1. **CALL TO ORDER** – Mayor Gruendl called the January 3, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street, at 6:00 p.m.

Roll Call:

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

Staff Present: City Manager Jones, City Attorney Frank, former City Manager Lando, Director of Engineering McKinley, Finance Director Hennessy, Human Resources Director Fulks, and City Clerk Presson

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Gov. Code Sec. Section 54954.8.)

Negotiator: Greg Jones, City Manager
Under Negotiation: Price and terms of payment for proposed acquisition
Negotiating Parties: See Appendix “A” to the Agenda for list of property owners or designated negotiator(s)

2.2. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Council reviewed the City Manager’s performance. (Gov. Code Section 54957.) Continued from meeting of 12/20/05.

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

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

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

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

3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber and reconvened in Close Session at 7:00 p.m., following the Adjourned Regular City Council meeting.
1. **CALL TO ORDER** – Mayor Gruendl called the January 3, 2005 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.1. Flag Salute

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

1.3. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

1.4. Closed Session Announcement – None

1.5. Proclamation — Honoring City Manager Tom Lando on his retirement after 25 years of service to the City.

2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda and continued to a future meeting. A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to approve the remaining Consent Agenda:

2.1. **INTRODUCTION OF AN ORDINANCE ADOPTING A MITIGATED NEGATIVE DECLARATION AND REZONING 0.26 ACRES LOCATED NORTH OF GODMAN AND EAST LASSEN AVENUE** – This item was removed from the Consent Agenda and continued to a future meeting.

2.2. **MINUTE ORDER NO. 01-06 – APPROVAL OF CITY MANAGER EMPLOYMENT AGREEMENT WITH THE CITY OF CHICO**

   Approved – minute order for the approval of employment agreement with City Manager Greg Jones to commence on January 1, 2006.

2.3. **MINUTE ORDER NO. 02-06 – AUTHORIZATION FOR CITY ATTORNEY TO RETAIN ALLEN MATKINS LECK GAMBLE & MALLORY LLP FOR LEGAL SERVICES**


2.4. **ADOPTION OF A MOTION PROPOSING TO OVERRULE THE BUTTE COUNTY AIRPORT LAND USE COMMISSION’S FINDINGS REGARDING INCONSISTENCIES BETWEEN THE CITY OF CHICO GENERAL PLAN AND THE BUTTE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN REGARDING DEVELOPMENT OF THE PROPERTIES AT 1134 AND 1150 GLENWOOD AVENUE**

   Adopted – proposal to overrule the ALUC decision that the development of the property located at 1134 and 1150 Glenwood Avenue is inconsistent with the Butte County Airport Land Use Compatibility Plan for the Ranchero Airport, and finding that development of those properties within the density range permitted by the current General Plan land use designation would be consistent with the purposes of the ALUC law.

   Notified – the Butte County ALUC and Caltrans of the City Council’s intent to overrule the ALUC’s finding of inconsistency regarding the development of 1134 and 1150 Glenwood Avenue.

The Butte County Airport Land Use Commission (ALUC) determined that the proposed Shastan Homes at Glenwood Avenue Tentative Vesting Subdivision Map (S 04-21) was inconsistent with the residential density requirements of Airport Compatibility Zone B2 (Extended Approach and Departure Zone).
Pursuant to State law, the City Council can propose to overrule an action of the ALUC if it finds by a 2/3 vote of the Council, that the proposed action is consistent with the purposes of ALUC law regarding the protection of public health, safety, and welfare in areas surrounding airports.

The motion to approve the Consent Agenda, with Item 2.1. removed and continued to a future meeting, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. NOTICED PUBLIC HEARINGS

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. 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 unless otherwise noted.

6.1. Letter dated 12/16/05 from Steve Visconti, Interim General Manager, Chico Area Recreation and Park District, notifying the City of their withdrawal from participation in the Old Municipal Building Project.

6.2. Letter dated 12/19/05 from Natalie Birk, Executive Director, Far West Heritage Association, expressing interesting in becoming the sole lessee of the Old Municipal Building. Councilmembers Schwab and Wahl were disqualified on this item.

A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to refer this item, as well as the letter from Debra Lucero, Executive Director Friends of the Arts, dated 12/27/05 and the letter from Sarah J. Blackstone, Dean, College of Humanities and Fine Arts, California State University, Chico, regarding the lease of the Old Municipal Building to the Internal Affairs Committee for discussion.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Gruendl
NOES: None
DISQ: Schwab, Wahl

6.3. Letter received 12/8/05 from Francis Farley proposing the City acquire Humboldt Road to ensure that our cultural resources are given the protection they deserve.

A motion was made by Councilmember Schwab and seconded by Mayor Gruendl to refer this item to the Internal Affairs Committee to discuss possible options. Staff was directed to only gather general information at this time.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl
NOES: Bertagna, Herbert, Wahl

7. ADJOURNMENT

The City Council reconvened to Closed Session in Conference Room 2 and then adjourned at 8:05 p.m. to January 17, 2006, at 8:30 a.m., in the City Council Chamber for an adjourned regular work session.
1. **CALL TO ORDER** – Mayor Gruendl called the January 17, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street, at 8:30 a.m.

1.1. Flag Salute

1.2. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.3. Proclamation — Proclaiming January 30, 2006 - April 4, 2006 as “A Season for Nonviolence”

1.4. Schedule:
   A. Closed Session - listed on Page 6
   B. Lunch break – 12:00 p.m.

1.5. Presentations:
   Year-in-Review

2. **CONSENT AGENDA** – Items 2.7. and 2.8. were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the remaining items:

2.1. **ADOPTION OF A RESOLUTION AMENDING THE PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION**

   **Adopted** – Resolution No. 01-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 47 04-05 TO IMPLEMENT CERTAIN PAY AND BENEFIT CHANGES APPLICABLE TO SUCH EMPLOYEES (AMENDMENT NO. 4-2004 PUBLIC SAFETY MANAGEMENT PAY AND BENEFITS RESOLUTION) which amended the Public Safety Management Employees Pay and Benefit Resolution No. 47 04-05 to implement certain pay and benefit changes applicable to such employees. The Human Resources Director recommended adoption of the resolution.

2.2. **ADOPTION OF A RESOLUTION APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CONFIDENTIAL EMPLOYEES**

   **Adopted** – Resolution No. 02-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CONFIDENTIAL EMPLOYEES OF THE CITY FOR THE PERIOD OF JANUARY 1, 2005 THROUGH DECEMBER 31, 2008 (2005 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION) which approved certain pay, benefits and other terms and conditions of employment for the Confidential employees of the City for the period of January 1, 2005 through December 31, 2008 (2005 Confidential Employees Pay and Benefits Resolution). The Human Resources Director recommended adoption of the resolution.

2.3. **MINUTE ORDER NO. 03-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENT IN CONNECTION WITH THE ACQUISITION OF A PUBLIC SERVICE EASEMENT AT 880 EAST AVENUE FOR UTILITY UNDERGROUNDING**

   **Approved** – Minute Order No. 03-06 which authorized the City Manager to execute an agreement to acquire an easement with the property owners at 880 East Avenue - A.P. No. 007-280-055 (University Foundation, as Trustee of the Vernon E. and Marie H. Fish Charitable Remainder Trust). At its 06/14/04 closed session, the City Council authorized negotiations with the property owners for a 10’ by 50’ public service easement in the alley area behind the La Familia Restaurant. The easement was required in connection with the utility undergrounding portion of the East Avenue/Cohasset Road Intersection Project (Capital Project 10113). The Administrative Services Director recommended approval of the minute order.
2.4. MINUTE ORDER NO. 04-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED FOR THE EAST AVENUE RECONSTRUCTION PROJECT AND UTILITY UNEARTHENING

Approved – Minute Order No. 04-06 which authorized the City Manager to execute agreements and other legal documents to acquire property rights from owners on various parcels on East Avenue between Cohasset Road and Ceanothus Avenue. At its 01/03/06 closed session, the City Council authorized fixed payments to the property owners for the acquisition of rights of way and/or public service easements of nominal value needed in connection with the East Avenue Reconstruction Project (Capital Project 18041) and the undergrounding of overhead utilities in Underground District 14, Area C. The Administrative Services Director recommended approval of the minute order.

2.5. ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS AND REFER THE REPORTS TO THE FINANCE COMMITTEE FOR REVIEW

Accepted – the Report to Management, City of Chico Comprehensive Annual Financial Report, City of Chico Single Audit Report, Chico Redevelopment Agency Component Unit Financial Report, Chico Public Financing Authority Component Unit Financial Report, and the Independent Auditor’s Reports for the City of Chico Transportation Fund and the City of Chico Transit Fund for the Fiscal Year ended 6/30/05. The Finance Director recommended the City Council acknowledge receipt of the reports and refer the reports to the Finance Committee for review.

2.6. APPROVAL OF CITY’S ADMINISTRATIVE PROCEDURE AND POLICY NO. 15-13, “INVESTMENT OF CITY FUNDS”


2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS – removed from Consent Agenda and heard under Item 4.1.

2.8. CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY MANAGER – removed from Consent Agenda and heard under Item 4.1.

