referral to the Internal Affairs Committee.

By memorandum dated 7/25/01, the Director of Public Works reported on the action taken by the Parking Place Commission at its 7/18/01 meeting. Jim Matthews, owner of 627 Broadway, requested that “2 Hour Parking” be changed to “10 Hour Parking” in the area south of Fifth Street for the benefit of area businesses, and that there be consideration of parking permits for on-street metered parking. The Commission scheduled a meeting for 8/22/01 to consider the issue of permit parking for on-street metered spaces. The Parking Place Commission recommended City Council adoption of this resolution which will change the designation of the metered parking spaces on the east side of Broadway between West 6th and West 7th Streets (8 metered spaces) and along both sides of West 7th Street between Broadway and Main Streets (13 metered spaces) from “2 Hour Parking” to “10 Hour Parking”. Katrina Davis and Richard Elsom addressed the Council regarding this issue.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve Resolution No. 29 01-02 as set forth in the revised report provided by the Director of Public Works and to refer parking issues in the entire area to the Internal Affairs Committee after the PPC develops its recommendations.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan
NOES: None
ABSENT: Herbert
DISQUAL: Wahl
2.7. **APPROVAL OF CITY COUNCIL MINUTES OF MAY 15, JUNE 19, JULY 10, AND JULY 17, 2001**

The City Council was provided with copies of the minutes of its meetings held 5/15/01, 6/19/01, 7/10/01, and 7/17/01.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the minutes as amended.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl  
**NOES:** None  
**ABSENT:** Herbert

4.2. **CONSIDERATION OF SUBSIDIZING AND/OR INCREASING YARD WASTE COLLECTION RATES FOR AN INTERIM PERIOD**

By memorandum dated 8/9/01, Management Analyst Herman reported that at its meeting of 8/7/01, the City Council considered deregulation of the solid waste collection permit and rate system. Council approved a motion of intent to deregulate the permit system, but postponed a decision regarding deregulating the rates until the Council could discuss establishing more stringent solid waste collector permit provisions. Although the consideration of rate deregulation was delayed, the Council agreed to agendize consideration of interim revisions or possible subsidization of the yard waste collection fees for tonight's meeting.

Council agreed to continue the meeting to 11:40 p.m.

Additional information was requested by Councilmember Keene regarding what the cost was for haulers to pick up the yard waste, how many citizens were using the service and how much is being charged for the service. This information is to be provided at the 9/4/01 meeting. Vice Mayor Kirk indicated that she would support subsidizing the program for a couple of months while the City is looking at the overall deregulation of solid waste haulers.

John Gillander opposed increasing the yard waste fees. Bill Mannel urged Council to move forward with increasing the fee due to it being the same as recycling except for the disposal site. He also said that the current fee does not cover the cost of the service. Joe Matz suggested that Council put the service out to bid.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to continue to raise the rate by $1.75. The motion failed due to the following vote:

**AYES:** Jarvis, Kirk  
**NOES:** Bertagna, Keene, Nguyen-Tan, Wahl  
**ABSENT:** Herbert

A motion was made by Councilmember Nguyen-Tan to continue the current fees and the City to provide the prior subsidy amount to the haulers. The motion died for a lack of a second.

Council concurred to continue the meeting to 12:00 a.m.
4.3. CONSIDERATION OF RESPONSE TO PROPOSED RESOLUTION OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD REGARDING THE NITRATE COMPLIANCE PLAN

By memorandum dated 8/14/01, the City Manager recommended that the City Council authorize the Mayor to send a letter indicating the City’s desire to cooperate in assisting the Water Quality Control Board in resolving the nitrate issue, but that the Council declines to enter into a memorandum of understanding assigning any responsibility to the City.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to authorize the Mayor to send a letter regarding the Nitrate Compliance Plan.

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: Herbert

4.4. FUTURE MEETINGS

Several Councilmembers requested a separate work session to consider projects to be funded from the proceeds of the 2001 Chico Public Financing Authority Bonds. This item will be discussed at the 9/4/01 Council 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.

6.1. Letter dated 7/18/01 from Robert Terrill requesting the Council to repeal Chico Municipal Code Section 10.20.080, entitled “Displaying vehicle for sale on or adjacent to street – Parking prohibited,” because he feels it violates First Amendment rights, and is not a valid parking ordinance as it does not restrict parking. This item was referred to the Internal Affairs Committee.

6.2. Letter dated 8/9/01 from Mark Maidenburg requesting Council to consider installation of permanent speed bumps on Idyllwild Circle if they are to be installed on Yosemite Drive, in order to address traffic issues in California Park as a whole. No action was taken on this item.

6.3. Memorandum dated 7/24/01 from the Risk Manager reporting on denial of claims against the City for the quarter ending 6/30/01.

6.4. Memorandum dated 8/14/01 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 12:07 a.m. to Tuesday, 9/4/01, 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.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. **CLOSED SESSION**

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

2.2. **CONFERENCE WITH LABOR NEGOTIATOR:** 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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees are 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).)

3. **ADJOURNMENT**

The Mayor adjourned and reconvened at 7:30 p.m. in the Council Chamber.
1. **CALL TO ORDER** — The meeting was called to order at 7:40 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Richard Hoyt, Jr., Community Church of God

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

                     Absent: None

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 Chief of Police Efford, Assistant Director of Public Works McKinley, Management Analyst Herman, Park Director Beardsley, Police Captain Viegas, Budget Officer Pierce.

1.5. Proclamation proclaiming September 17th through 23rd as “Constitution Week.”

1.6. Closed Session Announcement — None

2. **CONSENT AGENDA** — A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TABLE 4-2 OF TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW CERTAIN ADDITIONAL USES IN THE DOWNTOWN RESIDENTIAL (RD) DISTRICT — INTRODUCTORY READING**

By memorandum dated 08/17/01, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of 8/16/01, the Commission voted 6-0-1 to recommend approval of an ordinance amending Title 19, Land Use and Development Regulations, of the Chico Municipal Code to allow “Accessory retail uses” as a permitted use, and “Catering services,” “Mortuary/funeral home,” “Printing and publishing - Computer/electronic,” “Secondhand stores,” and “Theaters, auditoriums and meeting halls” subject to approval of use permit in the RD Downtown Residential District. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the 9/18/01 City Council meeting. Councilmembers Keene and Wahl disqualified themselves from this item.

2.2. **RESOLUTION NO. 3101-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN APPLICATION FOR GRANT FUNDS FROM THE WILDLIFE CONSERVATION BOARD PUBLIC ACCESS PROGRAM FOR THE CONSTRUCTION OF AN ACCESSIBLE FISHING DECK AT HORSESHOE LAKE**

By memorandum dated 8/21/01, the Park Director recommended approval of a resolution authorizing an application for funds from the Wildlife Conservation Board (WCB) Public Access Program. The proposed grant would fund the construction of an accessible fishing deck on Horseshoe Lake. The Horseshoe Lake Fishing Deck Project (12053) was approved with a mitigated negative declaration by the Bidwell Park and Playground Commission on 8/28/00. Grant and City matching funds were allocated in the 2001-02 Annual Budget. The proposed resolution authorizes the City Manager to submit and execute documents required to secure the grant funds. The Park Director recommended adoption of the resolution.

2.3. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD JUNE 5 AND AUGUST 7, 2001**

The City Council was provided with the minutes from its meetings held on 6/5/01 and 8/7/01.
The motion to approve the Consent Agenda carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Keene and Wahl on Item 2.1 only

3.

NOTICED PUBLIC HEARINGS

3.1. HEARING ON ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENT (719 PARKWOOD DRIVE)

By memorandum dated 8/8/01, the Director of Public Works reported that the developer of Lots 25 and 26 of Shirley Park Subdivision has asked the City to abandon the 4-foot wide public service easement located on Lot 26 of Shirley Park Subdivision, 719 Parkwood Drive, Assessor’s Parcel No. 002-150-079. The abandonment was required as a condition of a recent boundary line modification. At its meeting of 8/7/01, the City Council adopted a resolution of intention to abandon the public utility easement and scheduled a public hearing for 9/4/01. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke the Mayor closed the hearing.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt:

RESOLUTION NO. 32 01-02 — A 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 (719 PARKWOOD DRIVE, LOT 26 OF SHIRLEY PARK SUBDIVISION, ASSESSOR'S PARCEL NO. 002-150-079)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

3.2. HEARING ON ACQUISITION BY EMINENT DOMAIN OF A BICYCLE PATH EASEMENT ALONG THE MIDWAY, EAST OF HEGAN LANE, FOR THE CONSTRUCTION OF THE MIDWAY BICYCLE PATH (ASSESSOR'S PARCEL NOS. 040-310-026/034/036/082)

The City Council was requested to adopt a resolution of public use and necessity providing for the acquisition of a bicycle path easement along The Midway, east of Hegan Lane. The resolution would authorize the City Attorney to file suit for the eminent domain acquisition of the easement and to file an application for immediate possession. By memorandum dated 08/27/01, the Assistant City Manager advises that the City Council previously authorized the acquisition of approximately 28,967 square feet of bicycle path easement and authorized the execution of an agreement with the Charles and Elizabeth Moore Family 1982 Revocable Trust for the acquisition. The title officer discovered a discrepancy related to the Trust's authorization to convey the easement and it appears it may take several months to resolve this issue. City staff is concerned that resolution of this matter may not occur in time to complete the project this construction season. Adoption of the resolution would allow the construction project to proceed at the same time the issues related to the Trust are being resolved. The Director of Public Works expects construction to begin 10/01/01. In the event the Trust issues are resolved by that date, the eminent domain action authorized by the resolution would not be filed with the court.

By letter dated 08/10/01, a copy of which has been provided to the Council, the Trust was advised of the City's intent to purchase the easement and that the Trust should submit a request in writing within 15 days of the date of the letter if it wished to be heard at this meeting. No request was received as of the date of preparation of this agenda. The Assistant City Manager recommended adoption of the
A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 33  01-02 OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE ACQUISITION OF A BICYCLE PATH EASEMENT BY EMINENT DOMAIN FOR CONSTRUCTION OF THE MIDWAY BICYCLE PATH (APN 040-310-026/034/036/082), and ask that the Council be advised if the City Attorney files the action.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

3.3. INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)

By memorandum dated 8/22/01, 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 the fencing/sound wall, storm drainage galleries, and landscaping and irrigation along both 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 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 matters relevant to the establishment of the proposed district. The Final Protest Hearing on the district is scheduled for 9/18/01, at the conclusion of which all sealed ballots received either supporting or opposing formation of the district will be opened and 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. The Mayor opened the hearing to public. Jean Miller addressed Council about her concerns over a neighbor collecting the votes and that since the formation of this district had failed numerous times, the Council should not move forward with it again.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the Engineer’s Report as presented.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
DISQUAL: Herbert

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. CONSIDERATION OF SUBSIDIZING AND/OR INCREASING YARD WASTE COLLECTION RATES FOR AN INTERIM PERIOD

This matter was continued from the City Council's meeting of 8/21/01 for more information from staff.
By memorandum dated 8/23/01, Management Analyst Herman provided the background information presented at the previous meeting and the additional information requested. Bill Mannel addressed Council about this proposed rate increase.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to authorize the haulers to charge an additional $1.30 a month for weekly service (as currently authorized by the fee schedule) and customers would be given the opportunity to choose whether to maintain that service. The City would also continue to waive the charges at the compost site.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON AUGUST 14, 2001

By memorandum dated 8/17/01, the Internal Affairs Committee provided a report on its meeting held on 8/14/01. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair.

The matters considered by the Committee are listed below.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item “A” Consideration of Request for Traffic Calming Measures on Oak Way at Lia Way. The Committee (3-0) recommended the speed limit be established at 25 miles per hour on Oak Way and that the implementing resolution be forwarded to the City Council for adoption.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 34 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 720

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

Item “B” Consideration of Traffic Issues along East First Avenue Between Esplanade and Mangrove Avenue. The Committee (2-1, Jarvis opposed) recommended that left turns from East 1st Avenue onto Laburnum Avenue be allowed between 6:00 p.m. and 6:00 a.m. every day, continue to be allowed all day on Saturdays and Sundays, and that the implementing resolution be forwarded to the City Council for adoption. (The Committee took no action on installation of one-half bulbing on Spruce and Oleander at their intersections with East 1st Avenue, which was the other matter under consideration.) Members of the audience speaking in support of this change were Cecil Thompson, Ken Brownell, and Bill Howerton.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 35 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO 723

The motion carried by the following vote:
Item “C”  

Consideration of City of Flags Committee’s Request for Approval of (1) Specific Holidays and Election Days for Display of Flags; and (2) Additional Streets for Expansion of the Display. The Committee recommended (3-0) approval of the City of Flags Committee’s request for specific days and expansion of the flag displays.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the recommendations listed below:

1. Flag displays on Memorial Day, Flag Day, Independence Day, Voting Day (during an election year), Veteran’s Day, and other occasions as may be approved by the City Manager.

2. Expansion of the flag displays to the following streets as funds become available to the City of Flags Committee:
   a. Main and Broadway (from Memorial Way to East 20th Street)
   b. East Park to Highway 99
   c. Mangrove (Valleymora to Cohasset)
   d. Forest Avenue (20th to Skyway)
   e. East 20th (Park to Forest)
   f. Upper Esplanade (11th Avenue to East Avenue)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

Item “D”  

Consideration of Structure for the Youth Shadow Council Program. The Committee recommended (3-0) approval of the Youth Shadow Council program as set forth in Project Director Brown’s memorandum of 8/9/01, with the following revisions and clarification:

1. No. 3 (and No. 4) should be revised to provide for the program to be conducted from September or October through May (rather than November), with regular meetings to be held on the second Monday of the month from 6:30 p.m. to 8:30 p.m.

2. No. 9 should be revised to clarify that the Youth Shadow Council’s input or recommendations would go through established City procedures, and would not automatically come before the City Council or its Boards and Commissions for consideration.

3. A provision should be added that the Project Director will submit a schedule of meetings to the City Clerk’s office and that the City Council would be notified of all “town hall meetings” of the Youth Shadow Council.

Project Coordinator Dolly Brown addressed Council’s questions.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approved the structure of the Youth Shadow Council program as recommended by the Internal Affairs Committee except for the web page linkage to the City website, pending review of what information and format will be utilized. A copy of what is being proposed should be provided to Council for its review.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Consideration of Request for Financial Assistance for Youth Shadow Council Representatives to Attend League of California Cities (LCC) Annual Conference.

The Council was provided with copies of a memorandum dated 8/24/01 from Project Director Brown requesting the City to contribute toward the cost of sending four Youth Shadow Council representatives to the Conference. Information on the LCC Youth Program is attached to the memorandum.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to authorize the following items:

1. Use Coleen Jarvis’ conference allocation of $1,000 to send three students and two chaperones to LCC conference; and

2. City Attorney to review all details for potential liability issues and will draft a disclaimer; and

3. Students and Project Coordinator to report back to Council on the conference; and

4. Future Council review of the policy of commission members attendance at conferences.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION:

Item “E”  Consideration of Prohibited Parking on Portion of Palmetto Avenue – Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 718. (Committee resolution adopted)

Item “F”  Consideration of Proposal for Development of a Public Educational Brochure to be used as a Tool to Reduce Speeding on City Streets. (Staff directed to also investigate paid television commercials and bring information back to Committee)

Item “G”  Request for Direction to Staff Regarding City’s Draft Traffic Calming Program (Neighborhood Traffic Management Program). (Staff direction given and will come back to Committee)

Item “H”  Reports and Communications: Electronic Message Received 7/16/01 from Jane Heller Regarding Noise and Parking Problems for Residents Living Close to the Downtown Area. (No action taken, staff to write letter of response)

CONSIDERATION OF PROPOSED LEGISLATION REGARDING LINDO CHANNEL ENCROACHMENTS

Councilmember Kirk has requested that the City Council review the actual wording of the proposed legislation for Lindo Channel encroachment management. The Council was provided with copies of the proposed legislation. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to hear this item at this meeting. Council concurred 7-0.

The City Attorney provided Council with an overview of the history of Lindo Channel. The City Attorney indicated that through this legislation he was trying to obtain local control for the City. The Park Director provided the Council with history on the encroachment issues and the subsequent resolution on the majority of properties. Originally, the Park Commission looked at 37 and 24 have been resolved.
Currently there are six that have been held in abeyance pending the proposed legislation, five that are in process and two that may be appealed to the Council.

Councilmember Jarvis suggested that the Council wait until the properties come back for decisions and/or narrow the request on the legislation to just include encroachment issues instead of the sweeping legislation changes listed in the current request. She did not feel the public had been given proper notice in view of the scope of the proposed legislation.

The City Attorney reiterated that the greenway designation is designated by the General Plan and would not be affected by the adoption of the proposed legislation.

Councilmember Keene was in favor of the legislation since it allowed the City the flexibility to exchange property in order to mitigate the existing encroachments, but would remove the state mandates and would give the City total local control. He stressed that the intent of the legislation was not to change the use of Lindo Channel, and that any such proposal would require further Council deliberations with proper notice to the public.

Individuals addressing Council in opposition to the wording of the proposed legislation were John Ost, Jim Anderson, Mike Smith, Les Gerton, John Merz, Steve O’Bryan, Jim Brobeck and Roger Cole.

Vice Mayor Kirk urged Council to send the proposed legislation to the Internal Affairs Committee for review. Councilmembers Jarvis and Nguyen-Tan agreed that there was no urgency in getting the proposed legislation adopted, and that its scope could be narrowed to address the encroachment issues.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to refer the proposed legislation to the Internal Affairs Committee for review.

The motion failed by the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert
ABSENT: None

Councilmember Jarvis asked that reconsideration of the Council’s original action be agendized in order for her to change her vote because she was opposed to the proposed legislation as written and felt it should have been submitted to Council for final approval.

Councilmember Keene indicated that the proposed legislation would simply rid the Channel of state requirements and give the City local control. He said if the legislation was intended to change the use of the Channel, he would not support it, but he felt this legislation would simply give the City the option of dealing with the individual encroachment problems. He stressed that this legislation would not change the historic or intended use of the property.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the current language of the proposed legislation regarding Lindo Channel, with the understanding that the Council’s intent is not to change the current use of Lindo Channel in any manner, that the intent of the legislation is simply to remove some State restrictions on the use of Lindo Channel, and that if there is ever any proposed change in the use or land use designation for Lindo Channel, there would be sufficient public notice, review, and input.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
4.5. ACKNOWLEDGMENT OF ARTS COMMISSION VACANCY AND CONSIDERATION OF APPOINTMENT TO FILL POSITION

The Council was previously provided with copies of a letter dated 7/31/01 from Jennifer Spangler resigning from the Arts Commission, effective immediately. This resignation created a vacancy, the term of which expires on 1/1/05. Council should acknowledge the resignation and consider making an appointment from those applicants with applications currently on file in the Clerk’s office, or direct staff to advertise for additional applicants. Copies of the applications received from Anne Barrington, Sarena Breed, Tara Hames, and Annemarie Sutton are provided for Council’s consideration.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to open up the recruitment for applicants and to advertise accordingly.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None

Vice Mayor Kirk suggested that when the recruitment period was completed and appointments were to be made that Council consider appointing an alternate to the Arts Commission.

4.6 FUTURE MEETINGS

The Council considered whether additional time may be needed for its all day work session currently scheduled for 11/20/01. The City Manager indicated that he felt that the work session could be completed in one day. Councilmember Bertagna stated that if an additional workday was scheduled it would be in order to hear from the Department Directors.

In addition, Council discussed the need for an additional meeting to consider the projects to be funded by the RDA bond proceeds. A list will be given to Council in September and Council will discuss in October.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR — No one spoke.

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 8/17/01 from the Finance Director advising that the list of claims paid during the month of July 2001 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 10:45 p.m. to Tuesday, September 18, 2001, 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.
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1, 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 property located at the southwest corner of Forest Avenue and State Highway Route 32, Assessor’s Parcel No. 002-050-171. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted is Lavina F. Miller, the property owner, or such persons designated as her agent for the purpose of negotiations.

1. CALL TO ORDER — The Mayor called the meeting to order after announcing the identification of negotiators, properties and parties with whom negotiators may negotiate in regard to Closed Session Item No. 2.1, conference with real property negotiator.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FOREST AVENUE AND STATE HIGHWAY ROUTE 32 (MILLER). Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted is Lavina F. Miller, the property owner, or such persons designated as her agent for the purpose of negotiations. The property is located at the southwest corner of Forest Avenue and State Highway Route 32, and is identified as Assessor’s Parcel No. 002-050-171. The items under discussion are instruction to the City’s negotiator regarding potential alternative offers, including prices, for the proposed acquisition.

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 Sam Hope. (Gov. Code Sec. 54956.9(a).)

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

3. ADJOURNMENT

The meeting was adjourned at 7:25 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — The Mayor called the Regular Chico Redevelopment Agency Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Tom Shifflet, First Christian Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

                Absent: None

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Principal Planner Figge, Management Analyst Wood, Park Director Beardsley, Housing Officer McLaughlin, Management Analyst Campbell, and Public Works Administrative Manager Halldorson.

1.5. Closed Session Announcement — None

2. **CONSENT AGENDA**

2.1. **APPROVAL OF EXECUTIVE DIRECTOR’S RECOMMENDATION REGARDING DISPOSITION OF THE DIAMOND MATCH LUMBER WAREHOUSE**

By memorandum dated 09/07/01, the Executive Director transmitted a notice from the owner of the former Diamond Match property indicating that he is unable to incorporate the historic Agency-owned lumber warehouse building located on the property into the development master plan, and requested notice from the Agency regarding whether it intends to exercise its option to remove the warehouse from the property. The Executive Director recommended that the Agency not exercise its option to remove the warehouse.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to direct the Executive Director to notify the owner that the Agency does not want to remove the warehouse but asking the owner to attempt to save the building.

The motion carried by the following vote:

| AYES: | Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert |
| NOES: | None |
| ABSENT: | None |
| DISQUAL: | None |

3. **NOTICED PUBLIC HEARINGS** — No items

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON AUGUST 27, 2001**

By memorandum dated 8/28/01, the Finance Committee provided a report on its meeting held on 8/27/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.
COMMITTEE ITEMS REQUIRING COUNCIL / AGENCY ACTION:

Item A  Approval of Budget Modification to Change Use of Funds Allocated from the Supplemental Law Enforcement Services (State C.O.P.S.) Grant Funds. The Committee (3-0) recommended approval of a Budget Modification to change the use of funds previously allocated from the State C.O.P.S. grant for a digital document imaging system ($10,179) to purchase digital photography equipment, including cameras, specialized printers and storage media instead. NOTE: This recommendation was considered under Item 3.3 (Hearing on C.O.P.S. Program Funding) on tonight’s agenda.

Item B  Approval of Supplemental Appropriation for Installation of Poles to Attach Banners to be Hung Across Main Street to Announce Upcoming Events. The Committee (3-0) recommended approval of a Supplemental Appropriation in the amount of $12,000 for installation of poles to attach banners to be hung downtown across Main Street to announce upcoming events.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to approve the following supplemental appropriation:

SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS IN THE AMOUNT OF $12,000 FROM THE GENERAL FUND FOR PURCHASE AND INSTALLATION OF BANNER POLES

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item C  Approval of Housing Rehabilitation Loan Request – Geraldine Parks – 1504 Laburnum Avenue. The Committee (3-0) approved the Loan Request as recommended by staff (which does not require Council action); and recommended (3-0) Council approval of revisions to administrative Procedure & Policy Nos. 27-4 and 27-5 as recommended by staff to incorporate the changes required by the new lead-based paint requirements and provide for grant funding for the additional construction costs necessary for compliance.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the revisions to administrative Procedure & Policy Nos. 27-4 and 27-5 as recommended by staff.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item D  Consideration of Funding for Interim Solution to Gravel Bar Buildup in the Sacramento River and its effect on the Water Pollution Control Plant Outfall Diffusers. The Committee (3-0) recommended approval of a Supplemental Appropriation in the amount of $200,000 to fund the interim solution (gravel removal from the Sacramento River) as recommended by staff to remediate the problem of gravel build up in the Water Pollution Control Plant diffusers, with staff requested to provide more information for the basis of the cost being divided equally between the City and the M&T Ranch. Comments were heard from John Merz, Les Heringer, and Suzanne Gibbs. Councilmember Jarvis felt that it would not be a detriment to wait to have staff search for other funding options. Vice Mayor Kirk withdrew her second to the motion made by Councilmember Bertagna to approve the supplemental appropriation.
A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the supplemental appropriation along with direction to staff to pursue additional funding sources if possible.

**SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS IN THE AMOUNT OF $200,000 FROM THE SEWER FUND FOR GRAVEL REMOVAL FROM THE SACRAMENTO RIVER AS AN INTERIM SOLUTION FOR GRAVEL BUILDUP IN THE WATER POLLUTION CONTROL PLANT DIFFUSERS**

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** Jarvis  
**ABSENT:** None  
**DISQUAL:** None

**Item E Consideration of Reimbursement to Developer for Nob Hill Park Improvements.** The Committee (3-0) recommended that the developer be reimbursed in the amount of $68,280 for Nob Hill Park improvements, and that a Supplemental Appropriation allocating the funds from Neighborhood Park Zone I be submitted to the City Council for approval.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the following supplemental appropriation:

**SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS IN THE AMOUNT OF $68,280 FROM THE ZONE I NEIGHBORHOOD PARK FUND TO REIMBURSE THE DEVELOPER OF NOB HILL FOR PARK LAND DEDICATION AND RIGHT-OF-WAY IMPROVEMENT COSTS**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

**Item F Consideration of Use of Housing Site Located on Notre Dame Extension South of Humboldt Avenue.** The Committee (3-0) recommended that staff be directed to send out requests for Qualifications (RFQ’s) for development of an affordable housing project on the Agency-owned site, schedule consideration of the proposals for the Committee’s meeting of 10/22/01, and publish display ads for that meeting in order to solicit public input during the initial stages of the project. Dave Ferriar and John Gillander addressed Council regarding this item.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to direct staff to send out requests for qualifications on this project.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None
COMMITTEE ITEMS REQUIRING NO COUNCIL / AGENCY ACTION AT THIS TIME:

Item G  Consideration of the City of Chico 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) Assumptions.

Item H  Consideration of Proposal to Establish a Short-Term City Loan Program as an Incentive for Solar Equipment Installation.

4.3. PRESENTATION ON THE STATUS OF HUMBOLDT ROAD BURN DUMP REMEDIATION PROJECT - CAPITAL PROJECT NO. 00878, AND CONSIDERATION OF FUTURE STEPS IN THE REMEDIATION PROCESS

By memorandum dated 8/27/01, Public Works Administrative Manager Halldorson reported on the status of the Humboldt Road Burn Dump Remediation Project. The City’s technical consultant, EMKO Environmental, has now completed all soil, waste, sediment, surface water, and groundwater testing at the Humboldt Road Burn Dump (HRBD) site. The City’s consultants, Dr. Andy Kopania of EMKO Environmental and Jody Sparks, Toxics Assessment Group; Phil Woodward, Regional Water Quality Control Board; and Tim Pattenaude, Department of Toxic Substances Control, was present at this Council meeting and answered questions Council had regarding the testing and future steps in the remediation process. Warren Locke addressed Council on this item.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to accept the report.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT.

The Redevelopment Agency Meeting was adjourned at 9:40 p.m. to a City Council meeting.
CALL TO ORDER — The Mayor called the Adjourned Regular City Council Meeting to order at 9:40 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

2. CONSENT AGENDA — A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the following Consent Agenda items:


RESOLUTION NO. 38 01-02 — A RESOLUTION OF THE 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 PERMANENT SEASONAL EMPLOYEES

By memorandum dated 8/24/01, the Personnel Director recommended adoption of resolutions which approved amendments to the City’s Memoranda of Understanding with Service Employees International Union (SEIU) Clerical, Technical, and Professional Unit and Trades and Crafts Unit to make changes in the long term disability insurance benefit. The third resolution authorized the City Manager to apply for State Disability Insurance coverage for Permanent Seasonal Employees represented by SEIU. There is no cost for the proposed changes. The City Manager and Personnel Director recommended approval of this resolution.

2.2. RESOLUTION NO. 39 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 114 00-01 TO ADD AN ADDITIONAL MERIT MAXIMUM SALARY RANGE FOR MANAGEMENT EMPLOYEES OF THE CITY (AMENDMENT NO. 2 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

By memorandum dated August 24, 2001, the Personnel Director recommended adoption of a resolution which will establish a new Merit Maximum range for Management Employees of the City. There are no budget impacts from this modification. The City Manager and Personnel Director recommended approval of this resolution.

2.3. RESOLUTION NO. 40 01-02 — 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 - LABURNUM AVENUE ANNEXATION DISTRICT NO. 3

By memorandum dated August 29, 2001, the Assistant Community Development Director forwarded a report on initiation of the annexation of two parcels at 1520 Laburnum Avenue and one at 370 East 5th Avenue, developed with two single family residences. Both properties have connected to the sanitary sewer system due to failure of septic systems. In accordance with adopted LAFCo policy, the City must
adopt a resolution to initiate the annexation of property to the City. Property owners are listed in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

2.4 **RESOLUTION NO. 41 01-02 — 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 - MAGNOLIA AVENUE ANNEXATION DISTRICT NO. 3**

By memorandum dated 8/29/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 9 parcels along Magnolia Avenue between West 7th Avenue and West 8th Avenue, and parcels along West 7th Avenue between Magnolia Avenue and The Esplanade. The area proposed for annexation is fully developed with 10 single family residences. The properties are designated and zoned for 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, in this case under “island” annexation proceedings. Property owners are identified in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

2.5. **MINUTE ORDER NO. 29-01 APPROVING MERIT PAY INCREASE FOR CITY MANAGER**

The City Council evaluates the appointed employees annually, and through that evaluation process has determined to provide the City Manager with a merit pay increase. This minute order authorized the merit pay increase for the City Manager.

2.6. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING OF AUGUST 21, 2001**

The City Council was provided with copies of the minutes of its meeting held on 8/21/01.

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

- **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
- **NOES:** None
- **ABSENT:** None
- **DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **FINAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 73 (WALNUT PARK SUBDIVISION)**

By memorandum dated 9/5/01, the Director of Public Works reported that at the initial hearing on formation of this proposed district held on 9/4/01, the City Council heard public comments regarding the proposed assessments and accepted the Engineer’s Report. The Council is being 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 sealed ballots for and against the proposed assessment district. In addition, the Council heard further comments from property owners within the proposed district on any matter bearing on the establishment of the district. Mayor Herbert disqualified himself from this item. The Vice Mayor opened the hearing to the public. Jeannie Miller spoke in opposition to the formation of the maintenance district. The Vice Mayor closed the hearing to the public.

At the conclusion of the final protest hearing, the ballots were tabulated. The votes in favor of the proposed assessment district exceeded the votes in opposition to it, therefore the Council ordered formation of the District.
A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 42  01-02 — 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. 73 (WALNUT PARK SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: None
DISQUAL: Herbert

3.2.  HEARING ON ORDINANCE NO. 2232, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TABLE 4-2 OF TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW CERTAIN ADDITIONAL USES IN THE DOWNTOWN RESIDENTIAL (RD) DISTRICT

By memorandum dated 08/17/01, Senior Planner Claudia Sigona reported that on 8/16/01, the Planning Commission voted 6-0-1 to recommend City Council adoption of an ordinance amending Table 4-2 of Section 19.42.020 of the Chico Municipal Code to allow “Accessory retail uses” as a permitted use, and “Catering services,” “Mortuary/funeral home,” “Printing and publishing - Computer/electronic,” “Secondhand stores,” and “Theaters, auditoriums and meeting halls” as uses allowed subject to approval of a use permit in the RD district. The Planning Director and the Planning Commission recommended that: 1) the City Council find that no environmental review is required for the adoption of the proposed ordinance because, pursuant to the California Environmental Quality Act Section 15162 Subsequent EIRs and Negative Declarations, the project falls within the scope of a mitigated negative declaration which was adopted for the 1999 Comprehensive Update to Title 19, Land Use and Development Regulations; and 2) that the Council adopt the below ordinance which received introductory reading at Council’s meeting of 9/4/01. Councilmembers Keene and Wahl disqualified themselves from this item. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt:

ORDINANCE NO. 2232 —  AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TABLE 4-2 OF TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW CERTAIN ADDITIONAL USES IN THE DOWNTOWN RESIDENTIAL (RD) DISTRICT - FINAL READING AND ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Herbert
NOES: None
ABSENT: None
DISQUAL: Keene, Wahl

3.3.  HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

By memorandum dated 8/15/01, the Chief of Police reported that for the sixth consecutive year the State of California had appropriated funds for the Citizens Option for Public Safety (COPS) program. The COPS program provided funding for local law enforcement and public safety purposes to be distributed to counties throughout the State based on population. Last year the Legislature approved funding for this program through the 2003-04 fiscal year and tonight’s hearing is required by State law prior to receiving COPS funds. Funding for two police officers and various minor capital projects was included in the 2001-02 budget subject to this hearing.

The Chief of Police also transmitted a Budget Modification to change the use of funds formerly allocated from the Supplemental Law Enforcement Services Fund (099) for the acquisition of a digital document
imaging system. At its meeting held 08/27/01, the Finance Committee recommended approval of the Budget Modification which would allow funds previously allocated for a digital document imaging system to be used to purchase digital photography equipment, including cameras, specialized printers and storage media. Since State law prevents the City Council from altering previous appropriations of State C.O.P.S. grant funds during the same fiscal year in which the appropriation was approved, it was appropriate to consider the change at this meeting. At the conclusion of tonight’s hearing, the City Council approved, by motion, the proposed use for the 2001-02 COPS funding by confirming the funding request for the two police officers and various minor capital projects as budgeted, and by approving the Budget Modification to change the use of State C.O.P.S. grant funds formerly allocated for the digital document imaging system. The hearing was opened to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve:

**BUDGET MODIFICATION AUTHORIZING THE REBUDGET AND TRANSFER OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT FUNDS IN THE AMOUNT OF $10,179 FROM CAPITAL PROJECT NO. 20645 TO A NEW CAPITAL PROJECT FOR THE ACQUISITION OF DIGITAL PHOTOGRAPHY EQUIPMENT**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

3.4. **2001 LOT CLEANING/WEED ABATEMENT PROGRAM - COST REPORT AND HEARING PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY**

By memorandum dated 9/4/01, Project Manager Wood reported on the costs incurred by the City in connection with the 2001 Lot Cleaning 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. Any unpaid bills will be added to the 2001-02 tax roll for collection. 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 hearing was opened to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to confirm the cost report as submitted by staff.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**

4.2. **CONSIDERATION OF COUNCIL PARTICIPATION ON THE COMMUNITY ACCESS USER GROUP SELECTION COMMITTEE**

By memorandum dated 9/4/01 Projects Manager Wood informs the City Council that the Community Access User Group (CAUG) Selection Committee will be interviewing and recommending to the City Council applicants for appointment as public interest members to the CAUG. In the past the City Council
has indicated a desire to participate in the selection process of public members to the CAUG. If Council had wished to have a representative serve on the selection committee, Council could have appointed one member to attend the interviews 9/27/01 at 3 p.m. in Conference Room 1 of the City Council Chamber building. Council declined to participate.

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

5. **BUSINESS FROM THE FLOOR**

   John Gillander addressed Council about his concerns over the allowance of 4-Sale Signs in parked cars. This item was referred to Internal Affairs for review.

6. **REPORTS AND COMMUNICATIONS** – No items

7. **ADJOURNMENT**

   The meeting was adjourned at 10:32 to Tuesday, October 2, 2001, 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.
1. **CALL TO ORDER** — The Vice Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan and Wahl
Absent: Herbert

2. **CLOSED SESSION**

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

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney will review the following: *In re Pacific Gas and Electric Company*, U. S. Bankruptcy Court, Northern District of California, Case No. 01 30923. (Gov. Code Sec. 54956.9(a).)

2.3. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Council will review the City Attorney's performance. (Gov. Code Section 54957.)

3. **ADJOURNMENT**

The Vice Mayor adjourned the meeting at 7:35 p.m. and reconvened in the Council Chamber for a regular City Council meeting.
1. **CALL TO ORDER** – The Vice Mayor called the meeting to order at 7:37 p.m. in Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Scott Cady, Seventh Day Adventist Church

1.3. A. Proclamation proclaiming October as Domestic Violence Awareness Month  
   B. Proclamation proclaiming October as National Arts and Humanities Month

1.4. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan and Wahl  
   Absent: Herbert

1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, City Clerk Presson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works McKinley, Airport Manager Grierson and Housing Officer McLaughlin.

1.6. Closed Session Announcement — None

2. **CONSENT AGENDA** — Items 2.5, 2.8, 2.9, 2.11, and 2.12 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve the following Consent Agenda items:

2.1 **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED IN DOWNTOWN CHICO FROM RD DOWNTOWN RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL- REZONE 00-12 A (CITY OF CHICO) - INTRODUCTORY READING**

By memorandum dated 09/17/01, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of 8/16/01, the Commission voted 5-0-1-1 (Commissioner Bradford absent, Commissioner Francis disqualified) to recommend approval of an ordinance rezoning approximately 0.75 acre in downtown Chico consisting of property on the west side of Wall Street, approximately 60 feet north of W. 6th Street, described as the easterly half of Assessor’s Parcel No. 004-242-012; property on the north side of W. 6th Street, approximately 70 feet west of Wall Street, described as the easterly one-third of Assessor’s Parcel No. 004-242-013; and property at the southwest corner of W. 7th and Wall Streets, described as the easterly half of Assessor’s Parcel No. 004-384-015, from RD Downtown Residential to C-1 Restricted Commercial. Pursuant to Section 15162 of the California Environmental Quality Act.

No environmental review is required for this project, as it has been determined that it was covered under the previously certified General Plan EIR and the previously adopted mitigated negative declaration for the Title 19 update. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing for adoption at the 10/16/01 City Council meeting.

Councilmember Wahl and Keene were disqualified from participating in the decision on this item.
2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING 37 ACRES LOCATED WEST OF MARAUDER STREET, NORTH OF THE CHICO MUNICIPAL AIRPORT - REZONE 00-01 (BELLIN) - INTRODUCTORY READING

By memorandum dated 09/17/01, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of 9/6/01, the Commission voted 4-0 (Commissioners Francis and Bradford disqualified; Commissioner Sanders abstaining) to recommend approval of a request to amend the General Plan land use designation from Open Space for Environmental Conservation/Safety (OSECS) to Manufacturing and Warehousing with an OSECS overlay designation and a rezone to change the prezoning from RR Rural Residential to ML Light Manufacturing/Industrial with an -RM Resource Management overlay, for 37 +/- acres located along the west side of Marauder Street, southeast of Mud Creek, northeast of the Chico Municipal Airport, and approximately 700 feet north of Ryan Avenue. The site is identified as Assessor’s Parcel Nos. 047-280-014, 015, 020 and 094. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council 1) make a motion of intent to approve General Plan Amendment 00-01; 2) introduce the rezone ordinance by the reading of the title only; and 3) schedule a public hearing for adoption at the 10/16/01 City Council meeting.


By memorandum dated 9/12/01, the Assistant Community Development Director forwards a report on initiation of the annexation of a 3.532 acre parcel located at 2920 The Esplanade. The subject property is designated and zoned for commercial use along the Esplanade frontage and medium density residential on the remainder. Development of the Esplanade House transitional housing facility has been approved for the site. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution. Councilmember Keene and Wahl both voted no on this item.

2.4. RESOLUTION NO. 44 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO PERTAINING TO THE CONSTRUCTION OF BIKEWAY PROJECTS FUNDED FROM THE CLEAN AIR AND TRANSPORTATION IMPROVEMENT ACT (PROPOSITION 116)

By memorandum dated 9/5/01, the Director of Public Works recommended approval of a resolution indemnifying the State for any liability in the event that hazardous waste is found on the site of bikeway projects to be funded through Proposition 116. The City is required to submit such a resolution in conjunction with the signed Fund Transfer Agreements allocating funding to the City for the El Monte Avenue Bicycle Access to Hank Marsh Elementary School project. The attached resolution indemnifies the State for hazardous waste liability for any bikeway projects funded through Proposition 116. The Director of Public Works recommended adoption of the resolution.

2.5. RESOLUTION NO. 45 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A CONTINUANCE OF THE COLLECTION RATE FOR THE ELECTRICITY AND GAS UTILITY USERS’ TAXES OF 3.9% — this item was removed at the request of the City Manager and heard under Item 4.1.

2.6. RESOLUTION NO. 46 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 721)

By memorandum dated 9/12/01, the Director of Public Works recommended that the City Council accept the Parking Place Commission’s recommendation to adopt this resolution. This would authorize the installation of one 2-hour parking meter in front of a commercial business located at 261 East 3rd Street, and installation of three 10-hour parking meters on the west side of Orange Street between West 1st and 2nd Streets.

The Parking Place Commission recommended adoption of the resolution.
2.7. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 01-02 12 TO PROVIDE ADDITIONAL FUNDING FOR THE MIDWAY BICYCLE PATH PROJECT (45036)**

By memorandum dated 09/17/01 the Director of Public Works reported that upon receipt of construction bids for the Midway Bicycle Path Project (45036), it was determined that additional funds are required to complete the project. This supplemental appropriation would allocate funds in the amount of $94,200 from the Transportation Fund (212). The City recently received notice that the portion of 2001-02 Transportation Development Act (TDA) revenues which are allocated to the Transportation Fund are higher than was budgeted and are sufficient to fund this request. The Finance Committee recommended approval of this Supplemental Appropriation at its meeting of 9/24/01.

2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 01-02 11 TO FUND ADDITIONAL SECURITY MEASURES AT THE CHICO MUNICIPAL AIRPORT** – this item was removed from the Consent Agenda and heard under Item 4.1 at the request of Councilmember Nguyen-Tan.

2.9. **MINUTE ORDER NO. 30-01 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH QWEST COMMUNICATIONS, INC. FOR THE INSTALLATION OF TELECOMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY** – this item was removed from the Consent Agenda and heard under Item 4.1 at the request of Councilmember Bertagna.

2.10. **MINUTE ORDER NO. 31-01 — AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO LEASE AGREEMENTS WITH INDIVIDUALS ASSIGNED TO LAW ENFORCEMENT AGENCIES’ MOUNTED UNITS FOR THE USE OF HORSES FOR SPECIAL EVENTS**

The City Council has previously authorized execution of lease agreements with individual officers of the Sacramento Sheriff’s Department Mounted Unit for use of their horses for special events, with the City paying a day rate for use, and assuming liability for loss or damage to equipment, or injury or death to the horse. This minute order will authorize the City Manager to negotiate and execute similar lease agreements with officers in mounted units from other agencies for use of the horse for law enforcement purposes for special events, subject to the terms set forth in the minute order. The Chief of Police recommended approval of the minute order.

2.11. **MINUTE ORDER NO. 32-01 — 1) AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH LAW ENFORCEMENT AGENCIES FOR USE OF LAW ENFORCEMENT PERSONNEL DURING SPECIAL EVENTS; AND 2) AUTHORIZATION OF SUPPLEMENTAL FUNDING FOR FY 01-02 SPECIAL EVENTS FOR USE OF LAW ENFORCEMENT PERSONNEL** – this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan and heard under Item 4.1.

2.12. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON SEPTEMBER 4, 2001** — this item was removed and heard under Item 4.1 by Vice Mayor Kirk.

The motion to approve the Consent Agenda with Items 2.5., 2.8., 2.9., 2.11., and 2.12. removed and heard under Item 4.1. carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl

**NOES:** Keene & Wahl — Item 2.3. only

**ABSENT:** Herbert

**DISQUAL:** Keene & Wahl — Item 2.1. only

3. **NOTICED PUBLIC HEARINGS** – None
REGULAR AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA

RESOLUTION NO. 44 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A CONTINUANCE OF THE COLLECTION RATE FOR THE ELECTRICITY AND GAS UTILITY USERS’ TAXES OF 3.9% — this item was removed from the Consent Agenda at the request of the City Manager for additional discussion.