2.9. ACCEPTANCE OF REPORT FROM THE INTERNAL AFFAIRS COMMITTEE MEETING OF DECEMBER 14, 2005

Accepted – the Committee’s report from its meeting of 12/14/05. The following items were considered: (1) Proposed improvements for the East First Avenue and Longfellow Avenue Corridor; (2) approval of Traffic Regulation Amendment (TRA) No. 803 removing parking along Dayton Road and adding diagonal parking on Poppy Street; (3) a request for traffic calming measures on East 12th Street between Park Avenue and Mulberry Street; (4) a request from CSU, Chico to abandon Orange Street between First and Second Streets and between Second and Third Streets; and (5) an update on the status of the "streaming video" of City Council meetings. Councilmember Schwab was disqualified on Item 4.

The motion to approve the Consent Agenda, as read, with Items 2.7. and 2.8. removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE HAWES PARCEL MAP (PM 05-11) LOCATED AT 1581 MOUNTAIN VIEW AVENUE

Hearing – on appeal of a Planning Commission decision to approve a request to divide a 0.62 acre parcel located at 1581 Mountain View Avenue into two lots – one lot to retain an existing residence, and a flag lot for construction of a new residence. The Commission imposed a single-story limitation on new
construction to ensure neighborhood compatibility. A timely appeal was filed by Tom Blodget, representing a group of area residents. The primary appeal issue is neighborhood compatibility, specifically the issue of flag lots. The Council announced its exparte communications. All Councilmembers stated that they had spoken with or received messages from Craig Hawes, and Councilmember Holcombe indicated that he had spoken with Tom Blodget. Council was provided with copies of an e-mail received 1/09/06 from Kathie Wilson and an email received 1/10/06 from Tom Blodget, a neighborhood survey received 1/13/06 from Paul Hawes, and a letter dated 1/12/06 from Dan Katz.

Mayor Gruendl opened the hearing to the public. Addressing the Council in favor of the appeal which would overturn the Planning Commission decision were Tom Blodget, Tina Hoover, Turnon Murad, Dan Katz, Paul Watters, Kevin Atkin, Jo Walser, Kathleen Watson, and Karen Kite-Montana. Addressing the Council in opposition to the appeal thereby upholding the Planning Commission decision were Craig Hawes and James Renfro. The hearing was closed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Schwab to: (1) deny the appeal, thereby upholding the Planning Commission decision; and (2) direct staff that future applications for flag lots are not to be accepted until after a policy has been developed.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Schwab, Gruendl
NOES: Herbert, Kirk, Wahl

The City Council recessed for a fifteen minute break at 10:05. The meeting was reconvened and all members of Council were present.

3.2. HEARING ON PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE AMENDED SOUTHEAST CHICO AND CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECTS

Hearing – on proposed amendments to the redevelopment plans for the Amended Southeast Chico and Chico Municipal Airport redevelopment projects to extend the time limits for effectiveness and the repayment of debt. Senate Bill 1096 required the Chico Redevelopment Agency to contribute $928,917 into the Educational Revenue Augmentation Fund (ERAF) in the 2004-05 fiscal year and $993,110 in the 2005-06 fiscal year. To compensate for the tax increment lost to the State-mandated ERAF payment, SB 1096 allows redevelopment agencies required to make ERAF payments to amend redevelopment plans to extend the time limit on the effectiveness of the plans and the time limit for repayment of indebtedness by one year for each year an ERAF payment is made. The plans may be amended through adoption of an authorizing ordinance by the City Council following a noticed public hearing. (Report - Cindy Pierce, Administrative Services Director)

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

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


The motion carried by the following vote:
4. **REGULAR AGENDA**

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

2.7. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

   **Approved** – minutes of City Council meetings held on 10/25/05, 11/10/05, 12/06/05, and 12/20/05, as amended.

   A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to approve the minutes of 10/25/05, 11/10/05, 12/06/05, and 12/20/05, amended as follows:

   10/25/05 Minutes - Page 3 - “visibility” changed to “visit ability”

   11/10/06 Minutes - Page 13 - amended to reflect the accurate vote on Item 4.3. to:

   **AYES:** Bertagna, Herbert, Holcombe, Wahl, Gruendl
   **NOES:** Kirk, Schwab

   The motion carried by the following vote:

   **AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   **NOES:** None

2.8. **CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY MANAGER**

   **Confirmed** – the appointment of David Burkland as Assistant City Manager of the City of Chico effective 01/09/06.

   A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to confirm the appointment of Assistant City Manager, Dave Burkland.

   The motion carried by the following vote:

   **AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   **NOES:** None

4.2. **BUDGET REVIEW - 10 YEAR FORECASTING** – *The Chico City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of this item.*

   **Reviewed** – budget development and long range financial planning proposal.

   A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to: (1) approve the 10-year forecasting concept and recommendations; and (2) direct staff to proceed with implementation. It was noted that the current policies would remain in place pertaining to the 7½ percent operating reserve and the 20 percent of the amount in excess of the General Fund Operating Reserve being transferred to the Emergency Reserve Fund as referenced in Budget Policy C.4.b.

   The motion carried by the following vote:

   **AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   **NOES:** None

   **Action** – approval of revised budget calendar.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to approve the revised budget calendar.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) UPDATE

Verbal report was provided by the Fire Chief.

4.4. REQUEST FOR RENTAL ASSISTANCE FOR KATRINA EVACUEE FAMILY

Considered – request from Katrina Family whose temporary housing situation ends this month. With the lack of local references and recent employment, the property manager had advised the family that a co-signer would be required as part of their application. With the application not meeting the credit test, a $1,000 security deposit would also be required. (Report – Dennis McLaughlin, Housing Officer)

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to increase the security deposit to not exceed $1,400 with staff to check with the landlord to see if a co-signer was still needed if the security deposit was increased.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

Staff indicated that according to the property manager, a co-signer would still be required.

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE MEETING OF DECEMBER 28, 2005

COMMITTEE MATTERS REQUIRING COUNCIL ACTION AT THIS MEETING:

A. Consideration of Request for Financial Assistance from the Well Ministry of Rescue to Connect its Transitional Housing Facility to the City Sewer System. The Committee recommended (3-0) approval of a grant for the Well Ministry of Rescue to be paid in two increments from the City’s Community Development Block Grant Program, $50,000 for Fiscal Year 2005-06 and $40,000 for Fiscal Year 2006-07.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the following minute order and direct staff to prepare a confirming supplemental appropriation to be processed following this meeting.

MINUTE ORDER NO. 05-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE WELL MINISTRY OF RESCUE (THE WELL) FOR $90,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE CONNECTION OF THE FACILITY AT 2612 ESPLANADE TO THE CITY SEWER SYSTEM AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR THE FUNDING

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

B. Discussion Regarding Efforts to Increase Affordable Housing Opportunities. The Committee recommended (3-0) that staff prepare a map depicting vacant land available for development in the City of Chico. The Committee also recommended (2-1, Wahl opposed) that staff conduct a study of appreciation sharing issues related to inclusionary zoning and land banking, including inquiries of local developers as to methods they use to maintain first-time homebuyer ownership, if any, for the Committee’s review at a future meeting.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to direct staff to prepare a map depicting vacant land available for development in the City of Chico with the map to be available for the meeting on March 28, 2006 regarding infill issues.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to direct staff to gather information from other cities regarding appreciation sharing and provide it to the Finance Committee.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl
NOES: Bertagna, Herbert, Wahl

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to direct staff to research incentive based inclusionary zoning and provide Council with a memorandum on the information requested.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl
NOES: Bertagna, Herbert, Wahl

C. Consideration of Staff Recommendations on Alley Improvement Fees. The Committee recommended (2-1, Wahl opposed): 1) this item be referred to the Solid Waste Committee to examine implementation of a fee to be imposed on the waste haulers for a fair share of alley maintenance and improvements; 2) amend the Municipal Code as necessary in order for the City to collect fees that reflect the actual cost of installing alley improvements; and 3) continue to exempt second dwelling units as provided in Section 14.14.050 of the Municipal Code.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to not approve the fee for alley improvements but add this item to the list of RDA bond projects to be considered.
The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Wahl
NOES: Holcombe, Schwab, Gruendl

D. **Review and Consideration of Annexation Fees and Development Review Committee Fees.** The Committee recommended (2-1, Wahl opposed): 1) modification of existing fees to process annexation applications as follows: (a) existing single family residence fee increased to $250; (b) required sewer connection fee increased to $250; (c) fully developed properties fee increased to $750; (d) limited potential for development fee increased to $750, and the fee for all others increased to $2,250; and 2) adoption of a new fee of $386 for processing development review applications.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to not approve the proposed annexation fee increase nor the adoption of a new fee for processing development review applications.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Wahl
NOES: Schwab, Holcombe, Gruendl

E. **Consideration of Exempting Agricultural Use from Utility Users Tax.** The Committee recommended (3-0) an exemption from the Utility Users Tax for electrical energy used for agricultural irrigation.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve an agricultural use exemption from the Utility Users Tax.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

F. **Consideration of Request from Bob Best that a Redevelopment Committee be Formed.** The Committee recommended (3-0) the establishment of an advisory committee to meet on a periodic basis to discuss redevelopment issues. The specifics of the formation of the Committee to be determined by the Redevelopment Agency. The Council was provided with a copy of a letter dated 1/12/06 from Douglas W. Hammett regarding this issue. The Chico City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of this item. Addressing the Council in support of the formation of a Redevelopment Committee were Greg Burton, Lon Glazner, and Bob Best.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to acknowledge that an independent, informal, self-appointed RDA Committee, coordinated by Bob Best, would be created and would consist of individuals who volunteer and wish to participate, including all interested neighborhood groups, with the purpose to educate and inform the public and agency as well as review the project list created by the bond issuance and once that project is completed, to reevaluate the purpose of the committee.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: Schwab

It was noted that a preliminary discussion of the Redevelopment Bond Projects would be held at the January 25, 2005 Finance Committee meeting and that the members of this committee were invited to attend.

**COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING.**
G. **Consideration of Request from Pleasant Valley Assembly of God for Reimbursement of Southeast Chico Sewer Assessment District Payments.** The Committee directed staff to place this item on the agenda for a future meeting to discuss the development of a specific policy to handle reimbursement of sewer assessment fees in the future. Pleasant Valley Assembly of God’s specific request will be agendized as part of this discussion.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the 12/28/05 Finance Committee Report.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

4.6. **FUTURE MEETINGS**

The City Council scheduled a future joint Planning Commission/City Council meeting on March 28, 2006 to discuss in-fill issues, including flag lots from 6:30 - 8:30 p.m.

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

5. **BUSINESS FROM THE FLOOR**

David Guilford addressed Council about his concerns for his personal safety and asked for help from the Police Department.

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Memorandum dated 01/03/06 from the Finance Director reported that the list of claims paid during the month of December 2005 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

Adjourned to Closed Session at 12:35 p.m. in Chico Municipal Center, Conference Room, #2, 421 Main Street.
1. **CALL TO ORDER**

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

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

2. **CLOSED SESSION MATTERS**

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

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

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

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

3. **ADJOURNMENT**

   Adjourned to a Regular City Council meeting on February 7, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

4. **CLOSED SESSION ANNOUNCEMENT** – None

   Date Approved: February 7, 2006

____________________________________
Deborah R. Presson, City Clerk
REGULAR CHICO CITY COUNCIL MEETING — February 7, 2006
Minutes

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

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

1.3. Call to Order – Mayor Gruendl called the February 7, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

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

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.7. Closed Session Announcement – None

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


Adopted - the above mentioned ordinances to amend the redevelopment plans for the Amended Southeast Chico and the Chico Municipal Airport redevelopment projects to extend the time limits for effectiveness of the plans and repayment of debt as authorized by Senate Bill 1096. This bill required the Chico Redevelopment Agency to contribute $928,917 into the Educational Revenue Augmentation Fund (ERAF) in the 2004-05 fiscal year and $993,110 in the 2005-06 fiscal year. To compensate for the tax increment lost to the State-mandated ERAF payment, SB 1096 allows redevelopment agencies required to make ERAF payments to amend redevelopment plans to extend the time limit on the effectiveness of the plans and the time limit for repayment of indebtedness by one year for each year an ERAF payment is made. The plans may be amended through adoption of an authorizing ordinance by the City Council following a noticed public hearing. Adoption of these ordinances has no impact on existing Agency debt. The Administrative Services Director recommended adoption of the ordinances.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING OF A PORTION OF PROPERTY LOCATED AT 340 WEST EAST AVENUE AND IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-530-024, FROM OR OFFICE RESIDENTIAL TO R1 LOW DENSITY RESIDENTIAL REZONE 05-02 (LARSON) - Introductory Reading

Introduced - an ordinance to rezone 0.22 acres located on the northerly portion of the 6.69 acre Enloe medical facility at 340 West East Avenue from OR Office Residential to R1 Low Density Residential. The project is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

The Planning Commission and Planning Director recommended that the City Council: (1) introduce the ordinance by reading of the title only; and (2) schedule Rezone 05-02 (LARSON) for public hearing for 3/07/06.
2.3. RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM

Adopted - the following resolutions authorizing sewer assessments to be collected on the tax roll in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Engineering recommended adoption of these resolutions.

A. RESOLUTION NO. 03-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1017 POMONA/1228 DAYTON ROAD / A.P. NO. 004-510-024 (petition from property owner John M. Parker)


2.4. MINUTE ORDER NO. 06-06 – AUTHORIZATION FOR THE CITY MANAGER TO DONATE SURPLUS FIRE HOSE TO BUTTE-GLENN COMMUNITY COLLEGE

Approved - minute order authorizing the City Manager to donate 6,500 feet of surplus cotton jacket fire hose to Butte-Glenn Community College Public Safety Training Center. The Fire Chief recommended approval of the minute order.

2.5. MINUTE ORDER NO. 07-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE EAST AVENUE RECONSTRUCTION PROJECT AND UTILITY UNDERGROUNDING

Approved - minute order authorizing the City Manager to execute agreement to acquire an easement for undergrounding utilities as part of the East Avenue Reconstruction Project. The affected parcel, owned by Charles Phillips and Louie Bachus, is located at 1154 East Avenue. The Administrative Services Director recommended approval of the minute order.

2.6. MINUTE ORDER NO. 08-06 – USE OF CONFERENCE ROOM BY CHICO UNIFIED SCHOOL DISTRICT (CUSD) FOR BOARD OF EDUCATION CLOSED SESSION MEETINGS

Approved - minute order authorizing the temporary use of a conference room by CUSD for School Board Closed Session meetings. The City Clerk recommended approval of the minute order.

2.7. ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2004-05

Accepted - the annual report of the Chico Redevelopment Agency for fiscal year 2004-05, which was previously provided to Council on 12/31/05. The Housing Officer recommended acceptance of the report.

2.8. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 1/03/06 and 1/17/06.

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

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES)

Hearing - on appeal of the Planning Commission’s approval of a request to subdivide a vacant 5.76 acre parcel to create 55 single family residential lots and 36 attached condominium units located in a proposed three-story condominium building. The Planning Commission also approved the project’s site, landscape, and architectural design. The site is located at the southeast corner of Sierra Sunrise Terrace and Idyllwild Circle, Assessor’s Parcel No. 018-360-002. An appeal was filed requesting that the Council revise the conditions imposed by the Planning Commission to require that final approval of this project not be issued until: (1) the developer has received architectural and design approval as required by the CC&Rs of the California Park Association and the Sierra Sunrise Village Property Association; and (2) an environmental impact report is prepared to reflect the potential impact of the proposed development on the giant garter snake and other relevant environmental issues. (Report - Kim Seidler, Planning Director)

Recommendation:

Deny the appeal, thereby affirming the Planning Commission’s decision to approve the project and adopt the following resolution:

RESOLUTION – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AFFIRMING THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES)

It was noted that letters were received from Ms. Cherene Sandidge from Carleen Wood, Stein & Baydaline, LLP and from Margot McElroy.

The City Council announced its ex parte communications. Councilmember Holcombe stated for the record that he spoke with Sharon Nichols and also received an email from Robert and Mary Jennings. Vice Mayor Kirk stated that she spoke with Judy DeMarois.

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of the appeal, thereby overturning the Planning Commission’s approval of the project were Betty Nottelmann, Sharon Nichols, Judith DeMarois, Mary Jensen, Gary Salbert, B.T. Chapman, and Virginia Stanton.

Speaking against the appeal were Cherene Sandridge and David Mogavero.

A motion was made by Councilmember Wahl and seconded by Councilmember Holcombe to: (1) continue the Public Hearing to 3/7/06; and (2) direct the involved parties to work with a third party mediator to resolve their issues with this project.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Wahl, Schwab
NOES: Herbert, Kirk, Gruendl

3.2. HEARING ON AN ORDINANCE TO REZONE 0.26 ACRES LOCATED NORTH OF THE INTERSECTION OF GODMAN AND EAST LASSEN AVENUE
Hearing - introduced an ordinance to rezone property located approximately 140 feet north of the northeast corner of Godman and East Lassen Avenues and identified as Assessor’s Parcel No. 007-200-092 from R2 Medium Density Residential to CN Neighborhood Commercial (Rezone 05-01). The area subject to the rezone request is currently a parking area for the Tower Market convenience store and gas station. *(Report - Teresa Bishow, Principal Planner)*

Mayor Gruendl opened the hearing to the public. Addressing the Council in favor the rezone was Chris Cunan. No one else spoke and the hearing was closed.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to introduce the following ordinances, by reading of title only:

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 007-200-092 AND LOCATED APPROXIMATELY 140 FEET NORTH OF THE INTERSECTION OF GODMAN AND EAST LASSEN AVENUE FROM R2 MEDIUM DENSITY RESIDENTIAL TO CN NEIGHBORHOOD COMMERCIAL REZONE 05-01 (CUNAN) - Introductory Reading**

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to adopt the following resolution adopting the mitigated negative declaration:


The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

4. **REGULAR AGENDA**

4.1. **INITIAL CONSIDERATION OF THE APPEALS OF APPROVAL OF PLANNED DEVELOPMENT PERMIT (PDP 05-03) AND SECOND DWELLING UNITS (SDU 05-10 & SDU 05-11) IN THE PARKWOOD ESTATES SUBDIVISION (ZINK-TIMMONS DEVELOPMENT)**

Initial Consideration - of the appeals of the Planning Commission decision to approve a planned development permit (PDP) and two second dwelling units (SDU) for the previously-approved Parkwood Estates subdivision located north of Filbert Avenue off Riviera Court (formerly Cornus Alba Court); Assessor’s Parcel Nos. 045-280-054 and -055. The approved PDP authorizes reduced front and rear yard setbacks for the development and approves architectural elevations for the residences. Two separate appeals were filed on the Planning Commission’s decision from J. D. Zink and Andy Bruckman.