The current Utility Users’ Tax (UUT) under-collection rate of 3.9% expires on 12/1/01. At its meeting of 9/24/01, the Finance Committee considered reports from the Finance Director regarding the differential revenue resulting from increased gas and electric rates, and recommended that the reduced collection rate of 3.9% be continued another year through 11/30/02. The Committee will continue to monitor the collection rate based on actual UUT revenues on a quarterly basis, and may make recommendations for adjustments as appropriate. The Council was provided with copies of the reports dated 9/13/01 and 9/24/01 from the Finance Director regarding UUT net differential revenue which the Committee received. The Finance Committee recommended adoption of the resolution authorizing the continuance of the reduced UUT collection rate of 3.9% through 11/30/02. John Gillander thanked Council for their action of cutting taxes across the board through the lowering of the Utility Users’ tax.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to adopt RESOLUTION NO. 44 01-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING A CONTINUANCE OF THE COLLECTION RATE FOR THE ELECTRICITY AND GAS UTILITY USERS’ TAXES OF 3.9%, with modifications to the resolution that provides the reduced rate through 6/30/02, and that staff will bring the item back for Council review in January.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: Herbert
DISQUAL: None

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 01-02 11 TO FUND ADDITIONAL SECURITY MEASURES AT THE CHICO MUNICIPAL AIRPORT — this item was removed from the Consent Agenda for further discussion by Councilmember Nguyen-Tan.

As a result of the 9/11/01 attack on the United States, the Federal Aviation Administration (FAA) issued a directive that all commercial service airports establish a uniformed presence and security patrols for terminal buildings, parking lots, and airfield boarding until further notice. The City currently contracts with Pride Asset Protection for security services at the Airport and the cost to add these additional services to that contract would be $1,800 per week. This supplemental appropriation would allocate funds in the amount of $74,000 from the Airport Fund (Fund 856) to provide the additional security services. Pursuant to Budget Policy C.2, this supplemental appropriation is being forwarded to the City Council without review by the Finance Committee. The Airport Manager recommended approval of the supplemental appropriation.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve Supplemental Appropriation No. 01-02 11.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: Herbert
DISQUAL: None
2.9. **MINUTE ORDER NO. 30-01 — AUTHORIZA TION FOR CITY MANAGER TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH QWEST COMMUNICATIONS, INC. FOR THE INSTALLATION OF TELECOMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY** — this item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.

This Minute Order authorized the City Manager to enter into an agreement with Qwest Communications, Inc. to allow it to install telecommunications facilities (cables, lines, conduits, access manholes / handholes, boxes and other similar equipment) within the City’s right-of-way. An encroachment permit will be required, and all work is to be performed according to City standards and reviewed by the Department of Public Works. The Director of Public Works recommended approval of this minute order.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve Minute Order No. 30-01.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl

**NOES:** None

**ABSENT:** Herbert

**DISQUAL:** None

2.11. **MINUTE ORDER NO. 31-01 — 1) AUTHORIZA TION FOR THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH LAW ENFORCEMENT AGENCIES FOR USE OF LAW ENFORCEMENT PERSONNEL DURING SPECIAL EVENTS; AND 2) AUTHORIZA TION OF SUPPLEMENTAL FUNDING FOR FY 01-02 SPECIAL EVENTS FOR USE OF LAW ENFORCEMENT PERSONNEL** — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification.

In order to obtain additional law enforcement officers for special events when necessary, the City may be required to enter into agreements with law enforcement agencies not currently committed through mutual aid agreements. This minute order authorized the City Manager to negotiate and execute agreements with these agencies for compensation of salary, overtime and housing costs (if needed) for additional officers for special events assignments in Chico, subject to the terms set forth in the minute order. Additionally, the minute order will authorize supplemental funding in the amount of $10,000, to be allocated from the General Fund (Fund 001), for the estimated costs for FY 01-02 as set forth in the minute order. The Chief of Police recommended approval of the minute order. If approved, a confirming supplemental appropriation will be prepared.

Councilmember Nguyen-Tan asked the Police Chief for further clarification on how many additional officers would be brought in, if mutual aide was used last year and if approval of this expenditure would jeopardize future mutual aid arrangements that currently do not cost the City.

The Police Chief indicated that he wasn’t sure how many additional officers would be needed and that staff would determine that number or if the $10,000 would be used in some other way to help with the event. The Police Chief stated that mutual aid was not used last year, it was an informal request. The Chief felt that additional resources outside the mutual aide area might be needed and these agencies have asked for reimbursement.

Vice Mayor Kirk expressed her concern over having officers here who do not know the community or have a sense of ownership. Councilmember Bertagna expressed the importance of mutual aide and his concern over paying one agency over another one. The City Manager stated that he also had a concern with paying some outside agencies for their assistance with Halloween and then next year having mutual aide with the local communities disappear. The Police Chief assured Council that he had contacted all agencies that provide mutual aide and they didn’t have a problem with the City of Chico paying for additional help. The City Manager said that he would follow up on the mutual aid issue with the Chief.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve Minute Order No. 32-01.
The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: Herbert
DISQUAL: None

2.12. APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON SEPTEMBER 4, 2001 — this item was removed from the Consent Agenda at the request of Vice Mayor Kirk for further clarification.

The Council was provided with copies of the minutes of its meeting held on 9/4/01. Council concurred to have the City Clerk review the video tape and Councilmember Keene’s comments on the proposed Lindo Channel legislation issue and bring back the minutes for review at a future meeting.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 18, 2001

By memorandum dated 9/21/01, the Internal Affairs Committee provided a report on its meeting held on 9/18/01. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEM REQUIRING COUNCIL ACTION:

Item A  Consideration of Possible Amendments to the Chico Municipal Code and Fee Schedule regarding Regulation of Parades. The Committee recommended (3-0) that the City Attorney be directed to draft amendments to the City’s parade ordinance (Chico Municipal Code Chapter 14.50) to bring it into compliance with U. S. Supreme Court rulings regarding First Amendment, free speech rights. No action was taken on this item.

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION.

Item B  Internal Affairs Committee Resolution Authorizing Installation of “Yield” Sign on Moss Avenue at its intersection with Palmetto Avenue (TRA No. 724). Adopted by Committee (3-0).

Item C  Internal Affairs Committee Resolution Establishing “Prohibited Parking” on Portion of Ceanothus Avenue North of East Avenue (TRA No. 725). Adopted by Committee (3-0).

Item D  Consideration of Traffic Issues on Floral Avenue North of East Avenue. Request for stop signs at intersection of Glenshire and Floral Avenues continued for three months to assess effect of traffic calming measures initiated by staff.

Item E  Consideration of Request for Pavement Undulations on Filbert Avenue Between Rey Way and Moss Avenue. Request denied (3-0) and staff directed to install 25 mph speed limit signs and report back on whether signs have reduced speeding problems.

Item F  Report on School District Parking Projects. Informational report presented by Mike Weissenborn, CUSD. No action taken by Committee.

Item G  Reports and Communications

1. Letter/petition from Catherine Hinberg requesting stop signs be reinstalled at intersection of Burney Drive and Idyllwild Circle. Committee directed this to be scheduled for consideration at its 10/9/01 meeting.

2. City Attorney Report on Regulation of Tobacco Product Stores and Advertising. No action taken by Committee.

4.3. FUTURE MEETINGS — this item was heard after Item 4.4
4.4. CONSIDERATION OF RESOLUTION APPROVING GRANT OF FUNDS FROM THE CITY’S HOME PROGRAM TO COMMUNITY ACTION AGENCY OF BUTTE COUNTY FOR ACQUISITION OF PROPERTY AT 2920 ESPLANADE AS A LOW INCOME HOUSING PROJECT

By memorandum date 9/25/01, the Housing Officer transmitted the funding resolution for the Community Action Agency of Butte County to assist it in acquiring the site at 2920 Esplanade. The resolution authorized a grant of $395,250 from the City's HOME Investment Partnership Program Community Housing Development Organization set-aside. Speaking against the approval of the resolution was Marilyn Ey, Bill Wells, Karen Duncan, Doug Munia, Joe Martinez, John Gillander and Sharon Chambers. Speaking on behalf of the project was Tom Tenorio from the Community Action Agency.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt Resolution No. 47 01-02 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO, APPROVING A GRANT OF FUNDS FROM THE CITY’S HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION SET-ASIDE TO COMMUNITY ACTION AGENCY OF BUTTE COUNTY FOR ACQUISITION OF PROPERTY LOCATED AT 2920 ESPLANADE, CHICO, CALIFORNIA, AS A LOW INCOME HOUSING PROJECT, with the inclusion of an additional requirement of annual financial reporting.

Councilmember Wahl indicated that he could not support the approval of this funding because he felt there was a more suitable location for the project and that the Council didn’t listen to the people. Councilmember Keene indicated that he was going to vote no also because he too felt there was another area that would be appropriate.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan
NOES: Keene, Wahl
ABSENT: Herbert
DISQUAL: None

4.3. FUTURE MEETINGS — this item moved to be heard after Item 4.4.

A. The City Attorney requested Council to schedule a closed session meeting for a presentation from outside legal counsel on the litigation regarding contamination at the Airport. Council concurred to have the City Attorney provide just Councilmember Wahl and Nguyen-Tan with an update.

B. Council was requested to schedule a meeting to consider General Plan growth areas. Meetings were scheduled for October 30, 2001 and November 27, 2001 (if needed) with both to be held from 6:30 to 9:00 p.m.

C. January 2002 Council meetings.

1. Since the first Tuesday of the month is a holiday, Council chose to reschedule its first January meeting to the following week, Tuesday, 01/08/02 with direction to staff to keep this agenda light.

2. Council concurred to hold the second meeting on 1/15/02.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR

Gary Lewis addressed Council regarding his project that had been denied without prejudice. He felt that Safeway was doing the same project and that staff was expediting Safeway’s project. Council asked that staff look at having Gary Lewis’ project being considered in conjunction with the “Safeway” project and provide Council with an update.

John Gillander addressed Council about campaign finance and his concern that it is hard to enforce these
laws because the City Attorney has a conflict due to his reporting directly to Council.

6. **REPORTS AND COMMUNICATIONS.** The following report and communication items were provided for the Council’s information. No action was taken on any of the items.


6.2. Memorandum dated 9/14/01 from the Finance Director reporting that the list of claims paid during the month of August 2001 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.3. Memorandum dated 9/21/01 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 in the current Annual Budget.

6.4. Memorandum from the Director of Public Works dated 9/12/01 transmitting the Parking Place Commission Report of its meetings held on 7/18/01 and 8/22/01.

7. **ADJOURNMENT.** The meeting was adjourned at 10:10 p.m. to Tuesday, October 16, 2001, 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.

_______________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned at 7:00 p.m. to closed session in the Chico Municipal Center, Conference Room #2, 421 Main Street to discuss negotiations with the City’s real property negotiator regarding the proposed acquisitions of 1577 East Avenue (Assessor’s Parcel No. 048-210-012), 1591 East Avenue (Assessor’s Parcel No. 048-210-004), and 2496 Cactus Avenue (Assessor’s Parcel No. 048-210-005). The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are Ted V. and Leola R. Smith, Michael Dresden, and Ronald and Levita Metzger, the respective property owners (or such persons designated as their agent for the purpose of negotiations).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PARCELS FOR EAST AVENUE RECONSTRUCTION PROJECT.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donna K. Long</td>
<td>1434 East Avenue</td>
<td>048-740-019</td>
</tr>
<tr>
<td>Evelyn Arline Kenyon</td>
<td>1442 East Avenue</td>
<td>048-740-020</td>
</tr>
<tr>
<td>Sondra C. Moran, et al</td>
<td>Northwest corner of East/Marigold</td>
<td>048-740-023</td>
</tr>
<tr>
<td>Celestino Gencarelli</td>
<td>1550 East Avenue</td>
<td>048-070-045</td>
</tr>
<tr>
<td>Rita I. Stapp</td>
<td>1560 East Avenue</td>
<td>048-070-036</td>
</tr>
<tr>
<td>Charles &amp; Brenda Smith 1</td>
<td>580 Manzanita</td>
<td>048-210-011</td>
</tr>
<tr>
<td>Harlan LeRoy/Georgine Eller</td>
<td>1592 Manzanita</td>
<td>048-210-003</td>
</tr>
<tr>
<td>Kyle Ritchey</td>
<td>2505 Cactus Avenue</td>
<td>048-070-031</td>
</tr>
<tr>
<td>Debra Zimlich</td>
<td>1652 East Avenue</td>
<td>048-760-012</td>
</tr>
<tr>
<td>Malinea R. Scally</td>
<td>Southeast corner of East/Cactus</td>
<td>048-760-014</td>
</tr>
<tr>
<td>Pearl Glee Clark</td>
<td>South side of East Avenue</td>
<td>048-760-015</td>
</tr>
<tr>
<td>Adams Family Trust</td>
<td>1666 East Avenue</td>
<td>048-760-013</td>
</tr>
<tr>
<td>California Water Service</td>
<td>South side of East Avenue</td>
<td>048-760-024</td>
</tr>
<tr>
<td>Ruthie Green</td>
<td>1574 East Avenue</td>
<td>048-070-018</td>
</tr>
<tr>
<td>Mark Reimer</td>
<td>1578 East Avenue</td>
<td>048-070-043</td>
</tr>
<tr>
<td>Ann Eggen/Clinton Caywood</td>
<td>1582 East Avenue</td>
<td>048-070-024</td>
</tr>
<tr>
<td>Pomada, Bowen, et al</td>
<td>North side of East Avenue</td>
<td>048-070-032</td>
</tr>
<tr>
<td>International Church</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Christian Life Center</td>
<td>1492 East Avenue</td>
<td>048-740-022</td>
</tr>
</tbody>
</table>

1. CALL TO ORDER

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

Absents: None

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1577 EAST AVENUE, 1591 EAST AVENUE AND 2496 CACTUS AVENUE (SMITH, DRESDEN AND METZGER). 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 were proposed to be conducted were as follows:

1. The property owners, Ted V. and Leola R. Smith (or such persons designated as their agent for the purpose of negotiations). The property is identified as 1577 East Avenue (Assessor’s Parcel No. 048-210-012). The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

2. The property owner, Michael Dresden, (or such persons designated as his agent for the purpose of negotiations). The property is identified as 1591 East Avenue (Assessor’s Parcel No. 048-210-004). The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition.
3. The property owners, Ronald and Levita Metzger (or such persons designated as their agent for the purpose of negotiations). The property is identified as 2496 Cactus Avenue (Assessor’s Parcel No. 048-210-005). The items under discussion are 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 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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: The City Attorney reviewed the following: City of Chico v. Spartan Partners Twenty, Butte County Superior Court Case No. 125803. (Gov. Code Sec. 54956.9(a).)

2.4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PARCELS FOR EAST AVENUE RECONSTRUCTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donna K. Long</td>
<td>1434 East Avenue</td>
<td>048-740-019</td>
</tr>
<tr>
<td>Evelyn Arline Kenyon</td>
<td>1442 East Avenue</td>
<td>048-740-020</td>
</tr>
<tr>
<td>Sondra C. Moran, et al</td>
<td>Northwest corner of East/Marigold</td>
<td>048-740-023</td>
</tr>
<tr>
<td>Celestino Gencarelli</td>
<td>1550 East Avenue</td>
<td>048-070-045</td>
</tr>
<tr>
<td>Rita I. Stapp</td>
<td>1560 East Avenue</td>
<td>048-070-036</td>
</tr>
<tr>
<td>Charles &amp; Brenda Smith 1</td>
<td>580 Manzanita</td>
<td>048-210-011</td>
</tr>
<tr>
<td>Harlan LeRoy/Georgine Eller</td>
<td>1592 Manzanita</td>
<td>048-210-003</td>
</tr>
<tr>
<td>Kyle Ritchey</td>
<td>2505 Cactus Avenue</td>
<td>048-070-031</td>
</tr>
<tr>
<td>Debra Zimlich</td>
<td>1652 East Avenue</td>
<td>048-760-012</td>
</tr>
<tr>
<td>Malinea R. Scally</td>
<td>Southeast corner of East/Cactus</td>
<td>048-760-014</td>
</tr>
<tr>
<td>Pearl Glee Clark</td>
<td>South side of East Avenue</td>
<td>048-760-015</td>
</tr>
<tr>
<td>Adams Family Trust</td>
<td>1666 East Avenue</td>
<td>048-760-013</td>
</tr>
<tr>
<td>California Water Service</td>
<td>South side of East Avenue</td>
<td>048-760-024</td>
</tr>
<tr>
<td>Ruthie Green</td>
<td>1574 East Avenue</td>
<td>048-070-018</td>
</tr>
<tr>
<td>Mark Reimer</td>
<td>1578 East Avenue</td>
<td>048-070-043</td>
</tr>
<tr>
<td>Ann Eggen/Clinton Caywood</td>
<td>1582 East Avenue</td>
<td>048-070-024</td>
</tr>
<tr>
<td>Pomada, Bowen, et al</td>
<td>North side of East Avenue</td>
<td>048-070-032</td>
</tr>
<tr>
<td>International Church</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Christian Life Center</td>
<td>1492 East Avenue</td>
<td>048-740-022</td>
</tr>
</tbody>
</table>

3. ADJOURNMENT

The Mayor adjourned Closed Session at 7:15 p.m. to a Redevelopment Agency meeting in the Council Chamber.
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.

Flag Salute

Invocation — Pastor Sam Allen or Pastor Bud Chauvin, Calvary Chapel of Chico

Roll Call — PRESENT: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
ABSENT: None

a. Proclamation Declaring October 21 - 27 as Red Ribbon Week
b. Proclamation Declaring October 21 - 27 as National Lead Poisoning Prevention Week

Introduction of City Staff — City Manager Lando, City Attorney Frank, City Clerk Presson, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Chief of Police Efford, Assistant Director of Public Works McKinley, Principal Planner Figue, Airport Manager Grierson, Management Analyst Wood, Parks Director Beardsley, Public Works Administrative Manager Halldorson, Sr. Planner Sigona, Associate Civil Engineer Burgi, Arts Coordinator Gardner.

Closed Session Announcement — None

CONSENT AGENDA — No items

NOTICED PUBLIC HEARINGS — No items

REGULAR AGENDA

CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 24, 2001

By memorandum dated 10/2/01, the Finance Committee provided a report on its meeting held on 9/24/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEMS REQUIRING COUNCIL OR AGENCY ACTION:

A. Approval of Supplemental Appropriation Allocating Funding to Install Permanent Speed Bumps along Yosemite Drive. The Committee recommended (3-0) approval of the supplemental appropriation for funding to install permanent speed bumps on Yosemite Drive. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve:

SUPPLEMENTAL APPROPRIATION NO. 01-02 06 ALLOCATING $22,000 FOR INSTALLATION OF SPEED HUMPS ON THE SOUTH PORTION OF YOSEMITE DRIVE.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

B. Approval of Budget Modification for Airport Improvement Project (AIP) No. 18 (Airfield Re-stripping). The Committee recommended (3-0) approval of this Budget Modification which would rebudget funds previously allocated for design of emergency access and service roads to the west of the Airport for an airfield re-stripping project required by the Federal Aviation Administration instead.

A motion was made by Nguyen-Tan and seconded by Councilmember Wahl to approve the following:
C. Approval of Proposed Changes to Arts Funding Application. The Committee recommended (3-0) approval of the revisions to the Arts Funding Application and Process as recommended by the Arts Commission, with the addition of a criterion on the Evaluation Worksheet which would allow points to be awarded to an organization for funds received from private businesses.

In response to the Committee’s direction for specific information regarding efforts by the arts organizations to seek and obtain other sources of private or public funding, the Arts Project Coordinator, by memorandum dated 10/2/01, provided information regarding additional changes in the application packet which will address the concerns of the Committee. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the proposed changes to the Arts Funding Application.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

D. Consideration of Airport Hangar Financing and Redevelopment Agency Procedures. The Committee recommended (3-0). A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the following:

1. That consideration of long term plans for the Airport, including funding and the solvency of the Airport Fund, be scheduled for the Agency’s November work session.
2. That consideration of where the revenue from the lease of the hangar at the Airport (construction proposed to be financed with RDA tax increment) is to be placed be tabled until after the long term solvency of the Airport Fund has been addressed.
3. That staff be directed to include in all Redevelopment Agency project staff reports, a standardized format that would include the information requested by Councilmember Nguyen-Tan as follows:
   a. what physical or economic blight is being removed by the project
   b. whether the project is in a recognized RDA project area, and if not, what qualitative benefits the project area achieves with the project
   c. how the project is consistent with the RDA plan
   d. the expected annual tax increment from the project and other expected financial, quantitative benefits from the project, such as increased employment or sales tax generated, relative to the costs, and which public funds will benefit from the project
   e. how the debt service will be paid and under what timeline (i.e., financial feasibility)
   f. how or why private enterprise is incapable of doing the project without RDA assistance
   g. what other RDA projects listed in the City’s Capital Improvement Program are currently lower in priority (the opportunity costs)
   h. what other funding sources are available for this project besides RDA funds
   i. If the project is not successful, what liabilities or contingencies the City/RDA would face

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
E. **Consideration of Report on Fiscal Year 2000-01 Utility Users’ Tax Refund and Exemption Program.** The Committee recommended (3-0) that no revisions be made to the low-income (as opposed to very low-income) level currently used to establish eligibility for the Utility Users’ Tax Refund and Exemption Program, and that staff continue to monitor it. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to accept the report.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

F. **Consideration of Proposed Storm Drain Impact Fee Analysis and Recommendations and Proposed Addition of Chapter 6, Storm Drain Fees, to the City of Chico 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study).** The Committee recommended (3-0) adoption of the proposed Storm Drain Nexus and that it be incorporated into the “2001 Development Impact Fee Analysis and Recommendations” (Nexus Study) by adding Chapter 6, “Storm Drain Fees;” and that the storm drain development impact fees be approved as recommended by staff. (This matter was addressed under Item No. 3.3 on tonight’s agenda under Hearings.)

**COMMITTEE ITEMS REQUIRING NO COUNCIL OR AGENCY ACTION AT THIS TIME:**

G. **Consideration of Chico Municipal Code Campaign Financing Provisions.** Committee requested City Clerk to research options regarding online campaign reporting and report back.

H. **Approval of Supplemental Appropriation to Provide Additional Funding for the Midway Bicycle Path Project (45036).** Approved by the City Council at its meeting of 10/2/01.

I. **Report of Utility Users’ Tax (UUT) Net Differential Revenue for the Fiscal Year Ended 6/30/01, and Projections for Fiscal Year 2001-02; and Consideration of Whether UUT Tax Collection Rate Should be Adjusted.** Resolution continuing 3.9% collection rate through 6/30/02 adopted by City Council at its meeting of 10/2/01.