The site is designated Low Density Residential on the General Plan diagram with a zoning classification of R1 Low Density Residential. *(Report - Patrick Murphy, Senior Planner)* Councilmember Herbert was disqualified on this item and left the dias. Addressing the Council in support of hearing the appeal were Bruce McCrea and Karen Van Ness.

A motion was made by Councilmember Bertagna to not hear either appeal. The motion failed due to a lack of a second.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to hear both appeals and directed staff to call up the record.
The motion carried by the following vote:

AYES: Bertagna, Kirk, Holcombe, Schwab, Wahl, Gruendl
NOES: None
DISQ: Herbert

4.2. INITIAL CONSIDERATION OF APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT 05-52 (COOK)

Initial Consideration - of an appeal of the Planning Commission's 12/01/05 approval of Use Permit 05-52 (Cook) for a second dwelling unit at 179 E. Lincoln Avenue. (Report - Kim Seidler, Planning Director) Addressing the Council in support of hearing the appeal were Melinda Vasquez, Ken Fleming, Stephen Matoran, and Karen Swartz.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to hear the appeal thereby directing staff to call up the record.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JANUARY 11, 2006

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Approval of Traffic Regulation Amendment (TRA) No. 803 to Remove Parking Along Dayton Road and to Consider Installing Additional Parking Along the South Side of Poppy Street. The Committee adopted (3-0) Traffic Regulation Amendment No. 803 which will remove two parallel parking spaces along Dayton Road adjacent to Maisie Jane’s. The Committee recommended (3-0) that “parallel parking only” signs be posted on Poppy Street and that staff research the possibility of painting the handicapped path of travel on Dayton Road towards the Maisie Jane’s handicap ramp. Councilmember Bertagna was disqualified on this item and left the dias.

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to approve TRA No. 803.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
DISQ: Bertagna

B. Consideration of a Viewshed Policy for Bidwell Park. The Committee recommended (3-0) that: (1) a proposed policy relating to development within the viewshed around upper and middle Bidwell Park be adopted and; (2) that Council send a letter to the Butte County Board of Supervisors encouraging the Board to incorporate a similar viewshed policy into the County’s General Plan. Addressing the Council on this item were Bill Brouhard, Kelly Meagher, and Todd Hall.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to direct staff to include the second paragraph of the introduction, contained in the draft, in the actual policy and forward the final revision to the City Council for approval on the Consent Agenda at its meeting of 3/7/06.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

   Dave Guilford addressed the Council regarding his situation with gang violence and asked for assistance from the Police Department.

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 1/06/06 from Management Analyst, Risk Management reported on claims denied during the quarter ending 12/31/05.

7. **ADJOURNMENT**

   Adjourned to a Redevelopment Agency meeting in the Council Chamber.
REGULAR CHICO REDEVELOPMENT AGENCY MEETING — February 7, 2006
Minutes

1. **CALL TO ORDER** – Mayor Gruendl called the February 7, 2006 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. **Roll Call**

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **APPOINTMENT OF TWO DIRECTORS TO THE CHICO URBAN AREA JOINT POWERS FINANCING AUTHORITY**

Appointed – two Chico Redevelopment Agency members as Directors to the Chico Urban Area Joint Powers Financing Authority (JPA). The JPA was formed for the sole purpose of financing the construction and installation by the City of public sewer facilities and improvements in the Chico Urban Area to comply with the Chico Urban Area Nitrate Compliance Plan. Appointment of the two Butte County Board of Supervisors Directors is scheduled for the Board’s 02/14/06 meeting. *(Report - Cindy Pierce, Administrative Services Director)*

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to appoint Councilmembers Bertagna and Schwab to the Chico Urban Area Joint Powers Financing Authority.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
**NOES:** None

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

5. **ADJOURNMENT**

Adjourned at 9:55 p.m. to a February 21, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.
1. **CALL TO ORDER** – Mayor Gruendl called the February 7, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

**Roll Call**

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

**Staff Present:**

City Manager Jones, Assistant City Manager Burkland, Assistant City Attorney Barker, and City Clerk Presson

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *City of Chico v. Oswald G. Auer, et al.*, Butte County Superior Court Case No. 133931, pursuant to subdivision (a) of Government Code section 54956.9.

3. **ADJOURNMENT**

Adjourned at 6:10 p.m. to a City Council meeting in the Council Chamber beginning at 6:30 p.m.

Date Approved: February 21, 2006

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

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

1.3. Call to Order – Mayor Gruendl called the February 21, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

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

1.6. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

1.7. Closed Session Announcement – None

2. **CONSENT AGENDA** – Items 2.4. and 2.7. were removed from the Consent Agenda and heard immediately following the Consent Agenda. A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the remaining Consent Agenda items:

2.1. **ORDINANCE NO. 2335** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 007-200-092 AND
LOCATED APPROXIMATELY 140 FEET NORTH OF THE INTERSECTION OF GODMAN AND EAST
LASSEN AVENUE FROM R2 MEDIUM DENSITY RESIDENTIAL TO CN NEIGHBORHOOD
COMMERCIAL REZONE 05-01 (CUNAN) – Final reading and adoption

   **Adopted** - an ordinance rezoning property located approximately 140 feet north of the intersection of Godman and East Lassen Avenue from R2 Medium Density Residential to CN Neighborhood Commercial. A noticed public hearing was held on 2/07/06 and closed to further public comment. The Planning Director recommended adoption of the ordinance.

2.2. **RESOLUTION NO. 06-06** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
AUTHORIZING GRANT OF LICENSE TO NORTH VALLEY PLAZA ASSOCIATES FOR
INSTALLATION OF A GROUNDWATER MONITORING WELL IN THE PUBLIC RIGHT OF WAY
(PANAMA AVENUE)

   **Adopted** - a resolution authorizing the City Manager to execute a grant of license to North Valley Plaza Associates to encroach on public right of way adjacent to 406 Panama Avenue for the purpose of installing a groundwater monitoring well as part of an ongoing investigation in the vicinity of 801 East Avenue, the former site of North Valley Plaza Cleaners. The Director of Engineering recommended adoption of this resolution.

2.3. **RESOLUTION NO. 07-06** – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY
OF CHICO TO ABANDON AND VACATE A PORTION OF AN ALLEY PURSUANT TO THE PUBLIC
STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA
BREWING COMPANY / APN’S 005-450-020, 031, 032)

   **Adopted** - a resolution to abandon and vacate an alley located west of Franklin Street to allow for the construction of a sound wall. The Director of Engineering recommended adoption of the resolution which will schedule a public hearing for 4/04/06.

2.4. **RESOLUTION NO. 08-06** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF A
TENTATIVE PARCEL MAP AT 1581 MOUNTAIN VIEW AVENUE (PM 05-11) - HAWES – This item
was removed from the Consent Agenda for further discussion.
2.5. **RESOLUTION NO. 09-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE WORKFORCE HOUSING REWARD (WFH) PROGRAM AS RECOMMENDED BY THE FINANCE COMMITTEE AT ITS MEETING OF 1/25/06**

*Adopted* - a resolution authorizing a grant application of approximately $275,000 to the State of California Workforce Housing Program, with funding earmarked for public improvements on Ivy Street to assist the proposed Catalyst Facility Project and City sponsored affordable housing project. The Finance Committee recommended (3-0) to approve.

2.6. **MINUTE ORDER NO. 09-06 – AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A PUBLIC FACILITIES REIMBURSEMENT AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT FOR THE DEVELOPMENT OF DEGARMO COMMUNITY PARK**

*Approved* - minute order authorizing the City Manager to execute a public facilities reimbursement agreement with the Chico Area Recreation and Park District (CARD) in connection with the financing of DeGarmo Community Park. The City Council previously allocated up to $3,775,302 in Community Park Funds for this purpose. The General Services Director recommended approval of the minute order.

2.7. **STREAMING VIDEO USAGE FOR CITY COUNCIL MEETINGS AND ACCEPTANCE OF A DONATION OF HARDWARE AND SOFTWARE NEEDED TO CONTINUE THE SERVICE** – this item was removed from the Consent Agenda for further discussion.

2.8. **AUTHORIZATION OF A LETTER OF SUPPORT FOR BUTTE COUNTY ASSOCIATION OF GOVERNMENT’S (BCAG) “SECTION SIX” HABITAT CONSERVATION PLAN GRANT FUNDING APPLICATION**

*Authorized* - Mayor Gruendl to send a letter of support for the “Section Six” Habitat Conservation Plan grant funding application which would be the first step in developing a Regional Blueprint Plan for Butte County. The City Manager recommended authorization.

2.9. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON 2/07/06**

*Approved* - the minutes of its meeting held on 2/07/06.

The motion to approve the Consent Agenda, with Items 2.4. and 2.7. removed, carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

**ITEMS REMOVED FROM CONSENT**

2.4. **RESOLUTION NO. 08-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF A TENTATIVE PARCEL MAP AT 1581 MOUNTAIN VIEW AVENUE (PM 05-11) - HAWES** – This item was removed from the Consent Agenda at the request of Mayor Gruendl.