J. **Approval of Request for Additional Housing Rehabilitation Loan Funds - Cynthia Gowan - 691 E. 15th Street** – Approved by the Committee (3-0).

K. **Consideration of Amendment to Administrative Procedure and Policy No. 10-31, Entitled “Establishment of the Redevelopment Committee,” to Remove the Chico Merged Redevelopment Project Area from Oversight of the Redevelopment Committee** – Continued by the Committee for one month at request of Greg Steel.

L. **Consideration of Development of a City of Chico Technology Master Plan** – Committee requested that work be initiated by staff, including obtaining more information regarding model plans from other communities.

M. **Consideration of Park Funding Issues and Basic Park Facility Development Impact Fees** – Continued for more public review and input at staff level before coming back to Committee.

N. **Consideration of Deregulation of the Solid Waste Collection System and Rates** – Continued by Committee for more information from staff.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to accept the 9/24/01 Finance Committee report. The motion carried 7-0.

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

6. **ADJOURNMENT**
The meeting was adjourned at 7:45 p.m. to a City Council meeting.
ADJOINED REGULAR CHICO CITY COUNCIL MEETING
OCTOBER 16, 2001 - MINUTES

1. CALL TO ORDER — The Mayor called the meeting to order at 7:45 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. CONSENT AGENDA — Items 2.6 and 2.7 were removed from the Consent Agenda and heard under Item 4.1. for further discussion. A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to approve the following Consent Agenda items:


SUPPLEMENTAL APPROPRIATION 01-02 13 ALLOCATING ADDITIONAL OPERATING FUNDS FOR PAY INCREASES FOR FIELD SUPERVISORS

By memorandum dated 10/01/01, the Personnel Director reported that agreement was reached with Service Employees International Union - Trades and Crafts Unit (SEIU-TC) for changes in the Field Supervisor job description, and for a related pay increase for Field Supervisors. The proposed Supplemental Appropriation will allocate needed additional funds to various operating budgets to cover the pay increase. The total cost for the remainder of the 2001-02 Fiscal Year is $13,189, of which $7,491 is General and Park funds. The City Council was provided with copies of the affected fund summaries which reflect the estimated 06/30/02 fund balances. The Personnel Director and City Manager recommended approval of the proposed resolution and supplemental appropriation.

2.2. RESOLUTION NO. 49 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR WILDWOOD PARK IMPROVEMENTS - PHASE II

By memorandum dated 10/1/01, the Park Director recommended adoption of a resolution authorizing an application for funds in the amount of $55,000 from the Roberti-Z'berg-Harris Urban Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. A portion of the bond is available for needs basis grants to local agencies providing park and recreation services. The grant would be used to help fund Wildwood Park Improvements - Phase II scheduled for completion in 2002. In the event that the grant is awarded to the City, an administrative supplemental appropriation to budget the grant revenue and expenditures will be processed. The Park Director recommended adoption of the resolution.


By memorandum dated 9/26/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of five parcels along Fair Street, south of East Park Avenue. The parcels currently contain existing commercial and light industrial uses. The property is designated for industrial use and zoned for commercial services. Property owners are identified in the staff report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.4. MINUTE ORDER NO. 33-01 APPROVING MERIT INCREASE FOR CITY ATTORNEY
The City Council evaluates the appointed employees annually, and through that evaluation process has determined to provide the City Attorney with a merit pay increase. This minute order authorized the merit pay increase for the City Attorney.

2.5. **MINUTE ORDER NO. 34-01 AUTHORIZING THE AIRPORT MANAGER TO EXECUTE A LEASE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT WITH GRANT OF LANDING PRIVILEGES, AIRCRAFT HANGAR AREA - THANGAR PAD AREA C, T-HANGAR SPACES NO. C-20, C-21, C-22, and C-23 (CITY OF CHICO/NORTH STATE APPLE GROWERS T-HANGAR DEVELOPMENT)**

Northstate Apple Growers T-Hangar Development desires to lease space from the City to construct four T-hangars in pad area C, at spaces C-20, C-21, C-22, and C-23. The current rental amount is $540 per year, per T-hangar space. Future adjustments will occur every five years based on the Consumer Price Index in accordance with FAA policy. The lease term will be for 25 years. The Airport Commission approved the proposed lease at its meeting of 8/28/01 and recommended Council approval.

2.6. **MINUTE ORDER – NOT APPROVED – AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO THE ACQUISITION OF REAL PROPERTY FOR CREEKSIDE GREENWAY - 1285 AND 1299 HUMBOLDT AVENUE AP NOS. 004-364-002, 004-364-006, and 004-364-009 (SHERRILL); AND 2) ALLOCATION OF SUPPLEMENTAL FUNDING FOR ACQUISITION AND RELATED LAND CLEARING COSTS**

This item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Keene for further discussion.

2.7. **MINUTE ORDER NO. 35-01 – AUTHORIZATION FOR AIRPORT MANAGER TO APPROVE THE REQUEST FROM PACIFIC FLIGHT SERVICES FOR RENT RELIEF**

This item was removed from the Consent Agenda and heard under Item 4.1. at the request of Vice Mayor Kirk.

2.8. **PUBLIC MEETING ON 2000 LOT CLEANING/WEED ABATEMENT ASSESSMENTS**

By memorandum dated 10/02/01, 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 is required to hold a public meeting (10/16/01) and public hearing (11/06/01) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 2001-02 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 10/02/01, is attached to the Project Manager’s memorandum. The Project Manager recommended that the City Council (1) Hear any protests or comments from the public; (2) Make any changes or corrections it deems appropriate in the assessments based on any protests or comments it. No protests were received.

The motion to approve the Consent Agenda, with items 2.6 and 2.7 removed and heard under Item 4.1., carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON REZONE 01-12 A (CITY OF CHICO) FOR PROPERTY LOCATED ON MAIN STREET IN DOWNTOWN CHICO, ASSESSOR’S PARCEL NOS. 004-242-012 & 013 AND 004-384-015**

By memorandum dated 10/3/01, Senior Planner Sigona reported that at the Planning Commission meeting of August 16, 2001, the Commission voted 5-0-1-1 (Commissioner Bradford absent, Commissioner Francis disqualified) to recommend approval of an ordinance rezoning approximately 0.75 acre in downtown Chico consisting of property on the west side of Wall Street, approximately 60 feet north of W. 6th Street, described as the easterly half of Assessor’s Parcel No. 004-242-012; property on the north side of W. 6th Street, approximately 70 feet west of Wall Street, described as
the easterly one-third of Assessor’s Parcel No. 004-242-013; and property at the southwest corner of W. 7th and Wall Streets, described as the easterly half of Assessor’s Parcel No. 004-384-015, from RD Downtown Residential to C-1 Restricted Commercial. Pursuant to Section 15162 of the California Environmental Quality Act, no environmental review is required for this project, as it has been determined that it was covered under the previously certified General Plan EIR and the previously adopted mitigated negative declaration for the Title 19 update.

The hearing was opened to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to (1) find that no environmental review is required for the rezone as it was covered under the previously certified General Plan EIR and the previously adopted mitigated negative declaration for the Title 19 update; and (2) adopt the following ordinance approving Rezone 01-12 A (City of Chico) by final reading of the title only, which received introductory reading at Council’s meeting of 10/2/01.

ORDINANCE NO. 2233 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED IN DOWNTOWN CHICO FROM RD DOWNTOWN RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL - REZONE 00-12 A (CITY OF CHICO) - FINAL READING & ADOPTION

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Herbert
NOES: None
ABSENT: None
DISQUAL: Keene, Wahl

3.2. HEARING ON GENERAL PLAN AMENDMENT AND REZONE 00-01 (BELLIN) FOR PROPERTIES LOCATED WEST OF MARAUDER STREET, NORTH OF THE CHICO MUNICIPAL AIRPORT, ASSESSOR’S PARCEL NOS. 047-280-014, 015, 020 & 094

By memorandum dated 10/8/01, Senior Planner Sigona reported that at the Planning Commission meeting of 9/6/01, the Commission voted 4-0 (Commissioners Francis and Bradford disqualified; Commissioner Sanders abstaining) to recommend approval of a request to amend the General Plan land use designation from Open Space for Environmental Conservation/Safety (OSECS) to Manufacturing and Warehousing with an OSECS overlay designation and a rezone to change the prezoning from RR Rural Residential to ML Light Manufacturing/Industrial with an -RM Resource Management overlay, for 37 +/- acres located along the west side of Marauder Street, southeast of Mud Creek, northeast of the Chico Municipal Airport, and approximately 700 feet north of Ryan Avenue. The site is identified as Assessor’s Parcel Nos. 047-280-014, 015, 020 and 094. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

The hearing was opened to the public. Don Holtgrieve and Georgie Bellin addressed Council. No one else spoke and the hearing was closed to the public. A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to: (1) adopt the mitigated negative declaration; (2) adopt the below resolution approving the amendment to the City of Chico General Plan Land Use Diagram; and (3) adopt the below ordinance approving GPA/Rezone 00-1 (Bellin) by final reading of the title only, which received introductory reading at Council’s meeting of 10/2/01.

RESOLUTION NO. 51 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATION FOR 37 ACRES LOCATED WEST OF MARAUDER STREET, NORTH OF THE CHICO MUNICIPAL AIRPORT, ASSESSOR’S PARCEL NOS. 047-280-014, 015, 020 & 094 - GPA/REZONE 00-01 (BELLIN)

ORDINANCE 2234 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING 37 ACRES LOCATED WEST OF MARAUDER STREET, NORTH OF THE CHICO MUNICIPAL AIRPORT - REZONE 00-01 (BELLIN) - FINAL READING & ADOPTION

The motion carried by the following vote:
3.3. CONSIDERATION OF THE CITY OF CHICO 2001 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY); AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

By memorandum dated 9/24/01 the Public Works Administrative Manager presented the “2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study)” for Council’s consideration. To comply with the Government Code, the Nexus Study updates the required nexus findings for development impact fees that provide funds for those facilities. At its meetings of 8/27/01 and 9/24/01, the Finance Committee recommended that the City Council adopt the proposed fees and the new fees, and add a new Chapter 6, entitled “Storm Drainage Fees,” to the Nexus Study.

A fee schedule resolution has been provided in the event Council wishes to approve the 2001 Update of Development Impact Fees Analysis and Recommendations and adopt the associated fee increases and decreases. Any fees increased by the resolution would become effective on the 61st day following adoption.

Council was asked to introduce an ordinance which would amend the Chico Municipal Code by making changes in the way the City assigns credits for installation of storm drain facilities. This change is needed to be consistent with the Storm Drain Master Plan which developed costs associated with water quality facilities, channel stabilization, and design and data collection programs which are all based on the watercourse into which the facilities drain. Currently, a developer can receive full credit for installation of storm drainage facilities. With the adoption of the Storm Drain Master Plan and the inclusion of these additional elements which are ordinarily installed by the City, the possibility of receiving full credit for storm drain fees has been significantly reduced.

The hearing was opened to the public. No one spoke.

Councilmember Jarvis stated her intention was to vote for the Nexus Study and the storm drain fees; however, she continues to have an objection over the assumption that we use redevelopment funds and some State Transportation dollars. An objection that she raises every time she votes on this subject, and wanted it on the record, but would vote in support of Nexus.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to adopt the following Resolution and first reading by title only of the following Ordinance:

RESOLUTION NO. 52 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 260 – TRANSPORTATION FACILITY FEES, STORM DRAINAGE FACILITY FEES, AND BUILDING AND EQUIPMENT FEES


The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None
REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.6. MINUTE ORDER – NOT APPROVED – AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO THE ACQUISITION OF REAL PROPERTY FOR CREEKSIIDE GREENWAY - 1285 AND 1299 HUMBOLDT AVENUE AP NOS. 004-364-002, 004-364-006, and 004-364-009 (SHERRILL); AND 2) ALLOCATION OF SUPPLEMENTAL FUNDING FOR ACQUISITION AND RELATED LAND CLEARING COSTS — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Keene for further discussion.

At its 7/10/01 closed session meeting, the City Council authorized the City Manager to offer the owner of the property located at 1285 and 1299 Humboldt Avenue the sum of $114,950 to acquire the property, subject to and contingent upon execution of a document indicating the sale is voluntary and exempt from consideration of relocation benefits, clearing the site and obtaining an acceptable environmental assessment, and sharing of closing and escrow costs. The owner has accepted these terms, and the environmental assessment has been completed following additional testing for PCB's and hydraulic oil with the consultant finding that there is no reasonable basis to suspect the presence of hazardous substances or petroleum products associated with the recognized conditions under assessment. The Minute Order would authorize the City Manager to execute documents relating to the acquisition of the property for creekside greenway, and allocate funding for the acquisition, site clearing, annexation and staff costs from the Community Park Fund (330) in the amount of $157,500 as detailed in the Minute Order. The City Council was provided with a copy of the Community Park Fund Summary which reflects the estimated 06/30/02 balance. The City Manager recommended approval of the minute order.

Councilmember Keene and Councilmember Wahl asked that this item be sent back to the Finance Committee in order for it to be considered during the discussions on overall park fees/funding. Councilmember Jarvis and Vice Mayor Kirk urged Council to move forward with the purchase of this property which was unanimously approved at a prior meeting. Councilmember Nguyen-Tan also stated that he would not want to lose the opportunity to purchase this land by delaying the decision on the purchase. Comments from the members of the audience were heard from Jon Luvaas, Jim Mann, John Gillander and Amanda Bay Laurel.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene to refer this item back to the Finance Committee to be considered at its November meeting and to be brought back to Council for discussion in December.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

2.7. MINUTE ORDER NO. 35-01 – AUTHORIZATION FOR AIRPORT MANAGER TO APPROVE THE REQUEST FROM PACIFIC FLIGHT SERVICES FOR RENT RELIEF — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Vice Mayor Kirk.

By memorandum dated 10/3/01, Airport Manager Grierson reported that due to the 9/11/01 terrorist attacks, Pacific Flight Services has suffered financial losses. Pacific Flight Services provides essential support to Skywest Airlines, CDF, general aviation, and Enloe Flight Care. Pacific Flight Services has indicated it cannot continue to provide these services without financial relief from the City of Chico, and has requested relief from all rents and fees payable for the months of September, October, and November 2001.

The Airport Commission, by Minute Order No. 3-01 approved 9/25/01, recommended that the City of Chico approve a waiver of rent from Pacific Flight Services. The Airport Manager recommended approval of this request up to the amount of loss that can be documented by Pacific Flight Services.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to approve
the Minute Order, with the direction to the Airport Manager to provide Council with a memorandum outlining the requested settlement and the fiscal health of Pacific Flight Services.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

4.2. INITIAL CONSIDERATION OF TWO APPEALS OF THE BIDWELL PARK AND PLAYGROUND COMMISSION’S 8/27/01 DECISION TO REQUIRE REMOVAL OF THE LANDSCAPING AND IRRIGATION FROM CITY PROPERTY IN LINDO CHANNEL FILED BY: (A) MARSHALL AND VICKIE GREGORY (B) JOHN AND LINDA PATRICK

By memorandum dated 9/25/01, the Park Director reported that at its 8/27/01 meeting, the Bidwell Park and Playground Commission denied the requests of Marshall and Vickie Gregory, 44 Guynn Bridge Court and John and Linda Patrick, 50 Guynn Bridge Court, to retain landscaping and irrigation behind their homes on City property (Lindo Channel). Citing that the request was beyond the Commission’s authority under the City Council approved Lindo Channel encroachment resolution guidelines, the Commission voted 5-2 to deny the requests. Comments were heard from Michael Jones, John Patrick and Marshall Gregory.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to schedule the appeals for public hearings at the first meeting in December.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

4.3. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S ACTION TO GRANT AN APPEAL FILED BY ROBERT MALOWNEY OF THE ZONING ADMINISTRATOR’S APPROVAL OF USE PERMIT 01-38 (FEDER) TO ALLOW THE OPERATION OF AN INDOOR ENTERTAINMENT CENTER IN AN EXISTING BUILDING ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MAIN AND SECOND STREETS, ADDRESSED AS 201 MAIN STREET AND IDENTIFIED AS ASSESSOR’S PARCEL NO. 004-082-001

By memorandum dated 10/1/01, Principal Planner Figge reported that at its 9/20/01 meeting, the Planning Commission granted an appeal of the Zoning Administrator’s 8/6/01 approval of a use permit to allow the operation of an indoor entertainment center in an existing building located at 201 Main Street. By granting the appeal, the Planning Commission’s action resulted in denial of the use permit. A timely appeal was filed by Robert Feder, the applicant for the use permit. The subject building is located on the southeast corner of Main and Second Streets and is designated Downtown on the City of Chico General Plan Diagram and is within the CD Downtown Commercial zoning district. The Planning Commission’s decision to grant the appeal, thereby denying the use permit, was approved by a vote of 4-3. The Planning Director recommended that the City Council hear the appeal at its meeting of 11/6/01. Comments were made to the Council by Robert Feder, Conor Granahan, W.R. Dudman, Teresa King and Richard Elsom.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to hear the appeal at the meeting of 11/6/01.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None
4.4. CONSIDERATION OF POLICIES REGARDING CONTINUATION OF PAY AND BENEFITS FOR MILITARY RESERVISTS CALLED TO ACTIVE DUTY

Councilmember Bertagna has requested that the City Council discuss the City’s policies regarding continuation of pay and benefits for employees who are members of the military reserve and called to active duty. Pursuant to City Council Rules of Procedure, a majority vote of the Council was required to consider this matter tonight.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA

In order to consider the below matter which did not appear on the posted agenda, the Council must determine by a two-thirds vote that there is 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.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to add consideration of an amendment to the agreement between the City of Chico and the Chico Museum Association to the agenda. This would allow the Chico Museum Association to meet their grant application deadline.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

CONSIDERATION OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHICO AND THE CHICO MUSEUM ASSOCIATION (OCCUPANCY AND USE OF THE CHICO LIBRARY BUILDING PROPERTY AS A PUBLIC MUSEUM) TO ESTABLISH A TEN YEAR LEASE TERM

By letter received 10/12/01 from David Rush, the Chico Museum Association advised that in order to apply for a $50,000 grant to fund further development of the permanent exhibits at the Museum, the State must be assured that the grant monies will be used for a project that will be made available for public use for at least the next ten years. The Museum leases the building at 141 Salem Street from the City, and the current lease agreement allows the City to terminate on six months notice. Therefore, the Museum is requesting the City to amend the agreement to assure that the premises at 141 Salem Street will be available to the Chico Museum Association, or its successor, for a period of at least ten additional years.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to enter into a 10-year lease with the museum.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS — No action was taken on any of the following items:

6.1. Letter dated 10/8/01 from Raymond Barnett to the Community Development Director requesting consideration of a code amendment to regulations pertaining to auto body paint shops. The City Manager recommended this request be referred to the Internal Affairs Committee for review and recommendation.

6.2. Memorandum dated 10/2/01 from the Finance Director reporting that the list of claims paid during the month of September 2001 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 10:03 p.m. to Tuesday, October 30, 2001, at 6:30 p.m. in the Council Chamber for a meeting regarding City of Chico growth issues.

Date Approved: December 18, 2001

City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
OCTOBER 30, 2001 – MINUTES

1. CALL TO ORDER – The Mayor called the meeting to order at 6:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert Absent: None

1.3. Introduction of City Staff — City Manager Lando, City Attorney Frank, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Principal Planner Figge, Assistant Director of Public Works McKinley, Fire Chief Brown, Housing Manager McLaughlin, Project Manager Wood, and Sr. Planner Hayes

2. CONSENT AGENDA – No items

3. NOTICED PUBLIC HEARINGS – No items

4. REGULAR AGENDA

4.1. REVIEW AND CONSIDERATION OF CHICO RESIDENTIAL GROWTH ISSUES AND DIRECTION TO STAFF FOR FURTHER ACTION

By memoranda dated 10/24/01, the Planning Director and Planning Division provided Council with a report on Chico residential growth issues, including Planning Commission recommendations, an analysis of population growth and the housing that will be needed to accommodate it, and supplemental information and public comments.

Over the past year, concerns have been expressed that there may not be an adequate inventory of vacant land designated by the General Plan for anticipated residential growth, and that additional land may need to be included in the City's sphere of influence and designated for residential development in order to ensure that adequate housing for City residents is provided in both the near and more distant future.

In response to this concern and following up on last year’s Five-Year Review of the General Plan, Planning staff prepared an analysis and report, including information on each of the expansion study areas identified in connection with the 1994 General Plan update. This issue was discussed by the Planning Commission at three public meetings, with substantial public input, and the Commission has made a number of recommendations to Council that are detailed in the report.

The Mayor asked for public input. Comments were heard from Karen Laslo, John Gillander, Jim Brobeck, Mike Smith, R. John Andersen, Kathleen Faint, Mary Andrews, Bob Linscheid, Alan Chamberlain, Norm Rosene, Jim Mann, and Barbara Vlamis.

The Planning Director recommended that the City Council consider the Planning Commission recommendations and provide staff with any direction it finds appropriate for further analysis and/or action.

The City Council directed staff to come back with additional information on residential density and potential for infill development. Council concurred to continue the public comment portion of this meeting to the November 27, 2001 meeting.
4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS** — None

7. **ADJOURNMENT**

   The meeting was adjourned to Tuesday, November 6, 2001, 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: January 8, 2002

_____________________________    ______________________________
City Clerk                                     Mayor
REGULAR CHICO CITY COUNCIL MEETING
NOVEMBER 6, 2001 - 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

1.2. Invocation — Reverend Dr. Christine Jeffers, Chico Church of Religious Science

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

   Absent: None

1.4. A. Proclamation proclaiming the week of November 4th through November 10th as Animal Shelter Appreciation Week was presented to Rich Parmeter of the Butte Humane Society.

   B. Proclamation proclaiming the month of November as Home Health Month was presented to Isabella Godinez from Butte Home Health & Hospice.

1.5. Presentation of rebate check from PG&E to the City of Chico for use of LED signals, and commendation to the City for its conservation efforts was made by Janet Walther and Mike Travis from PG&E.

1.6. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Principal Planner Figge, Management Analyst Wood, Assistant Director of Public Works Martinez, Public Works Administrative Manager Halldorson, and Housing Specialist Burkland.