*Adopted* - a resolution denying the appeal filed by Tom Blodget on behalf of a group of area residents regarding the Planning Commission’s 12/15/05 approval, with conditions, of a tentative parcel map at 1581 Mountain view Avenue (PM 05-11). At its meeting of 1/17/06, a hearing was held and the City Council voted to deny the appeal and uphold the Planning Commission’s approval of the project. The hearing was closed to further public comment. The Planning Director recommended that the City Council adopt a resolution formalizing its action at the meeting of 1/17/06, to deny the appeal and uphold the Planning Commission’s approval of Tentative Parcel Map 05-11 (Hawes) at 1581 Mountain View Avenue.
A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to adopt the following resolution:

RESOLUTION NO. 08-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF A TENTATIVE PARCEL MAP AT 1581 MOUNTAIN VIEW AVENUE (PM 05-11) - HAWES

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Schwab, Gruendl
NOES: Herbert, Kirk, Wahl

2.7. STREAMING VIDEO USAGE FOR CITY COUNCIL MEETINGS AND ACCEPTANCE OF A DONATION OF HARDWARE AND SOFTWARE NEEDED TO CONTINUE THE SERVICE – This item was removed from the Consent Agenda at the request of Councilmember Wahl.

Acceptance - of donation of hardware and software from Anthony Watts. The City of Chico, working in collaboration with Anthony Watts, has been providing streaming video of City Council meetings from the Internet on a trial basis since 11/01/05. A trial period of approximately three months has been completed to obtain comments from the public and determine usage. Anthony Watts addressed the Council on this item and clarified that the service will not end on 6/30/07.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to accept the donation of the hardware and software and continue providing the service of Streaming Video.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON INITIATION OF “ISLAND” ANNEXATION PROCEEDINGS FOR CACTUS AVENUE ANNEXATION DISTRICT NO. 2

A hearing was held on the initiation of the annexation of 38 parcels which comprise the entirety of three adjacent "islands of unincorporated territory," with a total area of 47.42 acres, located on Cactus Avenue north of East Avenue, and on the north side of East Avenue. The area is developed with rural residential uses, although the General Plan and zoning have recently been amended to designate the area for low density residential development. Property owners were identified in the agenda report. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. Councilmember Bertagna was disqualified on this item and left the dias. (Report - Clif Sellers, Assistant Community Services Director)

Mayor Gruendl 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 Holcombe to adopt the following resolution:

RESOLUTION NO. 10-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CACTUS AVENUE ANNEXATION DISTRICT NO. 2

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
4. **REGULAR AGENDA**

4.1. **ADOPTION OF A RESOLUTION MAKING SPECIFIC FINDINGS OVERRULING THE BUTTE COUNTY AIRPORT LAND USE COMMISSION’S DETERMINATION REGARDING PROPERTY LOCATED AT 1134 AND 1150 GLENWOOD AVENUE**

The City Council considered the adoption of a resolution making specific findings and overruling the Butte County Airport Land Use Commission’s (ALUC) determination of inconsistency regarding the proposed residential development located on the east side of Glenwood Avenue, north of West Sacramento Avenue, at 1134 and 1150 Glenwood Avenue. At its meeting of 1/03/06, the City Council voted (7-0) to forward the required 45-day notice of the City Council’s intent to overrule ALUC’s determination. The Council was provided with a copy of a fax received 2/17/06 from Jo Sherman, Chairman, Butte County Airport Land Use Commission.

Mayor Gruendl opened the hearing to the public. Addressing the Council regarding the development proposed for the property located at 1134 and 1150 Glenwood Avenue was George Kammerer. No one else spoke and the hearing was closed.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to adopt the following resolution overruling the Butte County Airport Land Use Commission’s decision that the development of the property located at 1134 and 1150 Glenwood Avenue is inconsistent with the Butte County Airport Land Use Compatibility Plan for the Ranchero Airport, finding that such development is consistent with the purposes of the ALUC law.

**RESOLUTION NO.  11-06 – A RESOLUTION MAKING SPECIFIC FINDINGS PURSUANT TO INCONSISTENCIES BETWEEN THE CITY OF CHICO GENERAL PLAN AND THE DECEMBER 20, 2000, BUTTE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN ADOPTED BY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION**

The motion carried by the following vote:

AYES:   Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES:   None

4.2. **CONSIDERATION OF COUNCILMEMBER BERTAGNA’S REQUEST TO AGENDIZE THE REMOVAL OF COMMISSIONER BARRETT FROM THE BIDWELL PARK AND PLAYGROUND COMMISSION AND TO DISCUSS POLICIES AND PROCEDURES FOR THE CITY’S COMMISSIONS**

Councilmember Bertagna requested that the City Council consider the removal of Tom Barrett from the Bidwell Park and Playground Commission due to inappropriate conduct and hold a discussion on the policies and procedures of the City’s commissions. The Council was provided with a copy of a letter of apology received from Tom Barrett. Pursuant to City Council rules of procedure, the Council decided to consider this matter at this meeting. E-mails were received from O.J. McMillan, Susan Mason, and Steve Miller. Addressing the Council on this item were Norm Nielsen, Blair Synder, Ronald Husa, Lon Glazner, Laurel Blankinship, Scotty Riemens, Debra Moon, Karen Laslo, Kelly Meager, Susan Minasian, Kathleen Faith, David Brobst, Paul Persons, and Paul O’Rourke-Babb.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to authorize the Mayor to send a letter of censure to Commissioner Barrett, expressing disappointment and disagreement with his actions.

The motion carried by the following vote:

AYES:   Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES:   None

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to direct the Council Policies and Procedures Committee to discuss and develop a Code of Conduct for the members of the City’s Boards and Commissions and to include an education component in the policy.
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. **CONSIDERATION OF COUNCILMEMBER WAHL’S REQUEST TO AGENDIZE THE REMOVAL OF JON LUVAAAS FROM THE PLANNING COMMISSION**

Councilmember Wahl requested that the City Council consider the removal of Jon Luvaas from the Planning Commission due to inappropriate conduct. The Council was provided with a copy of a letter of apology received from Jon Luvaas. Pursuant to City Council rules of procedure, the Council decided to consider this matter at this meeting. The Council was provided with copies of e-mails received from Kristine Mazzei, Mark H. Clarke, RN, Jack Rawlins, Steve Miller, and Jon Luvaas.


A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to direct the Mayor to send a letter of censure to Commissioner Luvaas and require him to spend a day and an evening in the Enloe Emergency Room to be completed prior to March 15, 2006 in order to retain his position.

A friendly amendment was requested by Councilmember Bertagna that the Council not send a letter of censure nor require time spent at Enloe, and a friendly amendment was requested by Vice Mayor Kirk to send a letter to Commissioner Luvaas, expressing disappointment over his recent comments. Both amendments were accepted.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Wahl, Gruendl
NOES: Holcombe, Schwab

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

5. **BUSINESS FROM THE FLOOR**

Paul O’Roarke-Babb expressed his concern over the Enloe expansion.

6. **REPORTS AND COMMUNICATIONS**

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

6.1. The list of claims paid during the month of January 2006 was made available for review in the offices of Finance, the City Clerk and the City Council.

6.2. Letter from Doug Charmley requested that the parking/loading zone situation at Sierra View Elementary School be addressed and that the City Council be authorized to dismiss the parking citations received by some parents. It was noted that Mr. Charmley has been contacted and informed of his options on the appeal process and encouraged to contact the school district regarding this issue. In addition, staff is continuing to work with the district to resolve this issue. Staff was directed to provide the City Council with a memo in their mailboxes by 3/15/06 regarding the status of this issue.

7. **ADJOURNMENT**

Adjournerd to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Gruendl called the February 21, 2006 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
Absent: None

2. **CONSENT AGENDA** – A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to approve the Consent Agenda.

2.1. **MINUTE ORDER NO. 01-06 – AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF REAL PROPERTY LOCATED AT 11301 MIDWAY (APN 039-420-001) - THOMASSON**

Approved - minute order authorizing the Executive Director to execute agreements and other documents to acquire the parcel from the Thomassons, owners of the property, for $1,200,000, subject to the terms set out in the minute order. At its 06/21/05 meeting, the Chico Redevelopment Agency allocated funding for the acquisition of a 14.5± acre parcel located along Comanche Creek. The Administrative Services Director recommended approval of the minute order.

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

AYES: Holcombe, Kirk, Schwab, Gruendl  
NOES: Bertagna, Herbert, Wahl

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

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

5. **REPORTS AND COMMUNICATIONS**

5.1. E-mail from Daniel Donnelly expressed interest in managing the Chico Open Board Art (COBA) project. It was noted that at its meeting held 01/04/05, the Agency approved the request of the Chico Art Center to administer the COBA project for 2004-05 and 2005-06. The Agency was provided with a copy of a letter received 2/21/06 from Daniel Donnelly. Addressing the Council on this item were Daniel Donnelly, Gregg Payne, and Lon Glazner. The Council directed staff to include an update regarding this item on the April Finance Committee agenda.