2. CONSENT AGENDA — A motion was made by Councilmember Keene and seconded by Councilmember Wahl to approve the following Consent Agenda:


   This ordinance amended the Chico Municipal Code by making changes in the way the City assigns credits for installation of storm drain facilities. This change was needed to be consistent with the Storm Drain Master Plan which developed costs associated with water quality facilities, channel stabilization, and design and data collection programs which are all based on the watercourse into which the facilities drain. Currently, a developer can receive full credit for installation of storm drainage facilities. With the adoption of the Storm Drain Master Plan and the inclusion of these additional elements which are ordinarily installed by the City, the possibility of receiving full credit for storm drain fees has been significantly reduced. A hearing was held on this ordinance and it received introductory reading by the City Council at its meeting of 10/16/01

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 852 MANZANITA COURT REZONE 01-02 (Land’s End Real Estate) – INTRODUCTORY READING

   By memorandum dated 10/29/01, Associate Planner Hanson reported that at the Planning Commission meeting of 9/20/01 the Commission voted unanimously to recommend approval of a rezone request by Land’s End Real Estate for subsequent development of a broadcasting facility and office complex. This rezone would change the zoning designation from OR Office Residential to OC Office Commercial.

   The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for 12/4/01 City Council meeting.
2.3. RESOLUTION NO. 53 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
APPROVING THE PROVISION OR CONTINUATION OF CERTAIN EMPLOYEE PAY AND BENEFITS
FOR EMPLOYEES CALLED TO ACTIVE MILITARY DUTY AS A RESULT OF THE PRESIDENTIAL
DECLARATION OF NATIONAL EMERGENCY

By memorandum dated 10/12/01, the Personnel Director recommended approval of a resolution
continuing seniority, benefits and supplementing the military pay for military reservists who are called to
active duty for more than 30 days as a result of the current National Emergency. The attached resolution
continues seniority and benefits for such employees, and authorizes the City to pay such employees the
difference between their military pay and their regular City pay for up to 180 additional days. It is
expected that any additional costs generated by adoption of this resolution can be covered by existing
department operating budgets. The City Manager and Personnel Director recommended adoption of the
resolution.

2.4. RESOLUTION NO. 54 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
APPROVING AMENDMENT NO. 1 TO THE “MEMORANDUM OF UNDERSTANDING BETWEEN CITY
OF CHICO AND CHICO POLICE OFFICERS’ ASSOCIATION - SWORN UNIT REGARDING WAGES,
HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PERIOD OF JUNE 1,
2000 THROUGH DECEMBER 31, 2004 (2000 CPOA-Sworn Memorandum of Understanding)”

BUDGET MODIFICATION 01-02 18 MODIFYING PAY SCHEDULE B AND PAY SCHEDULE G OF THE
ANNUAL BUDGET TO ELIMINATE THE POLICE OFFICER TRAINEE POSITION FROM THE CHICO
POLICE OFFICERS’ ASSOCIATION - SWORN UNIT PAY SCHEDULE “B”, AND ADDING THE NEW
POSITION OF POLICE ACADEMY TRAINEE TO THE NON-PAY PLAN PAY SCHEDULE “G”

By memorandum dated 10/12/01, Personnel Director Erlandson reported that it has been determined to
implement the previously approved police academy training program through an hourly exempt Police
Academy Trainee position. It was necessary to amend the Memorandum of Understanding (MOU)
between the City and Chico Police Officers’ Association Sworn Unit to remove the Police Officer Trainee
position from CPOA representation through the proposed resolution. It was also necessary to add the
Police Academy Trainee Position to Pay Schedule G, and delete the Police Officer Trainee position from
the CPOA pay Schedule B, through the proposed Budget Modification 01-02 18. The Personnel Director
recommended approval of the proposed resolution and budget modification.

2.5. RESOLUTION NO. 55 01-02 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY
OF CHICO TO ABANDON AND VACATE A PUBLIC BIKEWAY AND PEDESTRIAN ACCESS
EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS
VACATION LAW (BICYCLE PATH BETWEEN PARKWAY VILLAGE DRIVE AND MANSFIELD COURT)

By memorandum dated 9/27/01, the Director of Public Works reported that residents in the neighborhood
of Parkway Village have petitioned the City to abandon the public bikeway and pedestrian access
easeament located between Parkway Village Drive and Mansfield Court. At its meeting of 6/12/01, the
Internal Affairs Committee recommended the abandonment of the bike path, and the City Council
concurred with their recommendation at its meeting of 7/10/01. The Director of Public Works
recommended adoption of this resolution which will schedule a public hearing on the abandonment for
12/4/01.

2.6. APPROVAL OF MINUTE ORDER NO. 37-01 — AUTHORIZATION FOR CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH MICHAEL DRESDEN TO ACQUIRE PROPERTY LOCATED AT 1591
EAST AVENUE AND AUTHORIZATION OF DISBURSEMENT OF STATUTORY RELOCATION
BENEFITS (APN 048-210-004)

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of 1591 East Avenue
in connection with the City’s East Avenue widening project. Because the impacts of the project on the
residence and business require acquisition of the whole parcel, the owner is also entitled to statutory
relocation benefits.

This minute order would authorize the City Manager to execute a sales agreement and other documents
necessary to acquire the property for $180,000, and further authorize the disbursement of statutory
relocation benefits. The Assistant City Manager recommended approval of the minute order.
2.7 APPROVAL OF MINUTE ORDER NO. 38-01 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND GENERAL REVOLVING LOAN FUND (RLF) AGREEMENTS WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION TO (1) DISCONTINUE LENDING AND TRANSFER ALL LOAN PAYMENTS AND RECEIVABLES FROM THE LOAN FUNDS TO THE CITY ON AN ANNUAL BASIS, AND (2) TRANSFER $175,000 IN CASH ON HAND IN THE CDBG RLF TO A NEW AGREEMENT TO BE USED AS MATCH FOR THE ECONOMIC DEVELOPMENT ADMINISTRATION LOAN PROGRAM

By memorandum dated 10/23/01, the Housing Officer reported that at its meeting of 9/13/01, the Economic Development Committee recommended that the City Council authorize the City Manager to amend the CDBG RLF Agreement to allow TCEDC to transfer $175,000 in cash on hand in the CDBG RLF as match for the Economic Development Administration (EDA) loan fund and transfer all loan payments and receivables to the City on an annual basis less costs for loan servicing and cash match for the EDA planning grant. In addition the Committee recommended that the City Council authorize the City Manager to amend the General RLF Agreement to require TCEDC to transfer any cash on hand and loan payments to the City on an annual basis. Lending under both the General and the CDBG RLF’s will be discontinued effective 12/31/01. The Economic Development Committee recommended approval of the minute order.

2.8. APPROVAL OF REQUEST FOR EXTENSION OF RESCISSION DEADLINE FOR COMMUNITY ORGANIZATION FUNDING (FRIENDS OF THE ARTS)

By memorandum dated 10/25/01, the Assistant City Manager transmitted the 10/18/01 request from Debra Lucero Austin, Friends of the Arts, for an extension of the City Council’s rescission deadline of 11/01/01 to receive $5,400 in allocated Transient Occupancy Tax (TOT) funding for Fiscal Year 00-01. The Friends of the Arts further request approval to use CEPCO as the program’s replacement fiscal receiver on a one-time basis to receive the funds and execute the funding agreement until a new non-profit organization can be incorporated to receive future funds. The Council approved extension of its rescission deadline to 12/15/01.

2.9. APPROVAL OF APPOINTMENT OF COMMUNITY INTEREST REPRESENTATIVES TO THE COMMUNITY ACCESS USER GROUP

By memorandum dated 10/22/01, Project Manager Wood reported that the Community Access User Group (CAUG) is recommending the appointment of Keith Lander and Maria Shahid to the Community Access Users Group for four-year terms beginning 12/1/01 and ending 6/30/05. The Butte Community College Board of Trustees also must appoint the candidates and act on the recommendation from the CAUG at its November meeting. Council has been provided with copies of all applications.

2.10. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON SEPTEMBER 4, 2001

The City Council was provided with copies of the minutes from its meeting held on 9/4/01.

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

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON PLACING ASSESSMENTS ON THE TAX ROLL TO RECOVER CITY COSTS ASSOCIATED WITH THE LOT CLEANING/WEED ABATEMENT PROGRAM
By memorandum dated 10/23/01, 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 before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the 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 10/23/01, is attached to the Project Manager’s memorandum. The Mayor opened the hearing to the public. No one spoke and the Mayor closed the hearing.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the placement of the assessments on the tax roll.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

**3.2. HEARING ON AMENDMENT OF THE BOUNDARIES OF MAINTENANCE DISTRICT NO. 512, DOMINIC PARK SUBDIVISION**

By memorandum dated 10/2/01, the Director of Public Works reported that this resolution would amend the boundaries of Chico Maintenance Assessment District No. 512. As a condition of approval of a subdivision map for this subdivision, generally located just north of East Avenue on the west side of Mariposa Avenue, the developer consented to the formation of this district for the operation, maintenance, and future replacement of the landscaped and irrigated traffic circle, and the landscaped and irrigated detention facility interior to the subdivision. Since that time, it was necessary to amend the boundaries of the district to include Phase II of the subdivision and to reapportion the annual assessment among all of the property owners in both phases. 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 will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the below Resolution. Councilmember Wahl disqualified himself from the discussion and subsequent decision and left the Chamber. The Mayor opened the hearing to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to adopt:

**RESOLUTION NO. 56 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE AMENDMENT OF MAINTENANCE DISTRICT NO. 512, DOMINIC PARK SUBDIVISION, PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** Wahl

**3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 513, ALMOND TREE R. V. PARK AND MINI STORAGE**

By memorandum dated 9/28/01, the Director of Public Works reported that this resolution would order the formation of Chico Maintenance Assessment District No. 513. As a condition of approval of a boundary line modification for this parcel, generally located between SHR 99 and the Esplanade and...
northwest of Commercial Avenue, the developers, Donald and Dorothy Brown, have consented to the
formation of this district for the operation, maintenance, and future replacement of the landscaping and
irrigation along the SHR 99 right of way adjacent to the property for a 20-year period. 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 Director of Public Works recommended
adoption of the below resolution. The Mayor opened the hearing to the public. No one spoke and the
hearing was closed. A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene
to adopt:

RESOLUTION NO. 57 01-02 — 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. 513
— ALMOND TREE R.V. PARK AND MINI STORAGE)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: None
ABSENT: None
DISQUAL: Wahl

3.4. HEARING ON AN APPEAL BY ROBERT FEDER OF THE PLANNING COMMISSION’S ACTION TO
GRANT AN APPEAL FILED BY ROBERT MALOWNEY OF THE ZONING ADMINISTRATOR’S
APPROVAL OF USE PERMIT 01-38 (FEDER) TO ALLOW THE OPERATION OF AN INDOOR
ENTERTAINMENT CENTER IN AN EXISTING BUILDING ON PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF MAIN AND SECOND STREETS, ADDRESSED AS 201 MAIN STREET AND
IDENTIFIED AS ASSESSOR’S PARCEL NO. 004-082-001.

By memorandum dated 10/26/01, Principal Planner Pam Figge reported that at the Planning Commission
meeting of 8/6/01, the Commission voted (4-3) to uphold an appeal of the Zoning Administrator’s approval
of Use Permit 01-38 (Feder) to allow an indoor entertainment center in the downtown.

The Planning Commission’s action was subsequently appealed to the City Council by the applicant,
Robert Feder. The City Council initially considered the Planning Commission’s decision and the
appellant’s reasons for hearing the appeal at its 10/16/01 meeting. The Council voted to set the matter
for a public hearing on 11/6/01.

The property is a 0.13 acre lot with an existing, two-story (with a basement area) vacant building in the
downtown. The applicant proposes to utilize the 5000 ± square foot first floor of the building for his
business, “Mind Games.” The subject site is designated Downtown on the City of Chico General Plan
Diagram and zoned CD Downtown Commercial. Indoor Amusement and Entertainment Centers are
allowed in the CD district with use permit approval.

The Planning Director recommended that the City Council uphold the appeal, finding that the project is
categorically exempt from environmental review and approve Use Permit 01-38 (Feder) subject to the
recommended findings and conditions of approval.

The Mayor opened the hearing to the public. Robert Feder, Conor Granahan, Cheryl Allagree, Dolly
Brown, Laurence Boag, Bill Brouhard, Robert Monn, Irv Schiffman, Daniel McFarland, Miranda Mackabee,
John Bell, Don Kidd, and Georgie Bellin urged Council to uphold the appeal.

The hearing was closed to the public. A motion was made by Councilmember Nguyen-Tan and seconded
by Councilmember Bertagna to grant the appeal, finding that the project was categorically exempt from
environmental review and approve Use Permit 01-38 (Feder) subject to the recommended findings and
conditions of approval with modifications to Condition 3 of the deletion of the second sentence referring
to the number of employees and replacing it with “adequate,” modifying Condition 4 to read “all alcohol
The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON OCTOBER 9, 2001

By memorandum dated 10/18/01, the Internal Affairs Committee provided a report on its meeting held on 10/9/01. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item A Approval of Suspension of Enforcement of 30-Minute Parking Limit Between 2:00 a.m. and 7:00 a.m. for On-Street Metered Parking in the Downtown Area. The Committee recommended (3-0) approval of suspension of enforcement of the 30-minute parking limit between 2:00 a.m. and 7:00 a.m. for on-street metered parking in the downtown area until a determination has been made by the City regarding street sweeping schedules. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the Internal Affairs Committee action.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item B Approval of Proposal for Neighborhood Traffic Safety Publicity Campaign. The Committee recommended (3-0) approval the Traffic Safety Publicity Campaign as proposed by staff, including press releases, advertisements, flyers, and public service announcements. The City Council was provided with copies of the below Supplemental Appropriation which will allocate $5,000 to implement this program, and includes a copy of the Transportation Fund (212) fund summary which reflects the 6/30/02 estimated Fund Balance. A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the Internal Affairs Committee action.

SUPPLEMENTAL APPROPRIATION NO. 01-02 17 ALLOCATING $5,000 FOR THE NEIGHBORHOOD TRAFFIC SAFETY PUBLICITY CAMPAIGN

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item C Approval of Permit Parking for On-Street 10-Hour Metered Parking Spaces. The Committee recommended (3-0) approval of permit parking for all on-street 10-hour metered parking spaces as recommended by the Parking Place Commission. A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene adopt:
RESOLUTION NO. 58 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 262 – PARKING FEES AND RATES)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

Item D Consideration of Request for Review of “Reconsideration” Provisions in City Council Rules of Procedure. The Committee recommended (3-0) approval of an administrative procedure that would allow Councilmembers to indicate their changed opinion on a previous City Council decision for the record, with the stipulation that the change in vote would not affect the outcome of the Council’s previous action. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the new administrative procedure.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: Wahl
ABSENT: None
DISQUAL: None

Item E Consideration of Validity of City Ordinance Prohibiting Parking on City Streets of Vehicles for the Purpose of Sale. The Committee recommended (3-0) that further enforcement of Chico Municipal Code Section 10.20.180 be suspended until it was repealed or replaced by some other provision that would survive constitutional analysis. Comments were heard from John Gillander. A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the suspension of Chico Municipal Code Section 10.20.180.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION.

Item F Approval of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 726

Item G Consideration of Reinstallation of Stop Signs on Idyllwild Circle at South Burney Drive

Item H Consideration of Request for Installation of Multiway Stop Signs at the Intersection of West 8th Avenue and Forty Niner Court

Item I Consideration of Impacts of Security Measures Throughout the City

Item J Report Back to Committee on Oak Way Traffic Issues

4.3. APPOINTMENT TO ARTS COMMISSION

By memorandum dated 10/17/01, the City Clerk reported that at its meeting of 9/4/01 the City Council directed the City Clerk’s office to advertise for applicants for the vacant position on the Arts Commission
The Council was provided with copies of the two new applications that were received as a result of this recruitment from Ginny Crawford and Timothy John Muir, as well as copies of the applications previously on file for Anne Barrington, Sarena Breed, Tara Hames, and Annemarie Sutton. The appointee for this position is not required to meet any of the special membership requirements for the Arts Commission, since those requirements have been met by the current Commissioners. The City Council was requested make an appointment to fill the vacant position on the Arts Commission for a term to expire on 01/01/05.

The City Council selected Ginny Crawford to fill the vacant position.

4.4. FUTURE MEETINGS

The City Manager recommended that the Council consider beginning its 11/20/01 all-day work session at 8:00 a.m. rather than 9:00 a.m. due to the heavy agenda. Council concurred. Council also agreed to have a Council Meeting on Friday, November 30, 2001 from 12:00 noon to 2:00 p.m. regarding the health insurance self-funding study.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR – John Gillander addressed the Council regarding his concern over the cost of obtaining Business License information. Council referred the issue to the Finance Committee for review.

6. REPORTS AND COMMUNICATIONS – The following reports and communication items were provided for the Council’s information. No action was taken.

6.1. Memorandum dated 8/29/01 from the Personnel Director provided a report from the Human Resources Commission regarding the City’s progress toward accomplishing its equal employment opportunity goals for the twelve month period of 7/1/00 through 6/30/01.

6.2. Memorandum dated 10/22/01 from the Director of Public Works provided a report on the Parking Place Commission meeting held on 10/17/01.

6.3. Memorandum dated 10/12/01 from the Risk Manager provided a report of tort claims against the City which were denied during the quarter ending 9/30/01.


7. ADJOURNMENT

The meeting was adjourned at 9:31 p.m. to Tuesday, November 20, 2001, at 8:00 a.m. in the Council Chamber for an all-day work session.

Date Approved: January 8, 2002

________________________________________  ____________________________________
City Clerk                                  Mayor
1. **CALL TO ORDER** — The Mayor called the meeting to order at 8:00 a.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Presentation of Colors by the Police Department Honor Guard and Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the following Consent Agenda with item 2.2 being deferred to the 12/4/01 meeting and 2.4 removed and heard following the approval of the Consent Agenda:

2.1. **RESOLUTION NO. 59 01-02 — 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 - BURNAP AVENUE ANNEXATION DISTRICT NO. 4**

2707 Burnap Avenue (Platt/Powell). By memorandum dated 10/26/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of a 1.886 acre parcel. The parcel currently contains a single family residence, and multiple family residential development is proposed. The property is designated and zoned for medium density residential use. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.2. **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 - LABURNUM AVENUE ANNEXATION DISTRICT NO. 4** — this item was deferred to the 12/4/01 Council Meeting.

2.3. **RESOLUTION NO. 60 01-02 — 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 - SANTANA COURT ANNEXATION DISTRICT NO. 1**

By memorandum dated 10/26/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 26 parcels located on Santana Court, Casa Del Rey Court, Ceres Avenue and East Avenue. The area proposed for annexation currently contains 25 single family residences and a group dwelling. The properties are designated and zoned for single family residential use, and office uses on East Avenue. Property owners are identified in the staff report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.4. **APPROVAL OF REQUEST TO SUBMIT A JOINT APPLICATION WITH THE CHICO URBAN STREAMS ALLIANCE FOR PROPOSITION 13 GRANT FUNDING TO ADDRESS URBAN STREAM WATER QUALITY AND URBAN RUNOFF MANAGEMENT IN THE CHICO URBAN AREA** — this item was removed from the Consent Agenda and heard under Item 4.1.

2.5. **APPROVAL TO USE CITY EQUIPMENT TO REMOVE BLOCKAGE FROM PRIVATE STORM DRAIN FACILITY ON RIO LINDO AVENUE**

By memorandum dated 11/6/01, the Assistant Director of Public Works, Engineering, reported on the request from Fred Hignell to use City equipment and staff to clear the blockage in the private storm drainage facility at the Train Station Apartments on Rio Lindo Avenue.
The storm drain facility is such a size that no local business or contractor has equipment large enough to remove the blockage from the line. Mr. Hignell would be invoiced for the time and material used. Staff will come back to Council with Chico Municipal Code and Fee Schedule amendments to be able to provide this service in the future. The Assistant Director of Public Works, Engineering, recommended the use of City equipment and staff to clear the blockage in the private storm drain facility at Train Station Apartments, Rio Lindo Avenue, with the City being reimbursed for time and material by the owner of the property.

2.6. APPROVAL OF MINUTES FOR CITY COUNCIL MEETINGS HELD ON SEPTEMBER 18 AND OCTOBER 2, 2001

The City Council was provided with the minutes of its meetings held on 9/18/01 and 10/2/01.

The motion to approve the Consent Agenda, with Item 2.2 deferred to the 12/4/01 meeting and Item 2.4. heard under Item 4.1, carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: None
ABSENT: None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. APPROVAL OF REQUEST TO SUBMIT A JOINT APPLICATION WITH THE CHICO URBAN STREAMS ALLIANCE FOR PROPOSITION 13 GRANT FUNDING TO ADDRESS URBAN STREAM WATER QUALITY AND URBAN RUNOFF MANAGEMENT IN THE CHICO URBAN AREA — this item was removed from the Consent Agenda at the request of a citizen.

By memorandum dated 11/5/01, the Assistant Director of Public Works, Engineering, requested Council to authorize the City Manager to submit a joint application with the Chico Urban Streams Alliance (CUSA) to the Regional Water Quality Control Board (RWQCB) for Proposition 13 grant funding to address urban stream water quality and urban runoff management in the Chico Urban Area and to execute any required documents in connection with the grant. The RWQCB has indicated the application would be best received if CUSA is the applicant and the City of Chico is the recipient of the grant funds. Funding to write the grant in the amount of $15,000 would come from Capital Project No. 11020, Municipal Stormwater Management. There is no match required for this grant. The Assistant Director of Public Works, Engineering, recommended that the City Council authorize the City Manager to submit a joint application with CUSA to apply for Proposition 13 grant funding. Michael Jones addressed Council regarding this item. Staff indicated that the total grant, if awarded, would be $900,000.

A motion was made by Councilmember Jarvis and seconded Vice Mayor Kirk authorize the City Manager to submit a joint application with CUSA to apply for Proposition 13 grant funding with Council receiving additional updates as the process continues. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: None
ABSENT: None

4.2. BUDGET REVIEW

A Department Discussions. — The City Council was presented an overview of the strategic plans of the following departments:

November 20, 2001 Page 2 of 7
1. Police Department — Presented by Chief Efford

Comments were heard from Mary Lou Snodgrass and Terry Moore, President of the Chico Police Officer Association and Scott Love regarding the Police Department staffing levels.