5. **ADJOURNMENT**

Adjourned at 9:55 p.m. to a March 7, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.
1. **CALL TO ORDER** – Mayor Gruendl called the February 21, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. **Roll Call**

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

   Staff Present: City Attorney Frank

2. **CLOSED SESSION MATTERS**

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

3. **ADJOURNMENT OF CLOSED SESSION**

   Adjourned at 6:30 p.m. to the February 21, 2006 – Adjourned Regular City Council meeting in the Council Chamber.

4. **ADJOURNMENT**

   Adjourned at 9:55 p.m. to a March 7, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

   Date Approved: March 7, 2006

   ___________________________

   Deborah R. Presson, City Clerk
REGULAR CHICO CITY COUNCIL MEETING — March 7, 2006
Minutes

1.1 **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order – Vice Mayor Kirk called the March 7, 2006 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Invocation — Moment of Silence

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
Absent: Gruendl

1.7. Closed Session Announcement – Item 2.1. regarding the City Attorney evaluation, was continued to a future meeting.

1.8. Presentation – The City of Chico was presented with the “Tree City USA” award

1.9. Proclamation – Proclaiming March 7, 2006 as “Arbor Day”

1.10. Certificate of Appreciation – Honoring “Friends of Bidwell Park” for 5,000 hours of volunteer service

2. **CONSENT AGENDA** – Item 2.2. was removed and heard following the Consent Agenda. A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to approve the remaining Consent Agenda items:

2.1. **RESOLUTION NO. 12-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR THE PUBLIC SAFETY MANAGEMENT UNIT**

Adopted - a resolution amending the PERS Safety contract adding Employer Paid Member Contributions (EPMC). This resolution was required under PERS procedures to put into effect a negotiated benefit agreed to in Amendment No. 4 of the 2004 Public Safety Management Pay and Benefits Resolution. The Human Resources Director recommended adoption of the resolution.

2.2. **ACCEPTANCE OF REVISED VIEWSHED POLICY FOR BIDWELL PARK** – This item was removed from the Consent Agenda at the request of Councilmember Wahl for further discussion.

2.3. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING** - as amended

Approved – minutes of the City Council meeting held on 2/21/06, as amended below to reflect correction of the vote on Item 2.4., which was for the adoption of a resolution denying an appeal of a tentative parcel map at 1581 Mountain View Avenue (Hawes).

The motion carried by the following corrected vote:

AYES: Bertagna, Holcombe, Schwab, Gruendl
NOES: Herbert, Kirk, Wahl

The motion to approve the Consent Agenda, with Item 2.2. removed for further discussion, carried as read:
ITEMS REMOVED FROM CONSENT

2.2. ACCEPTANCE OF REVISED VIEWSHIP POLICY FOR BIDWELL PARK

Acceptance - of revised Bidwell Park Viewshed Policy. At its meeting of 2/07/06, the Council (6-1) approved a viewshed policy with modifications. At its meeting of 1/11/06, the Internal Affairs Committee recommended (3-0) that: (1) a proposed policy relating to development within the viewshed around upper and middle Bidwell Park be adopted and; (2) that Council send a letter to the Butte County Board of Supervisors encouraging the Board to incorporate a similar viewshed policy into the County’s General Plan. The Council was provided with a copy of the final viewshed policy and a strikeout version which incorporated the 2/07/06 requested changes made by the City Council. Acceptance of the policy would confirm prior Council action.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to refer the policy to the Internal Affairs Committee for additional clarification with an emphasis made on the Upper Bidwell Viewshed.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Schwab, Wahl, Kirk
NOES: Holcombe
ABSENT: Gruendl

3. NOTICED PUBLIC HEARINGS

3.1. ADOPTION OF AN ORDINANCE REZONING A PORTION OF PROPERTY LOCATED AT 340 WEST EAST AVENUE FROM OR OFFICE RESIDENTIAL TO R1 LOW DENSITY RESIDENTIAL - Final Reading

At its meeting of 12/15/05, the Planning Commission voted unanimously to recommend approval of a request to rezone 0.22 acres located on the northerly portion of the 6.69 acre Enloe Medical Facility at 340 West East Avenue. A determination was made that the project is exempt from environmental review pursuant to the Guidelines for California Environmental Quality Act California Code of Regulations, Title 14, Chapter 3, Section 15061 (b)(3) general rule exemption. Vice Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the rezone ordinance by final reading of the title only.

ORDINANCE NO. 2336 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A PORTION OF PROPERTY LOCATED AT 340 WEST EAST AVENUE AND IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-530-034, FROM OR OFFICE RESIDENTIAL TO R1 LOW DENSITY RESIDENTIAL REZONE 05-02 (LARSON) - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

3.2. APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF USE PERMIT 05-52 (COOK)

Hearing on an appeal of the Planning Commission's 12/01/05 approval of Use Permit 05-52 (Cook) to allow a 655 square-foot non-owner-occupied second dwelling unit in an existing accessory building at 179 E. Lincoln Avenue; AP No. 003-176-003. The proposed second dwelling unit does not meet all current standards for this use, and an appeal was filed by Karen Swartz. The site is designated Low
Density Residential on the General Plan diagram with a zoning classification of R1 Low Density Residential.

The Council was provided with letters from Dale J. Bennett, Carl B. Leverenz, Wayne Cook, and Dave Purvis, and a copy of a neighborhood petition with 51 signatures opposing the approval of the use permit provided by Karen Swartz.

**Announcement of Ex Parte Communications**

Councilmember Herbert announced that he had spoken with Wayne Cook and had received a message from Karen Swartz, although he did not speak directly with her. Councilmember Wahl announced that he had spoken with Wayne Cook and Karen Swartz. Councilmember Schwab announced that she had spoken with Karen Swartz. Councilmember Holcombe announced that he had spoken with Karen Swartz and Wayne Cook. Vice Mayor Kirk announced that she had spoken with Dave Purvis, Wayne Cook, and Karen Swartz.

Vice Mayor Kirk opened the hearing to the public. Addressing the Council in support of the appeal thereby overturning the Planning Commission’s approval of the use permit were Melinda Vasquez, Ken Fleming, Karen Swartz, and Stephen Matoian. Addressing the Council in opposition to the appeal were Dale Bennett, Carl Leverenz, Dave Purvis, and Wayne Cook. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl and seconded by Councilmember Schwab to adopt the following resolution, denying the appeal and thereby upholding the Planning Commission’s approval of the use permit.

**RESOLUTION NO. 13-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF A USE PERMIT TO ALLOW A SECOND DWELLING UNIT AT 179 EAST LINCOLN AVENUE (USE PERMIT 05-52 COOK)**

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Schwab, Wahl, Kirk  
**NOES:** Holcombe  
**ABSENT:** Gruendl

The City Council recessed at 8:10 p.m. for a ten minute break.  
The meeting was reconvened and all members were present, with Mayor Gruendl absent.

**3.3. APPEALS OF PLANNING COMMISSION APPROVAL OF A PLANNED DEVELOPMENT PERMIT (PDP 05-03) AND SECOND DWELLING UNITS (SDU 05-10 & SDU 05-11) IN THE PARKWOOD ESTATES SUBDIVISION (ZINK-TIMMONS DEVELOPMENT)**

Hearing on two appeals of the Planning Commission decision to approve a planned development permit (PDP) and two second dwelling units (SDU) for the previously-approved Parkwood Estates subdivision located north of Filbert Avenue off Riviera Court (formerly Cornus Alba Court); AP Nos. 045-280-054 and -055.

The approved PDP authorized reduced front and rear yard setbacks for the development and approved architectural elevations for the residences. Two separate appeals were filed on the Planning Commission’s decision from J.D. Zink and Andy Bruckman. The site is designated Low Density Residential on the General Plan diagram with a zoning classification of R1 Low Density Residential.  
(Report - Patrick Murphy, Senior Planner)

The Council was provided with an email received from Jane Turney, letters received from Juanita Sumner, Bryan Bruckman, Dylan Bruckman, Edgar and Louisiana Knox, and Donald J. Holm, and
petitions from neighbors of Parkwood Estates Subdivision. Councilmember Herbert announced that he was disqualified on this item and left the dias.

**Announcement of Ex Parte Communications**

Councilmember Holcombe announced that he had walked the property. Vice Mayor Kirk announced that she had spoken with Karen Van Ness. Councilmember Bertagna indicated that he had spoken with the property owner and some of his representatives.

Vice Mayor Kirk opened the hearing to the public. Speaking in favor of the appeal thereby overturning the Planning Commission approval of the planned development permit were Michael Wrightson, Tony O’Hanlon, June Rothe-Barnes, Valerie Milliron, Richard Milliron, Jane Turney, Louisana Knox, Diane Cariss, Leann Powell, Andy Bruckman, and Juanita Sumner. Speaking in opposition were Bruce McCrea and Karen Van Ness. The hearing was closed.

A motion was made by Councilmember Wahl to uphold the appeal and overturn the Planning Commission approval of the Planned Development Permit. The motion died for a lack of a second.

A motion was made by Councilmember Bertagna and seconded by Councilmember Holcombe to deny both the appeals, thereby upholding the Planning Commission’s decision to approve the project and adopt the following resolution with the modification of the Planning Commission’s condition of approval #3 to allow a rear yard setback of 6.5 feet for Lot 7:

**RESOLUTION NO. 14-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING SECOND DWELLING UNIT PERMITS SDU 05-10 AND SDU 05-11 AND CONDITIONALLY APPROVING PLANNED DEVELOPMENT PERMIT PDP 05-03 FOR PARKWOOD ESTATES OFF RIVIERA COURT (ZINK-TIMMONS DEVELOPMENT)**

The motion carried by the following vote:

**AYES:** Bertagna, Holcombe, Schwab

**NOES:** Wahl, Kirk

The meeting was reconvened and all members were present, with Mayor Gruendl absent.