The City Council took a 10 minute break at 9:15 A.M.

2. Fire Department — Presented by Chief Brown

Comments were heard from Chuck Fry regarding the Fire Department.

3. Department of Public Works — Presented by Director of Public Works Ross, Assistant Director of Public Works McKinley, Assistant Director of Public Works Martinez, and Public Works Administrative Manager Halldorson

4. Information Systems Department — Director McEnespy

5. Airport — Airport Manager Grierson

The City Council recessed for lunch from 12:00 Noon to 1:00 PM.

THE CITY COUNCIL RECONVENED AT 1:07 P.M. AS THE CHICO REDEVELOPMENT AGENCY FOR THE PURPOSE OF CONSIDERING REDEVELOPMENT AGENCY BUDGET ITEMS

B. Chico Merged Redevelopment Project Area Fund Five Year Trends — The Executive Director presented an overview of this item to the Agency.

C. Consideration of Projects to be Funded with 2001 CPFA Tax Allocation Bonds. By memorandum dated 11/12/01, the Executive Director transmitted a list of potential Capital Improvement Projects utilizing the 2001 tax allocation bond proceeds, as well as a redevelopment project analysis for each project.

Councilmember Keene requested that a separate discussion take place on which projects would be funded with the 2001 tax allocation bonds. Councilmember Jarvis recommended that this item not be referred to the Finance Committee and that the whole Council hear the issue. Councilmember Jarvis requested that all development impact fees contributions for projects contained in the Nexus Report be included in the analyses. Vice Mayor Kirk wanted to identify grants that might be available for the various projects. The updated list of CIP projects should be considered when discussing this issue.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene to refer this list to the Finance Committee. The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

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

E. Low and Moderate Income Housing Fund Summary. By memorandum dated 10/30/01, the Housing Officer transmitted the Low and Moderate Income Housing Fund Summaries for the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas.
F. **Memorandum of Understanding (State of California/County of Butte/City of Chico) Regarding Nitrate Compliance Plan.** The City Manager requested authority to enter into a Memorandum of Understanding with the State of California and the County of Butte, whereby the City would install public sewers for those properties currently located within the City limits, would allow the utilization of the City’s Water Pollution Control Plant, and would utilize County Service Area 114 to monitor septic tanks left in place. The County would be responsible for providing sewers in the unincorporated area. It was proposed the State would be responsible for all enforcement actions. The City would not be subject to any enforcement action upon the installation of public sewers. The City Manager also requested approval of a Supplemental Appropriation in the amount of $1.8 million from the Sewer Main Installation Fund (322) and $1 million from the Sewer Trunk Line Fund (321) to provide funding for the installation of the public sewers.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the Minute Order with the provision that the draft MOU be routed to all Council for review prior to it being submitted with the acceptance of a friendly amendment to include a clear statement indicating that the City of Chico is the sewer facility provider, and that the mandate is a state action.

**MINUTE ORDER NO. 39-01 — (1) AUTHORIZATION FOR CITY MANAGER TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH COUNTY OF BUTTE AND STATE OF CALIFORNIA REGARDING THE NITRATE COMPLIANCE PLAN; AND (2) APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO ALLOCATE FUNDING FOR THE INSTALLATION OF PUBLIC SEWERS**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**DISQUAL:** None  
**ABSENT:** None

G. **Approval of 2002-03 Budget Calendar.**

By memorandum dated 1/09/01, the Budget Officer submitted the proposed 2002-03 Budget Calendar for approval by the City Council. The final dates affecting the City Council and Finance Committee were approved as follows:

- **01/15/02** 9:00 a.m. --Council (work session)
- **04/11/02** 3:00 p.m. --Finance Committee (Community Organization funding requests)
- **04/16/02** 9:00 a.m. --Council (work session)
- **04/25/02** 4:00 p.m. --Finance Committee (final recommendations on Community Organization funding requests)
- **05/23/02** 7:00 p.m. --Council (meet with Boards and Commissions)
- **06/04/02** 9:00 a.m. --Council (all day)
- **06/05/02** 9:00 a.m. --Council (only if necessary to conclude Budget review)
- **11/19/02** 9:00 a.m. --Council (work session)

H. **General Budget Review.**

1. **General and Park Funds Projected Trends.**

City staff presented an overview of the State fiscal condition and concerns regarding Motor Vehicle In Lieu Fees. The City Council was provided with a copy of an issue memorandum, dated 10/29/01, from the League of California Cities which provided background information.

2. **Summary of Estimated Fund Balances.**

3. **Capital Project Status Report.**
I.  Consideration of Proposed City Manager Recommended Budget Adjustments

By memorandum dated 11/07/01 the City Manager made recommendations on the following requests:

Police Department:
1.  Increase Traffic Community Services Officer from 3/4 to full time — $7,121 - General Fund
2.  Canine Officer Specialty Pay — $1,287 - General Fund
3.  Two Canines with Equipment and Supplies — $12,500 - General Fund
4.  Voice Mail for all Police Officers — $2,753 - General Fund
5.  Six Police Officers — $145,074

A motion was made by Councilmember Wahl and seconded by Councilmember Jarvis, to add 14 personnel over a two-year period, with nine as of January 1st, 2002, which would include the six police officers, one additional dispatcher, one dispatcher supervisor, and one community services officer, approve the increase of hours for the traffic community services officer to full time; provide voice mail for police officers; fund one additional canine, including equipment, supplies, specialty pay and use of a surplus vehicle; and fund one additional patrol vehicle. Chief Efford indicated the downtown bicycle officers and the NET officers would be reinstated when the new personnel are hired. The Police Chief was requested to come back with his recommendations on where he would add the additional five personnel and a report on formulas used by other communities to determine the on-going needs of the department. The Chief was also requested to provide Council with information on recruitment incentives for police officers.

The motion carried by the following vote:

AYES:  Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES:  None
DISQUAL: None
ABSENT: None

The City Council took a 10 minute break at 3:10 P.M.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the following items:

Park Department:
1.  Reclassify Seasonal Hourly Ranger to Permanent, Part Time — $1,434 - Park Fund
2.  Administrative Analyst II — Not approved but placed on a list to be considered in January or June 2002
3.  Environmental Impact Report - Park Trail System — $100,000 - Park Fund

Community Development Department:
1.  Half-time Hourly Intern (Housing) — $4,505 - Non-General Fund
2.  Half-time Hourly Intern (Planning) — $4,505 - Non-General Fund

Administration: Professional Program Interns — not funded at this time.

Information Systems Department:
1.  Permanent, part time Information Systems Technician (Web) — $14,039 - General Fund, $10,166 Non-General Fund — not approved.
2.  Full time Administrative Secretary — $9,375 - General Fund, $12,562— The Council approved the request based on the City Manager’s recommendation to delay filling the position until there is a better picture of the City’s budget.
3.  Web Operating Costs — $2,900 - General Fund, $2,100 Non-General Fund
4.  Reclassify two Information System Analysts to Senior Information Systems Analysts — $1,732 - General Fund, $1,255 Non-General Fund
The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: None
ABSENT: None

4.3 CONSIDERATION OF STREET FACILITY IMPROVEMENT PROJECTS

By memorandum dated 11/06/01 the Director of Public Works reported on the following street projects.

A. East Fifth Avenue Reconstruction (90098). This project is located in both the incorporated territory of the City of Chico and the unincorporated territory of Butte County. Construction funds were allocated in the 2001-02 budget on the condition that Butte County would contribute one-half of the funding. At its meeting held 06/05/01, the Council indicated it wished to consider this project at today’s meeting if a commitment of funds was not received from the County. According to the County, this project is not on its list for funding and it is unknown when funding will become available. However, because this is an important project to the City, the City Council may wish to allocate additional funds for this project after review of the budget at today’s meeting. Following close of the 2000-01 books, the estimated 06/30/02 fund balance in the Street Facility Improvement Fees Fund (308) is $2,032,858. Because this project is of a high priority for the City, the City Manager recommended that the Council consider allocating an additional $1,053,000 from available Street Facility Improvement Fees (Fund 308) to fully fund this project.

Councilmember Jarvis expressed concern over the City paying for the 100% of the costs on this project which is a County responsibility. The City Manager indicated that Fire Station 2 does use this street and it is a highly utilized road. Council asked why the City was not annexing the area since it was planning to take care of the road improvements. The City Manager recommended postponing this item since there is an island annexation pending. Council concurred.

B. East Avenue and Guynn Traffic Signal. At its meeting held 06/05/01, the City Council indicated that it wanted to consider this project at today’s meeting. This project to install a traffic signal at the Guynn and East Avenues intersection, which is located in the County, is listed for funding in the Capital Improvement Program in the 2003-04 fiscal year. Butte County has indicated that County funds are not available for this project. This item was also tabled.

4.4 CONSIDERATION OF BICYCLE COORDINATOR POSITION

Councilmembers Jarvis, Kirk, and Nguyen-Tan requested the City Council consider the establishment of a Bicycle Coordinator Position, and provided a memorandum regarding this proposal. The Council concurred with the Director of Public Works who recommended that the Traffic Engineer would devote the necessary time to these types of issues.

4.5 CONSIDERATION OF ISSUES REGARDING FUNDING FOR NEW PARK CONSTRUCTION

The City Council requested discussion of how to accomplish new park construction and maintenance at this meeting. The Council was provided with copies the memorandum dated 9/18/01 from the Assistant Community Development Director regarding park funding that was provided to the Finance Committee for its meeting of 9/24/01, which includes a map of park sites.

The City Council previously had indicated it wished to see the neighborhoods pay their appropriate share of construction costs, as well as maintenance of Neighborhood Parks. More recently, the Council has discussed the City paying for construction costs, but still requesting the neighborhoods to assume long term maintenance costs.

A. Consolidation of community and neighborhood park funds
B. Construction and maintenance of neighborhood parks
Comments were heard from John Merz and Roger Cole. Council concurred to refer the issue of the establishment of a priority list to the Ad Hoc Committee for review and recommendations, adding a representative from the school district, County and two representatives of CARD and Bidwell Park and Playground Commission. The committee would look at the type of funding formula to use, determine priorities and develop a marketing strategy.

4.6 CONSIDERATION OF CITY RESUMING STREET SWEEPING OPERATIONS

By memorandum dated 11/13/01, the Director of Public Works compared the costs of contracting street sweeping services to performing the same operation with City crews. The Director of Public Works believes this creates an opportunity for the City to resume street sweeping operations in a cost-competitive mode. The Director of Public Works recommended that the City resume operation of street sweeping services, hire two Senior Maintenance Workers and one Equipment Mechanic II to staff the operation, and authorize the purchase of one new sweeper through the replacement fund. Councilmember Keene expressed interest in obtaining bids for this service.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to have the City resume street sweeping operations, effective July 1, 2002 and approve the purchase of one street sweeper. It was noted that resumption of this service would necessitate including street sweepers for new development back in the Nexus Study.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
DISQUAL: None
ABSENT: None

4.7. 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.

6.1. Memorandum dated 11/13/01 from the Chief of Police and Risk Manager transmitting information regarding the need for a new animal shelter facility, a recommended design concept, and estimated architectural costs to prepare the necessary plans and specifications. Unless otherwise directed by the Council, discussion regarding this matter will be scheduled for the Council’s January 2002 work session.

7. ADJOURNMENT. The meeting was adjourned at 4:30 p.m. to Tuesday, November 27, 2001, at 6:30 p.m., in the Council Chamber, 421 Main Street, for a meeting regarding residential growth.

Date Approved: January 8, 2002
1. CALL TO ORDER — The Mayor called the meeting to order at 6:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
Absent: None

1.3. Introduction of City Staff — City Manager Lando, City Attorney Frank, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Principal Planner Figge, Assistant Director of Public Works McKinley, Fire Chief Brown, Housing Manager McLaughlin, Project Manager Wood, and Sr. Planner Hayes

2. CONSENT AGENDA — No items

3. NOTICED PUBLIC HEARINGS - No items

4. REGULAR AGENDA

4.1. REVIEW AND CONSIDERATION OF CHICO RESIDENTIAL GROWTH ISSUES AND DIRECTION TO STAFF FOR FURTHER ACTION

Over the past year, concerns have been expressed that there may not be an adequate inventory of vacant land designated by the General Plan for anticipated residential growth, and that additional land may need to be included in the City's sphere of influence and designated for residential development in order to ensure that adequate housing for City residents is provided in both the near and more distant future.

In response to this concern and following up on last year's Five-Year Review of the General Plan, Planning staff have prepared an analysis and report, including information on each of the expansion study areas identified in connection with the 1994 General Plan update. This issue was discussed by the Planning Commission at three public meetings, with substantial public input, and the Commission has made a number of recommendations to Council that are detailed in the report.

By memoranda dated 11/20/01, the Planning Director and Planning Division provide the City Council with supplemental information requested at its 10/30/01 meeting on this matter. The Council continued that meeting and directed staff to provide additional information regarding residential density and potential infill opportunities. Included in the information is a proposal from the Planning Division for planning and development of the Alkop Farm and surrounding area for Council consideration. The Council was also provided again with the memoranda dated 10/24/01 from the Planning Director and Planning Division (which were provided for the 10/30/01 meeting) reporting on Chico residential growth issues, including the recommendations of the Planning Commission.

The Council was provided with a memorandum dated 11/20/01 from the Housing Officer providing updated information on methodologies used to measure the affordability of housing and copies of the following correspondence received: (1) memorandum dated 11/15/01 from the Building Industry Association (BIA) General Plan Committee; (2) letter and newspaper article received 11/21/01 from Jon Luvaas; and (3) letter received 11/21/01 from the Esplanade League.

The Planning Director recommended that the City Council consider the Planning Commission recommendations and provide staff with any direction it finds appropriate for further analysis and/or action.

The Mayor opened the hearing to the public. Comments were heard from Tonya Henrich, Paul Freidlander, John Luvaas, Diane Reinert, Vita Segalla, Jill Lienfield, Dave Murray, Mary Waters, Pete Capalli, Jeff Carter, Elizabeth Devreau, Jim Owens, Greg Webb, Scot Grundel, Kelly Mare, and Michael Worley.

The hearing was closed to the public. Councilmember Keene stated that he felt that the process of
evaluating potential growth areas should begin right away, including a fiscal impact analysis related to capital costs. He felt that the initial review should be broad and then narrowed down. Councilmember Jarvis expressed concern about the cost for doing an EIR on all the areas. Councilmember Nguyen-Tan stated that he was not interested in Area 11. In addition, the sphere of influence needed to be amended to correspond with the 1994 General Plan. Staff informed Council that this process was under way.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to direct staff to proceed with the Environmental Impact Review on all areas with a density range of 5 units per acre and to bring back the Planning Commission recommendations and the specifics of the fiscal analysis for further discussion. In addition, the Council also wished to consider and perhaps initiate a request to Lafco to further amend the sphere of influence to include more area surrounding the Chico Urban Area along with staff providing Council with additional information on in-fill incentives.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

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 10:20 p.m. to Friday, November 30, 2001 at 12:00 Noon in the Council Chambers for a meeting regarding employee health insurance.

Date Approved: January 8, 2002

___________________________________ ______________________________________
City Clerk Mayor
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council shall adjourn to closed session to discuss negotiations with the City’s real property negotiator regarding the proposed acquisitions of 1577 East Avenue (Assessor’s Parcel No. 048-210-012), and 2496 Cactus Avenue (Assessor’s Parcel No. 048-210-005). The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are Ted V. and Leola R. Smith, and Ronald and Levita Metzger, the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1577 EAST AVENUE AND 2496 CACTUS AVENUE (SMITH, DRESDEN AND METZGER).

   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 as follows:

   1. The property owners, Ted V. and Leola R. Smith (or such persons designated as their agent for the purpose of negotiations). The property is identified as 1577 East Avenue (Assessor’s Parcel No. 048-210-012). The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

   2. The property owners, Ronald and Levita Metzger (or such persons designated as their agent for the purpose of negotiations). The property is identified as 2496 Cactus Avenue (Assessor’s Parcel No. 048-210-005). The items under discussion are 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 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 organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.3. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER – ANTICIPATED LITIGATION:

   Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

3. ADJOURNMENT

The Mayor adjourned the Closed Session at 7:26 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. in the Chico Municipal Center, Council chamber, 421 Main Street

1.1. Flag Salute

1.2. Invocation – The City Council observed a moment of silence.

1.3. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

1.4. Butte County Sheriff Scott McKenzie presented awards to the Chico Police Department and Lieutenant John Carrillo in recognition of their assistance in coordinating the memorial services for Officers Estes and Hunter on 8/2/01.

1.5. Introduction of City Staff – City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, Risk Manager Koch, Assistant City Attorney Rock, Community Development Director Baptiste, Assistant Community Development Director Sellers, Planning Director Seidler, Chief of Police Efford, Assistant Director of Public Works McKinley, Management Analyst Wood, Park Director Beardsley, Police Lieutenant Carrillo, and Administrative Analyst Young.

1.6. Closed Session Announcement – None

2. **CONSENT AGENDA** – A motion was made by Councilmember Keene and seconded by Councilmember Kirk to approve the following Consent Agenda:

2.1. **MINUTE ORDER NO. RDA 4-01 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ERIC HART FOR A FACADE IMPROVEMENT PROGRAM LOAN FOR RESTORATION OF THE SENATOR THEATER TOWER AND IMPROVEMENTS TO THE EXTERIOR OF THE BUILDING.**

**BUDGET MODIFICATION NO. RDA 01-02 05 TO TRANSFER FUNDS FROM THE COMMERCIAL REHABILITATION LOAN PROGRAM AND THE INDUSTRIAL LOAN PROGRAM TO A NEW CAPITAL PROJECT FOR THE SENATOR THEATER RENOVATION.**

Eric Hart, owner of the Senator Theater building, was requesting financial assistance with the restoration of the exterior of the building. Mr. Hart intended to restore the tower and marquee, paint, and install awnings on the building. The Economic Development Committee reviewed Mr. Hart’s request at its 11/15/01 meeting. The Committee recommended that the Redevelopment Agency approve a Facade Improvement Program loan for actual costs for the proposed exterior improvements in an amount not to exceed $320,000 to be paid over 25 years at a 4.5% interest rate, or the City’s interest at the time the loan was executed, whichever was lower. The Minute Order will authorize the Executive Director to enter into an agreement with Mr. Hart to facilitate the Committee’s recommendation, contingent on Mr. Hart providing an appraisal which demonstrated adequate loan to value ratio consistent with City policy. The Budget Modification will transfer Chico Merged Redevelopment Project Area (351) Funds in the amount of $160,000 from the Commercial Rehabilitation Loan Program (Capital Project #99092) and $160,000 in funds from the Industrial Loan Program (Capital Project #99091) into a new capital project entitled “Senator Theater Renovation Loan”. The Economic Development Committee recommended approval of the Minute Order and Budget Modification RDA 01-02 05.

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

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert

**NOES:** None

**ABSENT:** None

**DISQUAL:** Wahl

3. **ADJOURNMENT.** The Agency meeting was adjourned to a City Council meeting at 7:35 p.m.
1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:35 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. **CONSENT AGENDA** – Mayor Herbert read the titles of the items on the Consent Agenda. A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.18 ACRE PORTION OF PROPERTY LOCATED AT 3008 AND 3012 COHASSET ROAD FROM OR OFFICE RESIDENTIAL TO R1 LOW DENSITY RESIDENTIAL- INTRODUCTORY READING**

   By memorandum dated 11/07/01, Associate Planner Palmeri reported that at its meeting of 11/01/01, the Planning Commission voted 4-0-0-3 to approve the Thoman Vesting Tentative Subdivision Map and recommend Council approval of a mitigated negative declaration and rezone from OR Office Residential to R1 Low Density Residential for a 0.18 acre portion of land located at 3008 and 3012 Cohasset Road (RZ 01-1/Tom Reed, applicant). The property was identified as Assessor’s Parcel Nos. 048-400-008 and 048-400-009 and is designated Low Density Residential on the General Plan Diagram. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption of the ordinance for the 12/18/01 City Council meeting.

2.2. **RESOLUTION NO. 62 01-02 – 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 - 1815 ARBUTUS AVENUE / A.P. NO. 003-371-004**

   By memorandum dated 11/5/01, the Director of Public Works reported that in accordance with a petition from the property owners, Kelli D. Ward and William Ward, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 11/5/01 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. 63 01-02 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 - 540 MADRONE AVENUE / A.P. NO. 045-420-001**

   By memorandum dated 11/5/01, the Director of Public Works reported that in accordance with a petition from the property owners, Jani L. Crane and William F. Crane, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 11/5/01 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. 64 01-02 – 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 - 952 NORD AVENUE / A.P. NO. 043-210-052**

   By memorandum dated 11/5/01, the Director of Public Works reported that in accordance with a petition
from the property owner, Vanella Oil, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 11/5/01 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. 65 01-02 – 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 - 626 W. 1ST AVENUE / A.P. NO. 043-170-022**

By memorandum dated 11/5/01, the Director of Public Works reported that in accordance with a petition from the property owners, Allen Renville and Lisa Renville, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 11/5/01 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.

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

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON REZONE 01-02 (LAND’S END REAL ESTATE) FOR PROPERTY LOCATED AT 852 MANZANITA COURT**

Planning Director Seidler reviewed the memorandum dated 10/29/01 from Associate Planner Hanson reporting that at the Planning Commission meeting of 9/20/01 the Commission voted unanimously to recommend approval of a rezone request by Land’s End Real Estate to allow for a future broadcasting facility and office development of the property. This rezone would change the zoning designation from OR Office Residential to OC Office Commercial. The Planning Commission and Planning Director recommended that the City Council adopt the mitigated negative declaration and approve Rezone 01-02 (Land’s End Real Estate). The below ordinance received introductory reading at Council’s meeting of 11/6/01.