**3.4. APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES)** - Continued from 2/07/06

Hearing on appeal of the Planning Commission’s approval of a request to subdivide a vacant 5.76 acre parcel to create 55 single family residential lots and 36 attached condominium units located in a proposed three-story condominium building. The Planning Commission also approved the project’s site, landscape, and architectural design. The site is located at the southeast corner of Sierra Sunrise Terrace and Idyllwild Circle, AP No. 018-360-002.

An appeal was filed requesting that the Council revise the conditions imposed by the Planning Commission to require that final approval of this project not be issued until: (1) the developer received architectural and design approval as required by the CC&Rs of the California Park Association and the Sierra Sunrise Village Property Association; and (2) an environmental impact report was prepared to reflect the potential impact of the proposed development on the giant garter snake and other relevant environmental issues. (Report - Kim Seidler, Planning Director)

**Announcement of Ex Parte Communications**
Councilmember Wahl announced that he had spoken with Cherene Sandidge, David Mogavero, and Mary Jensen. Councilmember Schwab announced that she had spoken with Barbara Copeland. Councilmember Holcombe and Vice Mayor Kirk announced that they had both spoken with Cherlene Sandidge, David Mogavero, with Vice Mayor Kirk also speaking with Judy DeMarois.

Vice Mayor Kirk opened the hearing to the public. Addressing the City Council in support of the appeal were Mary Jensen, Sharon Nichols, and Judy DeMarois. Speaking on behalf of the developer were Cherene Sandidge and David Mogavero. The hearing was closed.

Council discussed the possibility of locating replacement land zoned R-3 in order to rezone this property to R-2 and not require the developer to include the proposed senior housing project in order to meet density requirements in the Housing Element. Mr. Mogavero indicated to the Council that it was never the desire of the developer to build the senior housing project and would be open to exploring other options. Councilmember Herbert indicated that regardless of the final decision on this particular project, Council should consider sending a letter to state representatives regarding the density requirements in the Housing Element that are clearly not feasible for this community.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to continue the public hearing to 4/4/06 with staff to explore additional property zoned R-3 within the City and provide Council with this information on 4/4/06.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

4. **REGULAR AGENDA**

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. E-mail received 2/17/06 from Nicole Jones, Chico Mothers Club, offering possible solutions to the problems at Children’s Park. The City Manager recommended referral to the Internal Affairs Committee. A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to refer this item to the Internal Affairs Committee. Carried 6-0, with Mayor Gruendl absent.

6.2. E-mail received 2/08/06 from Thomas Hall, owner, Garden Walk Mall, asking the City Council to empanel a temporary citizen committee to review problems, identify solutions, and provide recommended actions for problems in the downtown area. The City Manager recommended referral to the Internal Affairs Committee. A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to refer this item to the Internal Affairs Committee, with direction to staff that the Police Department be in attendance when this item is discussed and that both the DCBA and Chico Community Shelter Partnership be notified of the meeting. Carried 6-0, with Mayor Gruendl absent.

7. **ADJOURNMENT**

Adjourned at 11:05 p.m. to a March 21, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.
1. **CALL TO ORDER** – Vice Mayor Kirk called the March 7, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
Absent: Gruendl

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

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Attorney performance evaluation was removed from the agenda and continued to a future meeting.

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

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

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

3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

Date Approved: March 21, 2006

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Deborah R. Presson, City Clerk
1. **CLOSED SESSION** - 6:00 p.m. – see page 7

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

1.3. Call to Order – Mayor Gruendl called the March 21, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Andrew Burchett, Neighborhood Church

1.6. Roll Call

   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk, Gruendl
   Absent: None

1.7. Closed Session Announcement – None

1.8. Proclamation — Proclaimed March 20, 2006 as the first day of the Persian New Year

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

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROVIDE FOR AN EXEMPTION FROM THE UTILITY USERS’ TAX FOR ELECTRICITY SERVICE CHARGES FOR CERTAIN AGRICULTURAL IRRIGATION** - Introductory Reading

   Introduced - an ordinance exempting electricity used in pumping water for agricultural irrigation from the Utility Users’ Tax. At its meeting of 1/17/06, the City Council approved the recommendation of the Finance Committee. The Assistant Community Services Director recommended Council introduce the ordinance by reading of title only.

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

   Approved – minutes of the City Council meeting held on 3/07/06, amended to include:

   Councilmember Holcombe’s ex parte communication with Wayne Cook and clarification on Item 3.3. indicating that Councilmember Holcombe did not speak with Judy De Marois. It was also noted that the Chico Community Shelter Partnership is be notified of the Internal Affairs Committee meeting when the Committee discusses downtown issues as reflected in Item 6.2.

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

   **AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   **NOES:** None

   It was noted that the Redevelopment Agency agenda was moved forward and heard at this time.

3. **NOTICED PUBLIC HEARINGS**
3.1. HEARING REGARDING THE ENLOE MEDICAL CENTER MASTER PLAN, INCLUDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, APPROVAL OF A GENERAL PLAN AMENDMENT AND REZONE (GPA/RZ 03-04), AND APPROVAL OF A DEVELOPMENT AGREEMENT (DA 03-03) BETWEEN THE CITY OF CHICO AND ENLOE MEDICAL CENTER AND RELATED PLANNING COMMISSION RECOMMENDATIONS

The Master Plan proposed the improvement and expansion of facilities within the existing Enloe campus for the time period 2005-2025. The campus is generally located west of the Esplanade, south of West Seventh Avenue, north of West Fourth Avenue, and east of Arcadian Avenue.

The project proposed expansion of the existing 186,405 square foot hospital building through the combination of new construction and remodeling of existing hospital space. The Master Plan is proposed to be built in three phases, and includes: (1) a new 191,000 square foot, five-story bed tower, which will provide a net increase of 142 patient beds; (2) a 742-space, three-story, four-level parking garage to be located on the east side of Magnolia Avenue between West Sixth and West Seventh Avenues and the alley; (3) realignment of Magnolia Avenue between West Fifth and West Sixth Avenues to facilitate the new hospital tower; and (4) construction of a passive park generally between Magnolia and Arcadian Avenues, and West Fifth and West Sixth Avenues. (Report - Brendan Vieg, Senior Planner) Councilmember Wahl was disqualified on this item and left the dias.

E-mails, letters, or phone calls in favor of the project were received from Ann Prater; Richard Drouillard; Charles Atkins; Judy Sitton, Trustee - Enloe Medical Center; Li Poa, M.D.; Jerry and Janet Arnoldy; Jessee Allread; Robert Westrom; Marsha Martin; C. Duane Dauner, President - California Hospital Association; Ken DuVall; Kathleen L. Friend-White; Nancy Ledoyen, Director Oncology & Integrative Services - Enloe; Jim Goodwin, President/CEO - Chico Chamber of Commerce; Bryan Coleman-Salgado, Director of Clinical Education - CSU Sacramento; Mitzy Edgecomb - BloodSource; Laverna Hubbard, President - Medical Business Solutions; Daniel Paul Layne I, Dean/Course Administrator - Absolute Safety Training Paramedic Program; Artie Lashbrook; Joseph Miceli and Steven Horne - Merit Medi-Trans.

E-mails and letters in opposition of the project were received from Karen Laslo; Ed McLaughlin; Barbara Reed; Mrs. Tom Wallace; Tamara Yates; Lee Laney; Nicole M. Phillips, Weinberg, Roger & Rosenfeld, Chico Avenues Neighborhood Association; Barry Johnson, M.D.; Charles Withuhn, County Council of the Green Party of Butte County; Blanca Colon-Simon; and Ann Marie Robinson - Infection Connection.

E-mails and letters with general comments about the project were received from Marvin Davidson; L. Renee Drake; Matthew McLaughlin; Jana Copp; Chris Harris; Rick Sorenson, Secretary, Chico Rooks Foundation; and Gina Wolfe.

Staff made a 30 minute presentation, followed by 15 minutes each for representatives from Enloe Medical Center and the Chico Avenues Neighborhood group.

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of the project were Bob Michels, Robin Kiutta, Mary Wahl, Gaye Devor, Judy Miller, Vincent Balarcoi, M.D., Nancy Marr, Marti Marshall, Mark Clarke, Jennifer Humphries, Steven Brousseau, Sherri Wheaton, Dr. Peter Magnusson, Steve Gonsalves, Doug Bentz, Joy Anderson Kimball, Roger Sroutt, James Manzo, A. Duane Menfee, M.D., Judy Sitton, Janet Ellis, Jeff House, Bob Linscheid, Linda Reynolds, Carol Linscheid, Bob Forde, Carol Butler, Scott Chalmers, Joe Chiapella, Michael Baird, M.D., Jim Sheets, Nancy Ledoyen, Barbara Mundy, Dr. Li Poa, Michael Ricks, Trisha Bingham, Marsha Martin, Tom DiGiovanni, Jim Goodwin, John Sutterfield, Bruce Burke, and Kary Thoma.