The public hearing was opened. Jo Anne Rasmussen and Phyllis Merck spoke against the rezone. Rick Coletti spoke in favor of the rezone. The public hearing was closed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the rezone and adopt the below ordinance. The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

**ORDINANCE NO. 2236 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED AT 852 MANZANITA COURT REZONE 01-02 (Land’s End Real Estate)- FINAL READING AND ADOPTION**

3.2. **HEARING ON ABANDONMENT AND VACATION OF PUBLIC BIKEWAY AND PEDESTRIAN ACCESS EASEMENT (BIKE PATH BETWEEN PARKWAY VILLAGE DRIVE AND MANSFIELD COURT)**

Assistant Director of Public Works McKinley reviewed the memorandum dated 11/7/01 from the Director
of Public Works reporting that the residents of Parkway Village Subdivision had requested that the City abandon the public bikeway and pedestrian access easement located between Parkway Village Drive and Mansfield Court. The abandonment was recommended by the Internal Affairs Committee at its meeting of 6/12/01, and the City Council concurred with their recommendation at its meeting of 7/10/01. On 11/6/01, the City Council adopted a resolution of intention to abandon the public bikeway and pedestrian access easement and scheduled a public hearing for 12/4/01. The Director of Public Works recommended adoption of the resolution.

The public hearing was opened. Daryl Fitzgerald spoke in support of the abandonment. The public hearing was closed.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to adopt the resolution ordering the abandonment. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

RESOLUTION NO. 66 01-02 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC BIKEWAY AND PEDESTRIAN ACCESS EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (BIKEWAY BETWEEN PARKWAY VILLAGE DRIVE AND MANSFIELD COURT)

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 516, BIDWELL RIDGE SUBDIVISION

By memorandum dated 10/25/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 516. As a condition of approval of a subdivision map for this subdivision, generally located on the south side of Chico Canyon Road west of Falcon’s Pointe Drive, the developers, Philip and Angela Horning, have consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage facilities and storm water quality treatment facilities. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution.

No one was present to speak on this matter. A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to adopt the below resolution. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

RESOLUTION NO. 67 01-02 – 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. 516
3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 517, MARION COURT SUBDIVISION

By memorandum dated 10/25/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 517. As a condition of approval of a subdivision map for this subdivision, generally located on the south side of East Avenue east of Coleman Court, the developer, Phil Engelbert, has consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage leach trench within Sunflower Court. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution.

No one was present to speak on this matter. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt the below resolution. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

RESOLUTION NO. 68 01-02 – 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. 517 — MARION COURT SUBDIVISION)

3.5. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 514, PHEASANT RUN PLAZA

By memorandum dated 10/3/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 514. As a condition of approval of a subdivision map for this commercial development, generally located on the corner of East 20th Street and Forest Avenue, the developers, John and Joseph Rich, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaped and irrigated medians within E. 20th Street and Forest Avenue. The City will assume 50% of the costs of maintenance of these medians. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid 50% by property owners within this district and 50% by the City of Chico. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution.

No one was present to speak on this matter. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt the below resolution. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

RESOLUTION NO. 69 01-02 – 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. 514 — PHEASANT RUN PLAZA)

3.6. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

Chief of Police Efford reviewed his memorandum dated 11/19/01 reporting that subsequent to the 09/18/01 public hearing on the use of Citizens Option for Public Safety (COPS) program funds, the City
was notified that its actual State COPS funds allocation for 2001-02 would be $7,698 more than expected. Before the additional funds can be allocated, the City Council is required to hold another public hearing to consider use of the additional funds. The City Council was being requested to approve a supplemental appropriation in the amount of $7,200 from the Supplemental Law Enforcement Services Grant Fund (099) to acquire four patrol carbines and four patrol shotguns. The Chief of Police recommended approval of this supplemental appropriation.

No one was present to speak on this matter. A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the below supplemental appropriation. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

SUPPLEMENTAL APPROPRIATION NO. 01-02 21 IN THE AMOUNT OF $7,200 FROM THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT FUND (STATE C.O.P.S) TO PROVIDE ADDITIONAL FUNDING FOR PATROL CARBINES AND PATROL SHOTGUNS

3.7. HEARING ON APPEALS OF THE BIDWELL PARK AND PLAYGROUND COMMISSION’S 8/27/01 DECISION TO REQUIRE REMOVAL OF THE LANDSCAPING AND IRRIGATION FROM CITY PROPERTY IN LINDO CHANNEL FILED BY: (A) MARSHALL AND VICKIE GREGORY (B) JOHN AND LINDA PATRICK

City Manager Lando advised he was disqualified from participating in this matter.

Park Director Beardsley reviewed his memorandum dated 11/5/01 reporting that at its 8/27/01 meeting, the Bidwell Park and Playground Commission denied the requests of Marshall and Vickie Gregory, 44 Guynn Bridge Court and John and Linda Patrick, 50 Guynn Bridge Court, to retain landscaping and irrigation behind their homes on City property (Lindo Channel). Citing that the requests were beyond the Commission’s authority under the City Council-approved Lindo Channel encroachment resolution guidelines, the Commission voted 5-2 to deny the requests. At its meeting of 10/16/01, the City Council scheduled the two appeals for hearing at tonight’s meeting. At the conclusion of the hearing the Council had the option of granting the appeals or taking no action, in which case the Bidwell Park and Playground Commission’s denial of the requests would be upheld.

The City Council was provided this evening with a memorandum dated 11/5/01 from the Park Director transmitting photographs of encroachments in the Lindo Channel Greenway, some of which had or were being removed, and others which the Park Commission was recommending be discussed further prior to removal.

Park Director Beardsley indicated that the findings of the Park Commission were based on the policies adopted by the City Council for addressing encroachments on Lindo Channel. Responding to Councilmembers’ questions, he said that (1) staff had been unable to verify with the County whether permission had been given to the appellants to install landscaping and irrigation before the City took ownership of the Lindo Channel property; and (2) the encroachments adjacent to the appellants’ properties did not hinder public access to Lindo Channel since there was no viable access at this location due to the steep banks.

The public hearing was opened.

Gregory Marshall and John Patrick spoke in support of their appeals to allow the landscaping and irrigation to remain.

Glen Dunning, member of the Bidwell Park and Playground Commission, advised that the Commission
made its decision to require removal of these encroachments based on fairness and consistency in application of the Council-adopted policies for removal of encroachments on the Channel.

Michael Jones spoke against granting the appeals, urging the Council to deny them and require removal of the encroachments.

The public hearing was closed.

Councilmember Keene discussed the need for legislation to be introduced which would allow for land exchanges on Lindo Channel. In those instances where encroachments did not hinder public access to the Channel, they could be allowed to remain in exchange for the property owners purchasing and giving to the City equal amounts of property where public access would be available. The Council had previously requested such legislation, but it was not introduced during the last legislative session.

Councilmember Jarvis felt the appeals should be denied in order to be consistent with the Park Commission’s actions in applying the Council encroachment policies. She said the subject encroachments did not qualify under the exceptions to the policy in that there was no undue hardship or compelling reason to allow them to remain.

Councilmember Wahl felt that since the subject encroachments were not impeding public access to Lindo Channel, there was no compelling reason to require their removal, especially if legislation was introduced to allow for property exchanges which would ultimately better serve the public.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to deny the appeals and uphold the decision of the Park Commission in order to remain consistent with the Lindo Channel encroachment policies.

Councilmember Nguyen-Tan offered a friendly amendment to the motion to require the encroachments to be removed when there is a plan in place for public access to the Channel.

Councilmember Jarvis did not accept the amendment to her motion.

The motion failed by the following vote:

AYES: Jarvis, Kirk
NOES: Bertagna, Keene, Nguyen-Tan, Wahl, Herbert
ABSENT: None
DISQUAL: None

Councilmembers Keene and Bertagna indicated that when it adopted the encroachment policies for Lindo Channel, the Council had made it clear there would be individual encroachments which would have to be considered on a case-by-case basis, and that there would be exceptions to the policies.

Councilmember Keene recommended requesting the State legislators to introduce legislation which would give the City the latitude to exchange property with property owners on Lindo Channel in order to make the public whole.

Councilmember Jarvis questioned whether the matter of requesting State legislators to introduce legislation regarding property exchanges on Lindo Channel had been properly agendized. City Attorney Frank responded yes, insofar as it related to resolving the issues that were being appealed.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl:

1. that the appeals filed by Marshall and Vickie Gregory and John and Linda Patrick be granted and the landscaping and irrigation allowed to remain in place at 44 Guynn Bridge Court and 50 Guynn Bridge Court for a period of two years, with the findings of undue hardship and compelling need for the landscaping and irrigation to remain for erosion control; and
2. that direction to staff to send letters to the State legislators urging them to introduce legislation which would provide the City flexibility to negotiate property exchanges in order to make the public whole in exchange for those encroachments allowed to remain on Lindo Channel be brought back for approval on the Council's 12/18/01 Consent Agenda.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

---------------------------------------------------------------

The Council was in recess from 9:15 - 9:25 p.m.

---------------------------------------------------------------

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON NOVEMBER 13, 2001

By memorandum dated 11/14/01, the Internal Affairs Committee provided a report on its meeting held on 11/13/01. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee are listed below. The Council was provided with the documents received by the Committee.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

Item A Consideration of Issues related to Paint Spray Booth Facilities near Schools and Day Care Centers.

1. The Committee (3-0) forwarded the proposed spray paint booth regulations to the full City Council for consideration at its meeting of 12/4/01 with no recommendation, directing staff to:
   a. Request the Butte County Air Quality Management District to be present at the 12/4/01 Council meeting and to answer the following questions: (1) does the District believe in its model for determining health risks from paint spray booth emissions; (2) what are the major polluters; and (3) would District employees allow their children to attend a school in close proximity to a paint spray booth operation.
   b. Provide information on how existing uses and expansions would be handled under the proposed regulations.
   c. Provide a legal opinion on whether there are sufficient grounds for adoption of an emergency ordinance for a distance prohibition between paint spray booths, schools and day care centers.
   d. Provide notification of the 12/4/01 City Council meeting to everyone present at today's Committee meeting requesting it, all paint spray booths operations in the City, all private schools and day care centers, Chico Unified School District, Children's Services, and any other individuals or agencies staff identifies that may be implicated by the proposed regulations.

2. The Committee (2-1, Bertagna opposed), directed the City Attorney to prepare an emergency ordinance implementing the 400-foot distance prohibition between paint spray booths and schools and day care centers for the Council’s consideration at its meeting of 12/4/01.

In addition to the original staff report received by the Committee, the Council was also provided with:

1. A memorandum dated 11/26/01 from the Planning Director providing additional information
from the Air Quality Management District.

2. Copies of letters received subsequent to the Internal Affairs Committee meeting from Raymond Barnett; Evanne O’Donnell, representing Montessori School; and Stacy and Jim Clafin, owners of Montessori School, supporting the emergency ordinance.

3. A memorandum dated 11/27/01 from the City Attorney transmitting alternative ordinances for Council consideration, in the event the Council wished to adopt an urgency or emergency ordinance implementing paint spray booth regulations this evening.

Councilmember Bertagna advised that he was disqualified from participating in this matter.

Planning Director Seidler reviewed the staff report.

Councilmember Keene questioned whether the Internal Affairs Committee had the authority to direct the City Attorney to draft the ordinances that had been prepared. City Manager Lando recommended that the issue of whether Council Committees should have the authority to direct the City Attorney to draft Code amendments be addressed by Council. Councilmember Jarvis requested that this matter be referred to the Internal Affairs Committee and the Council concurred.

Jim Wagoner, Interim Air Quality Control Officer with the Air Quality Management District (AQMD), was present and responded to Council questions. He said California Color met the standards for a paint spray booth permit and that it would be issued after the AQMD responded to the numerous comments it received as part of the public review period for this permit.

Greg Einhorn, legal counsel for AQMD, added that the permit process was ministerial rather than discretionary, and that the California Color facility met the standards and would have been issued sooner if it had not taken so long for the State to supply the information needed by the AQMD to respond to the technical comments received.

Ray Barnett, Don Lytle, Evanne O’Donnell, representing Montessori School, and Jay Goldberg spoke in support of adopting an emergency ordinance prohibiting paint spray booths within 400 feet of schools or day care centers.

Steve Martinovich, owner of California Color, Larry Ferguson, Nan Poole, and John Kennedy, representing California Color, spoke against the 400-foot prohibition.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl not to enact either of the proposed ordinances or any regulations regarding paint spray booths, until such time as significant data or evidence arises substantiating that the proximity of such facilities constitutes a health hazard to children.

Councilmember Kirk suggested a friendly amendment to the motion to require a mutual agreement between California Colors and Montessori School that no spraying would take place during certain times when the children would be outside, such as the lunch hour.

Councilmember Keene did not accept the amendment to his motion, feeling that the City could suggest such an agreement, but had no authority to require it.

The motion carried by the following vote:

AYES: Keene, Kirk, Wahl, Herbert
NOES: Jarvis, Nguyen-Tan
ABSENT: None
DISQUAL: Bertagna

The Council was in recess from 10:45 - 10:55 p.m.
COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION.

Item B Approval of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 729 (one-hour limited parking at 546 Hickory Street). Committee resolution adopted.

Item C Approval of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 730 (parking prohibition at 1385 East Lindo Avenue). Committee resolution adopted.

Item D Consideration of Mid-Block Stop Signs and Other Traffic Calming Measures on Northerly Portion of Idyllwild Circle. The Committee declined to authorize the installation of stop signs or any other traffic calming devices on Idyllwild Circle.

Item E Consideration of Pedestrian Safety Issues at the Intersection of Longfellow and East Lindo Avenues. The Committee directed staff to remove the pedestrian crosswalk at this intersection.

Item F Consideration of Traffic Regulation Amendment No. 727 to prohibit parking on Esplanade between Shasta Avenue and Eaton Road. Continued to Committee’s next meeting due to lack of time.

Item G Consideration of Purchase of Additional Portable Speed Humps. Continued to Committee’s next meeting due to lack of time.

Councilmember Bertagna requested that Item E, Pedestrian Safety at the Intersection of Longfellow and East Lindo Avenues, be referred back to the Committee for further consideration in six months.

A motion was made by Councilmember Keene and seconded by Councilmember Kirk to accept the Internal Affairs Committee report with the exception of Item E, which was referred back to the Committee for further consideration in six months. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

-------------------------------------------------------------------

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Kirk to extend tonight’s meeting time to 11:15 p.m.. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

-------------------------------------------------------------------

4.3. CONSIDERATION OF APPOINTMENT TO FILL VACANCY ON HUMAN RESOURCES COMMISSION

The Council was provided with a letter dated 10/9/01 from Susan Bollinger resigning from the Human Resources Commission, effective immediately. This resignation created a vacancy, the term of which expires 1/1/03. Council should acknowledge the resignation and consider making an appointment from those applicants who applied during the recent Biennial Recruitment, or direct staff to advertise for additional applicants. Copies of the application received from John Hopkins was provided for Council’s consideration. (The only other applicant, William Petterson, notified the Clerk’s office on 11/27/01 that having previously served on the Human Resources Commission, he was interested in appointment to one
of the other boards or commissions.)

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to appoint John Hopkins to the Human Resources Commission. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

NOES: None

ABSENT: None

DISQUAL: None

4.4. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION APPROVING (1) SALE OF CITY-OWNED PROPERTY LOCATED AT 629 W. 6TH STREET (APN 4-216-01) AND (2) USE OF SALE PROCEEDS TO ACQUIRE PROPERTY LOCATED AT 1285 AND 1299 HUMBOLDT AVENUE - SHERRILL (AP NOS. 004-370-002, 004-364-006 and 004-364-009)

At its 11/26/01 meeting, the Finance Committee:

2. Recommended (3-0) the sale at market value of City-owned property at 629 W. 6th Street, originally purchased with Community Development Block Grant (CDBG) Funds, with the proceeds to be deposited back to the CDBG Fund (Fund 201) for allocation by the Council on qualifying programs or projects. The Council is being provided with copies of the memorandum the Committee received from the Housing Specialist dated 11/08/01.

3. Recommended (2-1, Wahl opposed) use of the CDBG sale proceeds from 629 W. 6th Street for the acquisition of the property located at 1285 and 1299 Humboldt Avenue. The Council is being provided with copies of the memorandum the Committee received from the Assistant City Manager dated 11/6/01.

The Council had previously authorized offering the sum of $114,950 to acquire the Humboldt Avenue property, subject to and contingent on execution of a document indicating the sale was voluntary and exempt from consideration of relocation benefits, obtaining an acceptable environmental assessment, and sharing of closing and escrow costs. The owner had accepted these terms, and the environmental assessment had been completed following additional testing for PCB’s and hydraulic oil with the consultant finding that there was no reasonable basis to suspect the presence of suspected hazardous substances or petroleum products associated with the recognized conditions under assessment. The following minute orders provided the details regarding the recommended sale and acquisition and would authorize the City Manager to (1) execute documents relating to the sale at market value of City-owned property located at 629 W. 6th Street, with sale proceeds to be deposited to the CDBG fund, and (2) execute documents relating to the acquisition of property located at 1285 and 1299 Humboldt Avenue, with an allocation of funding for the acquisition, site clearing, title/escrow and staff costs from the Community Development Block Grant Fund (201) in the amount of $145,000 as detailed in the Minute Order. The Assistant City Manager recommends approval of the minute orders. If approved, a confirming supplemental appropriation would be prepared.

Councilmember Keene stated for the record that he supported use of Community Development Block Grant (CDBG) funds for the acquisition of the creekside greenway property on Humboldt Avenue because the Council had already committed itself to this purchase, but that it would not be a precedent because the Finance Committee was currently addressing the use of park fees.

Councilmember Wahl stated he could not support the use of CDBG funds for purchase of creekside greenway property.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to approve the below minute orders.

MINUTE ORDER NO. 40 01- AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO THE SALE OF CITY-OWNED REAL PROPERTY LOCATED AT 629 W. 6TH STREET (APN 4-216-01)
The motion to approve Minute Order No. 40 01 carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

MINUTE ORDER 41 01- 1) AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO THE ACQUISITION OF REAL PROPERTY FOR CREEKSIDE GREENWAY - 1285 AND 1299 HUMBOLDT AVENUE AP NOS. 004-370-002, 004-364-006, and 004-364-009 (SHERRILL) AND 2) ALLOCATION OF SUPPLEMENTAL FUNDING FOR ACQUISITION AND RELATED LAND CLEARING COSTS

The motion to approve Minute Order No. 41 01 carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: Wahl
ABSENT: None
DISQUAL: None

4.5. FUTURE MEETINGS

1. A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to continue discussion of scheduling meetings with other public agencies including Butte County, Chico Unified School District, and the Chico Area Recreation and Park District (CARD) regarding issues of mutual concern to the Council’s meeting of 12/18/01. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

2. The Council agreed to schedule a meeting regarding the health insurance study at 6:00 p.m. on 12/18/01, with dinner to be provided for Council prior to the meeting.


Location: 298 East 9th Avenue (Casey) and 1836 Laburnum Avenue (Sierra Manor Investors). This matter was removed from the Council’s 11/20/01 consent agenda at the request of adjacent property owners due to their concerns that a rezone for this area was in process. By memorandum dated 10/26/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of two parcels and Laburnum Avenue right-of-way. The parcels are located at the East 9th Avenue and Laburnum Avenue intersection. One parcel currently contains a single family residence, and multiple family residential development (4 units) is proposed. The second parcel is developed with a 24 unit apartment complex. The properties are designated and zoned for medium density residential use by both the City and County. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

The City Council was provided tonight with copies of the following which were received on 12/3/01, subsequent to the posting of the addendum which added this matter to the agenda:

1. Memorandum dated 12/3/01 from the City Manager
2. Letter dated 11/29/01 from Judy and Bill Casey
City Manager indicated that this annexation and the pending rezone were completely separate issues, and that even if initiation of the annexation were approved, it was doubtful it could be processed or completed before the proposed rezone became effective. The rezone ordinance was scheduled for introductory hearing at Council's meeting of 12/18/01 and hearing at the meeting of 1/8/02. If the rezone ordinance was adopted on 1/8/02, it would become effective on 2/8/02.

Assistant Community Development Director Sellers explained the LAFCo annexation process, advising that the annexation could probably not be completed until late February or March.

A motion was made by Councilmember Kirk and seconded by Councilmember Keene to extend this evening's meeting to 11:30 p.m. The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
**NOES:** None
**ABSENT:** None
**DISQUAL:** None

Judy Casey spoke in support of initiation of the annexation.

Cheri Prior and Keith Brubaker spoke in opposition to initiation of the annexation.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the below resolution initiating the annexation proceedings. The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
**NOES:** Jarvis
**ABSENT:** None
**DISQUAL:** None

Councilmember Jarvis indicated she voted no because she felt the neighbors would be more comfortable if initiation of the annexation was postponed until the December 18th Council meeting when the rezone ordinance would be introduced.

**RESOLUTION NO. 70 01-02 – 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 - LABURNUM AVENUE ANNEXATION DISTRICT NO. 4.**

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – No action taken

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

6.1. Memorandum dated 11/15/01 from the Finance Director reporting that the list of claims paid during the month of October 2001 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 11:35 p.m. to Tuesday, December 18, 2001, at 6:00 p.m. in the Chamber for a meeting regarding employee health insurance, followed by a closed session in Conference Room No. 2 if scheduled, followed by an adjourned regular meeting in the Chamber at 7:30 p.m.

Date Approved: January 8, 2002

___________________________________ _______________________________________
City Clerk Mayor
CALL TO ORDER — The Mayor called the meeting to order at 6:00 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1. Roll Call — Present: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   Absent: None

CONSIDERATION OF EMPLOYEE HEALTH INSURANCE SELF-FUNDING

By memorandum date 11/19/01, the Personnel Director summarized the issues relating to the potential for self-funding employee health insurance. A representative from the firm of Aon Consulting, which conducted the study for the City was present, and Bordan Darm, also of that firm, was available to respond to any technical questions. Representatives of the City's employee bargaining groups and of the City of Chico / City of Oroville Health Plan Review Committee were asked to attend this meeting so that they have an opportunity to ask questions regarding the report.

Staff was directed to schedule some time for the employee groups to meet to discuss this item. In addition, Council requested a cost and time estimate for the proposed program.

CLOSED SESSION — None

ADJOURNMENT

The meeting was adjourned at 7:10 p.m. to the adjourned regular Chico Redevelopment Agency Meeting. Council did not recess to Closed Session.
1. **CALL TO ORDER** — The Mayor called the meeting of the Chico Redevelopment Agency to order at in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Dr. Ted Sandberg, First Baptist Church

1.3. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

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, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Principal Planner Figge, Fire Chief Brown, Park Director Beardsley, Public Works Administrative Manager Halldorson, Sr. Planner Hayes, Sr. Planner Sigona, Development Engineer Johnson.

1.5. Closed Session Announcement — None

2. **CONSENT AGENDA** – No items

3. **NOTICED PUBLIC HEARINGS** – No items

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON NOVEMBER 26, 2001**

By memorandum dated 12/5/01, the Finance Committee provided a report on its meeting held on 11/26/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

**COMMITTEE ITEMS REQUIRING COUNCIL OR AGENCY ACTION:**

**Item A**  
**Approval of Removal of Chico Merged Redevelopment Project Area from Oversight of Redevelopment Committee.** A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the action of the Finance Committee to amend Administrative Procedure and Policy No. 10-31, entitled “Establishment of the Redevelopment Committee,” removing the Chico Merged Redevelopment Project Area from the oversight of the Committee.

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Wahl, Herbert

**NOES:** Jarvis, Kirk, Nguyen-Tan

**ABSENT:** None

**DISQUAL:** None
Item B  **Approval of Implementation of Sewer Lift Station Capacity Fees and Approval of Establishment of Monthly Sanitary Sewer Lift Station Fee Pursuant to CMC 15.36.062 - Nob Hill Sewer Lift Station** — A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna for approval of implementation of Sewer Lift Station Capacity Fees and approval of Establishment of Monthly Sanitary Sewer Lift Station Fee Pursuant to CMC 15.36.062 - Nob Hill Sewer Lift Station, and to adopt the following Resolution amending the City’s Fee Schedule:

**RESOLUTION NO. 71 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 261 - SEWER LIFT STATION CAPACITY FEES)**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

Item C  **Approval of One-Year Extension of Professional Services Agreement with Nystrom & Company** — A motion was made by Councilmember Wahl and seconded by Councilmember Jarvis for the approval of a one-year extension of the Professional Services Agreement with Nystrom & Company to conduct the annual City Audit for the Fiscal Year ending 6/30/02.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

Item D  **Approval of Supplemental Appropriation No. 01-02 20 allocating California Department of Finance 2001 High Technology Grant funds to purchase an Instant Recall System and Call Logger/Recorder.** A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve:

**SUPPLEMENTAL APPROPRIATION NO. 01-02 20 ALLOCATING CALIFORNIA DEPARTMENT OF FINANCE 2001 HIGH TECHNOLOGY GRANT FUNDS**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** None

**COMMITTEE ITEMS REQUIRING NO COUNCIL OR AGENCY ACTION**

Item E  **Approval of Authorization to Sell City Owned Property - 629 W 6th Street** — Sale approved by the City Council at its meeting of 12/4/01.

Item F  **Consideration of Acquisition of Property at 1285 & 1299 Humboldt Road (Sherrill) for Creekside Greenway** — Acquisition approved by the City Council at its meeting of 12/4/01.

Item G  **Approval of Housing Rehabilitation Loan Request - Rita Kegg - 1122 Sunset Avenue** — Approved by Committee.
Item H  **Approval of Housing Rehabilitation Loan Request - Thelma Mackabee - 2245 Notre Dame Blvd** — Approved by Committee.

Item I  **Review of Park Funding Issues and the Basic Park Facility Development Impact Fees** — Continued to a Committee work session on 12/19/01.

Item J  **Consideration of the City of Chico 2002-03-06-07 Five-year Capital Improvement Program** — Continued to a Committee work session on 12/17/01.

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

6. **ADJOURNMENT**

Adjourned at 8:00 p.m. to a City Council meeting.
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 Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
    Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the following Consent Agenda items, with Items 2.2 & 2.9 being removed from the Consent Agenda and heard under Item 4.1:


ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING .23 ACRES LOCATED AT THE NORTHEAST CORNER OF EAST 6TH AND OLEANDER AVENUES - REZONE 01-04 (CITY OF CHICO) - INTRODUCTORY READING

By memorandum dated 11/28/01, Senior Planner Tom Hayes reported that the Planning Commission meeting of 11/15/01, the Commission voted 5-0 (2 absent) to recommend approval of a proposal to amend the General Plan land use designation for approximately 53 acres (13 blocks) of the Chico Vecino neighborhood located between Oleander and Palm Avenues and between East 10th and East Lindo Avenues and the city limits from Medium Density Residential to Low Density Residential and concurrently prezone and rezone said area from R2 Medium Density Residential to R1 to Low Density Residential zoning district. A Negative Declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and the Planning Director recommended that the City Council introduce the prezone and rezone ordinances by the reading of the title only; and schedule a public hearing for adoption of the ordinances at the 1/8/02 City Council meeting.

2.2. **RESOLUTION NO. 72 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.430 TO THE CHICO MUNICIPAL CODE TO AUTHORIZE THE CITY MANAGER TO PROVIDE NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY THROUGH EMINENT DOMAIN — this item was removed from the Consent Agenda by Councilmember Jarvis and heard under Item 4.1.**


By memorandum dated 12/3/01, the Personnel Director reported 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. The City Manager, City Clerk and Personnel Director recommended adoption of this resolution.

2.4. **RESOLUTION NO. 74 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROVIDE FOR PREFERENCE IN EMPLOYMENT ELIGIBILITY LIST PLACEMENT FOR VETERANS (2R.72.120 AND 2R.72.130)**

By memorandum dated 12/3/01, the Personnel Director reported that the Human Resources Commission is recommending adoption of an amendment to the City’s Personnel Rules which will establish a preference system for placement of veterans on Employment Eligibility Lists. State legislature requires that the City adopt such a system, or adopt a resolution stating the reasons for not adopting a veterans
preference system, by 1/1/02. The Human Resources Commission and the Personnel Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 75 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

The City Attorney requested authorization to destroy certain City Attorney Office records over two years of age. The City Attorney recommended adoption of the resolution.


By memorandum dated 11/13/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 17.19 acres located between West 8th and West 11th Avenues, east of the Union Pacific Railroad tracks. The subject property is designated for low density residential use and is prezoned R-1 single Family Residential. The City Planning Commission approved development of the 107 lot single family Richmond Park Subdivision on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.7. RESOLUTION NO. 77 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO AMEND THE CITY OF CHICO SPHERE OF INFLUENCE AND TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - MARAUDER STREET ANNEXATION DISTRICT NO. 1

By memorandum dated 11/19/01, the Assistant Community Development Director forwarded a report on the initiation of an amendment of the City of Chico Sphere of Influence to include 35.62 acres located north of the Chico Municipal Airport Industrial Park and west of Marauder Street, and the annexation of the properties to the City limits. Through recent City Council actions, the subject properties are designated in the General Plan and prezoned for industrial use. A plan to develop a business park on the site has been approved by the Planning Commission as well. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.8. APPROVAL OF MINUTE ORDER NO. 42-01 — AUTHORIZATION FOR CITY MANAGER TO 1) ACCEPT CONVEYANCE OF A PORTION OF APN 002-180-104 AND RIGHT OF WAY IN FEE AND 2) RECONVEY A PORTION OF APN 002-180-104, RESERVING RIGHT OF WAY IN FEE REQUIRED FOR STREET IMPROVEMENTS ON NOTRE DAME BOULEVARD (N.T. ENLOE MEMORIAL HOSPITAL)

With the recordation of Parcel Map 97-01, a portion of Assessor’s Parcel No. 002-180-104 located at the southwest corner of E. 20th Street and Notre Dame Boulevard was severed from the rest of the parcel by the public right of way.

In order to allow this portion of the parcel to develop separately as originally intended by the road alignment, and in order to provide the City with the additional right of way needed for ultimate street improvements on Notre Dame Boulevard, the property owner proposes to convey this portion of the parcel, along with fee title to the right of way, to the City. The City would then reconvey a newly created parcel, reserving in fee the right of way currently held as an easement and an additional one-foot strip of right of way along the Notre Dame Boulevard frontage of the property as set forth in the minute order. There will be no costs to the City for this conveyance and reconveyance. The City Manager recommended approval of the minute order.
2.9. APPROVAL OF LETTERS TO STATE LEGISLATORS SUPPORTING LEGISLATION REGARDING CONTROL OF LINDO CHANNEL, INCLUDING NEGOTIATION OF PROPERTY EXCHANGES WITH ADJOINING LANDOWNERS — this item was removed from the Consent Agenda at the request of Councilmember Jarvis and heard under Item 4.1.

2.10. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON OCTOBER 16 AND OCTOBER 30, 2001

The City Council was provided with copies of the minutes of its meetings held on 10/16/01 and 10/30/01.

The motion to approve the Consent Agenda as read, with Items 2.2 and 2.9 removed and heard under Item 4.1, carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON A REZONE 01-1 (REED) FOR 0.18 ACRES LOCATED AT 3008 AND 3012 COHASSET ROAD

By memorandum dated 11/07/01, Associate Planner Palmeri reported that at its meeting of 11/01/01, the Planning Commission voted 4-0 (3 disqualified) to approve a rezone from OR Office Residential to R1 Low Density Residential for a 0.18 acre portion of land located at 3008 and 3012 Cohasset Road (RZ 01-1/Tom Reed, applicant). The property is identified as Assessor’s Parcel Nos. 048-400-008 and 048-400-009 and is designated Low Density Residential on the General Plan Diagram. The Planning Commission and Planning Director recommended that the City Council adopt the mitigated negative declaration and approve Rezone 01-1 (Reed). The below ordinance received introductory reading at Council’s meeting of 12/4/01. The Mayor opened the hearing to the public. No one spoke. The hearing was closed to the public.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to adopt:

**ORDINANCE NO. 2237 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.18 ACRE PORTION OF PROPERTY LOCATED AT 3008 AND 3012 COHASSET ROAD FROM OR OFFICE RESIDENTIAL TO R1 LOW DENSITY RESIDENTIAL — FINAL READING AND ADOPTION**

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 502, PETERSON SUBDIVISION

By memorandum dated 10/31/01, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 502. As a condition of approval of a subdivision map for this subdivision, generally located east of the Esplanade and north of Shasta Avenue, the developers, Webb Homes, have consented to the formation of this district for the operation, maintenance, and future replacement of the storm water quality treatment facilities. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the
Resolution. The Mayor opened the hearing to the public. No one spoke. The hearing was closed.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt:

RESOLUTION NO. 78 01-02 — 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. 502 — PETERSON SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOES: None
ABSENT: None
DISQUAL: Herbert

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. RESOLUTION NO. 72 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.430 TO THE CHICO MUNICIPAL CODE TO AUTHORIZE THE CITY MANAGER TO PROVIDE NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY THROUGH EMINENT DOMAIN — this item was removed from the Consent Agenda by Councilmember Jarvis and heard under Item 4.1.

In delegating the authority to provide notice of the proposed adoption of a resolution of necessity and hearing on behalf of the Council to the City Manager, this resolution formalized the City’s current procedure by which the City Manager provides written notice on behalf of the Council to affected parties. The resolution allows adherence to the requirements of California Code of Civil Procedure Section 1230.010 et seq. without requiring a separate Council action solely for the purpose of authorizing notice of an upcoming hearing. The Assistant City Manager recommended adoption of the resolution. Councilmember Jarvis wanted to clarify that this action was just procedural and that adoption of this resolution did not preclude the citizens from talking to the Council regarding such issues.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to adopt Resolution No. 72 01-02.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

2.9. APPROVAL OF LETTERS TO STATE LEGISLATORS SUPPORTING LEGISLATION REGARDING CONTROL OF LINDO CHANNEL, INCLUDING NEGOTIATION OF PROPERTY EXCHANGES WITH ADJOINING LANDOWNERS — this item was removed from the Consent Agenda at the request of Councilmember Jarvis and heard under Item 4.1.

The Council had previously requested that the City’s state legislators introduce legislation to remove restrictions placed on Lindo Channel by the State’s conveyance of Lindo Channel to Butte County. At its meeting of 12/4/01, during discussion of appeals related to encroachments in Lindo Channel, Council adopted a motion of intent to authorize letters to State legislators supporting the legislation, which would allow an exchange of property to address encroachments where public access is not feasible or is very limited. Approval of this item will formally approve that action. Councilmember Jarvis asked for clarification on this item as a draft of the proposed letter and legislation was not included in the packet. Staff indicated that this item was only considered once and that the only action being requested was to
formally approve the original motion and subsequent vote.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to formally approve the original action.

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None

4.2. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S ACTION TO APPROVE USE PERMIT 01-24 (RHL DESIGN/SAFEWAY) TO ALLOW THE CONSTRUCTION AND OPERATION OF A 24-HOUR GAS STATION WITH SIX PUMPS WITHIN THE PARK PLAZA SHOPPING CENTER, LOCATED AT 690 MANGROVE AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 003-280-040

The City Manager recommended that the public comments on this matter be limited to 20 minutes.

By memorandum dated 11/30/01, Senior Planner Sigona reported that at its 11/15/01 meeting, the Planning Commission voted 4-1(two absent) to approve a use permit to allow the construction and operation of a 24-hour gas station, including six pumps and a small cashier’s kiosk, to be located on Mangrove Avenue, within the Park Plaza (Safeway) Shopping Center located at 690 Mangrove Avenue. A timely appeal was subsequently filed by Gary Lewis. The subject site is designated Community Commercial on the City of Chico General Plan Diagram and is within a CC Community Commercial zoning district.

Gary Lewis addressed his concerns to the Council regarding the approval for this project. Blythe Wilson, Fred Choa and Todd Paradise urged Council to uphold the Planning Commission’s decision and not schedule the appeal for public hearing. Councilmember Jarvis requested that Planning staff provide Council with a memo on attendance of Planning Commissioners and the number of times that they can’t vote on various projects due to conflict of interests.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Kirk to uphold the Planning Commission’s approval of Use Permit 01-24 (RHL Design/Safeway), thereby denying the request to schedule the appeal for a public hearing.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: Bertagna, Wahl
ABSENT: None
DISQUAL: None

4.3. CONTINUED REVIEW AND CONSIDERATION OF CHICO RESIDENTIAL GROWTH ISSUES AND DIRECTION TO STAFF FOR FURTHER ACTION

The City Council considered these issues at its meetings of 10/30/01 and 11/27/01. On 11/27/01 the Council closed the public portion of the discussion and indicated that further direction would be provided regarding the Planning Commission recommendations and the specifics of the fiscal analysis that the Council wanted to have completed in association with the growth areas which were identified. The City Council may also wish to have additional discussion and provide any needed clarification regarding the growth areas themselves. The Council was provided with a memorandum dated 12/12/01 from the Planning Director providing background and options concerning the remaining Planning Commission recommendations.

Council provided staff with further direction and clarification to the Planning Commission recommendations as provided in the memorandum from the Planning Director dated December 12, 2001.
Council action on the Planning Commission recommendations included:

Recommendation 1 — A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to increase the existing General Plan holding capacity by rezoning opportunity sites to PMU Planned Mixed Use as listed in the staff report not including the recommended minimum density of 7 dwelling units per acre. The motion carried 7-0.

Recommendation 2 — A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the Planning Commission’s recommendation and have this property removed from the EIR since it is ready to go not including a minimum density of 7 dwelling units per acre. The motion carried 7-0.

Recommendation 3 — A motion was made by Councilmember Keene and seconded by Councilmember Bertagna for a precise plan, along with staff looking at the northwest area, extended Area 1, as recommended by staff. The motion carried 7-0.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna for a precise review on Area 2, excluding Bell-Muir and the 7 dwelling units per acre requirement. A friendly amendment from Councilmember Nguyen-Tan for a fiscal impact analysis on these two areas was not accepted. The motion carried 6-1, with Councilmember Jarvis opposed.

The Council recessed for a 10 minute break at 9:50 p.m.

Recommendation 4 — A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis that in order to increase the availability of land designated and zoned for affordable renter housing, Council directed staff to identify and recommend General Plan amendments and rezoning to Medium-High and High Density Residential land meeting siting criteria, e.g., proximity to shopping and services, transit, schools, etc. The motion carried 7-0.

Recommendation 5 — A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the recommendation made by the Planning Commission regarding the amending of the Master Sanitary Sewer Plan to include analysis of serving the Alkop Farm, Mud Creek and Bell-Muir growth areas and the CSA 87 “Village” area. The motion carried 7-0.

Recommendation 6 — A motion was made by Vice Mayor Kirk and seconded by Councilmember Nguyen-Tan to have the Planning Commission look at street standards. The motion failed 2-5, with Councilmembers Bertagna, Jarvis, Keene, Wahl and Mayor Herbert opposed to adoption of narrower street standards.

Recommendation 7 — A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve the Planning Commission’s recommendation to increase density ranges in multi-family zoning districts. The motion failed, 3-4, with Councilmembers Bertagna, Keene, Wahl and Mayor Herbert opposed.

Recommendation 8 — A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to send the recommendation of encouraging construction of second units by allocating low and moderate income set-aside
funds to lower the cost of off-site improvements and development fees to the Planning Commission for further analysis, possibly in one region instead of city-wide and then be forwarded to the Finance Committee for further review. The motion carried 7-0.

Recommendation 9 — Council did not support the Planning Commission’s recommendation to encourage mixed use developments that include residential units by reducing off-street parking requirements.

Recommendation 10 – A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to increase the density of Area 10 to seven units per acre. The motion carried 7-0.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to direct staff to prepare a fiscal impact analysis for growth area 10, comparing 5 versus 7 units per acre. The motion carried 7-0.

Recommendation 11 – The Planning Commission recommendation of exploring additional incentives to encourage second units was approved by prior Council action taken on Recommendation 8.

Recommendation 12 – The Planning Commission recommendation of increasing the minimum density of land designated and zoned for Medium Density Residential development from 4.01 to 7.01 dwelling units per gross acre was not approved by Council.

Recommendation 13 – The Planning Commission recommendation of identifying additional land appropriate for multi-family housing was approved by prior Council action taken on Recommendation 7.

Recommendation 14 – A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to send the recommendation to create incentives for greater multi-family housing density, including an inverse development fee schedule, rewarding density at the higher end of the range back to the Planning Commission for additional review. The motion failed by a 3-4 vote, with Councilmembers Bertagna, Keene, Wahl and Mayor Herbert opposed.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to conduct a fiscal analysis for operation costs. The motion failed due to the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan
NOES: Bertagna, Keene, Wahl, Herbert
ABSENT: None
DISQUAL: None

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to agendize the possible tiering of all 12 of the growth areas. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4.4. CONSIDERATION OF AMENDMENTS TO THE CITY OF CHICO’S SPHERE OF INFLUENCE AND SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS FOR SERVICE CAPACITY ANALYSIS

The City Council had previously voted to ask the Local Agency Formation Commission (LAFCo) to amend
the City’s Sphere of Influence to correspond with the 1994 General Plan. Based upon new State requirements, an additional $10,000 is needed to complete the required service capacity analysis before LAFCo can continue processing the amendment. The City Council also indicated that it wished to consider and perhaps initiate an application to LAFCo to further amend the Sphere to include more area surrounding the Chico Urban Area. The Council is being provided with a memorandum dated 12/10/01 from the Assistant Community Development Director reporting on the status of the City’s current application for sphere amendments to conform to the 1994 General Plan, and the process for further sphere amendments.

If the Council approves the funding, a confirming supplemental appropriation will be processed allocating $10,000 from the Private Development Fund for the service capacity analysis.

Comments were heard from Kelly Meagher, Amy Dohrar, Michael Worley, Scott Gruendl, Bruce McClintock, and Richard Elsom.

Councilmember Wahl asked Council to look at his proposed changes to the sphere of influence which was based on his desire to protect the land surrounding the City and to insure that any development to occur in these areas would be built to City standards.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the funding of the service capacity analysis. Staff was directed to report back on methods available to control land use within the City’s Planning Area. A confirming supplemental appropriation will be processed allocating the $10,000 from the Private Development Fund.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4.5. CONSIDERATION OF SUPPLEMENTAL APPROPRIATION FOR ADVANCE PAYMENT TO BUTTE HUMANE SOCIETY FOR 2002 AND 2003 INSTALLMENTS RELATING TO CITY PURCHASE OF ANIMAL SHELTER ADDITION

In 1994 the City and the Butte Humane Society (BHS) entered into an agreement which, among other things, provided for City purchase of the building addition constructed by BHS adjacent to the City-owned Animal Shelter facility located on Fair Street. The agreement provided for payment by the City in the form of 10 annual installments of $21,400, paid in July. Two installments, for 2002 and 2003, remain to be paid.

By letter dated 12/3/01, BHS requested financial assistance from the City in the form of an advance payment of these final two installments, totaling $42,800, in order to ensure sufficient operating funds for the next three months, and to forestall any potential short term Shelter closures. BHS believes that these additional funds, along with December revenues and donations, will be sufficient to carry it through to their next major fund raising event in February.

The City Council was provided with a memorandum dated 12/10/01 from the Risk Manager providing background information regarding the BHS lease and purchase agreement, and the costs to operate the Animal Shelter.

Because of the seriousness of BHS’ financial condition, this request was scheduled for consideration at the 12/17/01 Finance Committee meeting, and a verbal report regarding the Committee’s recommendation was provided to the Council. Staff recommended approval of the request for the advance payment. Should the advance payment be approved by the Council, a confirming Supplemental Appropriation allocating $42,800 from the General Fund would be prepared.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the advance payment and to bring back this item for discussion at the January 15, 2002 Council meeting.
The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None

4.6. FUTURE MEETINGS

Discussion of scheduling meetings with other public agencies including Butte County, Chico Unified School District, and the Chico Area Recreation and Park District (CARD) regarding issues of mutual concern. The City Manager would contact the other agencies to see if there was an interest in meeting.

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 was taken on any of the items.

6.1. Letter dated 11/26/01 from Mary Cahill, General Manager of the Chico Area Recreation and Park District (CARD) provided information on each park project that was tied to a funding request by CARD to the City of Chico. Staff recommended that this matter be referred to the Finance Committee for review and recommendation.

6.2. The City Council was provided a copy of the “2000-2001 City of Chico Development Impact Fee Report” for the fiscal year ending 6/30/01 as required by California Government Code §66006 (b). This statute requires the City Council to review the report, but no particular findings or actions are required.


6.4. Memorandum dated 12/6/01 from the Assistant City Manager provided 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 in the current Annual Budget.

7. ADJOURNMENT

The meeting was adjourned at 11:30 p.m. to Tuesday, January 8, 2002, 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: February 19, 2002