Addressing the Council in opposition were Charles Withuhn, Mickey Harrington, Kyle Harp, Barbara Reed, Jim North, Tag Engstrom, Barbara Garcia, Joanne Adams, Tamara Yates, Ed McLaughlin, John Martin, Jaime Meredith, Bill Unge, Lee Laney, Molly Amick, Tom Spofford, Ken Fleming, Beverly Robertson, Lucy Smith, Randall Stone, Karen Laslo, Barbi Boeger and Amyre DeDeaux.

Addressing the Council with general comments were Michael Cafferata, Kasey Merrill, Greg Holman, Linda Kline, Betty Nopel, Peter Calo, Mike Jensen and Jeff Wright. The hearing was closed.
The City Council took a ten minute break at 8:50 p.m. The meeting was reconvened and all members were present, with Councilmember Wahl disqualified.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to extend the meeting to 11:00 p.m. Carried 6-0-1, with Councilmember Wahl disqualified.

The City Council took a ten minute break at 10:35 p.m. The meeting was reconvened and all members were present, with Councilmember Wahl disqualified.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to extend the meeting to 11:30 p.m. Carried 6-0-1, with Councilmember Wahl disqualified.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to adopt the following resolution certifying the Final EIR:

RESOLUTION NO. 15-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ENLOE MEDICAL CENTER MASTER PLAN PROJECT (State Clearinghouse Number 2004012118)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Gruendl
NOES: Holcombe, Schwab
DISQ: Wahl

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following resolution making findings regarding environmental effects, adopting a statement of overriding considerations, adopting a mitigation and monitoring program for the project, and approving the amendment of General Plan land use designation for various properties within the Enloe campus:

RESOLUTION NO. 16-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO: (1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS; (2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; (3) ADOPTING A MITIGATION AND MONITORING PLAN FOR THE ENLOE MEDICAL CENTER MASTER PLAN PROJECT; AND (4) APPROVING GENERAL PLAN AMENDMENT 03-04 AFFECTING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE (State Clearinghouse Number 2004012118)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Schwab, Gruendl
NOES: Holcombe
DISQ: Wahl

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to introduce the following ordinance rezoning certain properties within the Enloe campus consistent with the Enloe Master Plan, by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (GPA/RZ 03-04; CITY OF CHICO) - Introductory Reading
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES: None
DISQ: Wahl

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to introduce the ordinance approving a development agreement (DA 03-03) between the City of Chico and Enloe affecting certain properties, by reading of the title only with the following amendments noted:

(1) Require that the annual review of the Transportation System Management Plan be conducted by the Internal Affairs Committee.

(2) Provide that the City will give notice to all property owners within 300 feet of any construction or remodel subject to review by the Architectural Review Board.

(3) Add the following condition to Exhibit D, Conditions of Approval, of the Development Agreement - “A landscaped wall shall be provided between the oxygen tank storage area and the residences located to the south on West Fourth Avenue.”

(4) Include the City’s share of the street and storm drain improvements to be constructed at various locations adjacent to the property subject to the development agreement.

(5) Require that Enloe send out a request for proposals (RFP) within 36 months after approval of the Development Agreement to solicit proposals for the future use of the 23’ setback area located on the north side of the parking structure. The RFP shall include a request for proposals for liner buildings but may also consider other uses.

(6) Clarify the project description in the development agreement by removing the red dashed line shown on the phasing figures in the Enloe Master Plan.

(7) Add a requirement that the existing tower be refaced during Phase 3 of the project so that it is architecturally consistent with the new tower.


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES: None
DISQ: Wahl

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to extend the meeting to 11:30 p.m. Carried 6-0-1, with Councilmember Wahl disqualified.

REGULAR AGENDA
4.1. RESOLUTION OF INTENTION TO ABANDON AND VACATE MAGNOLIA AVENUE RIGHT-OF-WAY BETWEEN WEST FIFTH AVENUE AND WEST SIXTH AVENUE PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (ENLOE MEDICAL CENTER)

Adopted - a resolution of intention to abandon and vacate Magnolia Avenue right-of-way to allow for construction of a hospital tower. The Director of Engineering recommended adoption of the resolution which will schedule a public hearing for 4/18/06. Councilmember Wahl was disqualified on this item.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to adopt Resolution No. 17-06 and scheduled the public hearing for 4/18/06.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES: None
DISQ: Wahl

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

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

The following report and communication was provided for the Council’s information. No action was taken.

6.1. The list of claims paid during the month of February 2006 was available for review in the offices of Finance, the City Clerk and the City Council.

7. ADJOURNMENT

Adjourned at 11:47 p.m. to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: April 4, 2006

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — March 21, 2006

Minutes

1. CALL TO ORDER – Mayor Gruendl called the March 21, 2006 – Adjourned Regular Chico Redevelopment Agency meeting to order immediately following the City Council Consent Agenda.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None
2. **CONSENT AGENDA** – The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of this item. A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the Consent Agenda:

2.1. **RDA RESOLUTION NO. 01-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO PACIFIC WEST COMMUNITIES FOR DEVELOPMENT OF A MULTIFAMILY APARTMENT COMPLEX ON PILLSBURY ROAD (AP No. 007-280-024) AS A LOW INCOME HOUSING PROJECT** (Agency Action)

**Adopted** - a resolution formally authorizing a loan of $3,900,000 to Pacific West Communities (PWC) for the Chico Courtyard Affordable Housing Project. At its meeting of 12/21/04, the Agency approved the loan subject to PWC securing the remaining financial resources necessary to develop the housing project (estimated at $14,00,000) and the approval of a Use Permit for the project by the City’s Planning Commission. The Use Permit was approved and PWC is now in the process of securing the required financing. The Housing Officer recommended adoption of the resolution.

**RESOLUTION NO. 18-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ALLOCATING SEVENTY-SIX UNITS OF EXISTING ARTICLE XXXIV AUTHORITY TO PACIFIC WEST COMMUNITIES FOR THE RENTAL HOUSING PROJECT ON PILLSBURY ROAD (AP No. 007-280-024)** (Council Action)

**Adopted** - a resolution authorizing the required Article 34 Authority for the Chico Courtyard Project which meets the definition of a “low rent housing project,” a project that receives public funds and more than 49% of the units are restricted to be affordable to low income households. State law requires that a jurisdiction where a “low rent housing project” is being developed provide an allocation of Article 34 Authority to the project. The Housing Officer recommended adoption of the resolution.

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting in the Council Chamber.

Date Approved: April 4, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the March 21, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

2. **CLOSED SESSION MATTERS**

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

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: Edward C. Ort v. City of Chico, et al., Butte County Superior Court Case No. 131394, pursuant to subdivision (a) of Government Code section 54956.9.

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

3. **ADJOURNMENT**

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

Date Approved: April 4, 2006

Deborah R. Presson, City Clerk
1. CLOSED SESSION - 6:00 p.m. - see page 3

1.2. REGULAR CITY COUNCIL MEETING - 6:30 p.m. to 8:30 p.m.

1.3. Call to Order – Mayor Gruendl called the March 28, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

1.6. Closed Session Announcement - None

1.7. Proclamation – Proclaiming April 2nd - April 8th as “National Library Week”

2. CONSENT AGENDA – None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. RESIDENTIAL INFILL AND FLAG LOT DEVELOPMENT ISSUES DISCUSSION

   The City Council discussed issues related to the residential development of infill properties in Chico. The Planning Director provided a report that included background information, options, and suggestions for Council consideration and possible direction. (Report - Kim Seidler, Planning Director)

   Addressing the Council on this item were Paul Watters, Tina Hoover, Dan Katz, Bruce McCrea, J.D. Zink, Jane Turney, Juanita Sumner, Cathie Toyston, Louisianna Knox, Valerie Milliron, Melinda Vasquez, Michael Wrightson, and Kevin Atkin.

   A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to: (1) direct staff to develop flaglot standards using the criteria provided from San Jose as a starting point.

   The motion carried by the following vote:

   AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
   NOES: Schwab

   Council indicated support for suggested approaches to infill flag lot development included in the staff report, specifically:

   Item 2 - requiring staff-level architectural review approval for single-family homes on flag lots;

   Item 3 - prohibiting home occupations and second dwelling units on infill flag lots;

   Item 4 - establishing a minimum setback requirement;

   Item 5 - requiring maps for flag lot divisions which would include building envelopes on new flag lots; and

   Item 6 - addressing privacy and design issues through staff design and architectural review.
Staff was also asked to look at the feasibility of: (1) limiting the number of flag lots to two per parcel; (2) placing the new driveway along the passive side of the adjacent lot; and (3) requiring maximum height to be relative to the setback.

It was also noted that citizens will be able to provide further public comment on this item once the standards have been developed and have been submitted for review and approval.

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

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 9:30 p.m. to April 4, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: April 18, 2006

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 28, 2006

CLOSED SESSION

Minutes

1. CALL TO ORDER

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

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

2. CLOSED SESSION MATTERS

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

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

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

3. ADJOURNMENT

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
1.1. CLOSED SESSION - 6:00 p.m. - See Page 11 and Appendix “A”

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

1.3. Call to Order — Vice Mayor Kirk called the April 4, 2006 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Invocation — Jules Vautrot, Baha’i Faith

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
Absent: Gruendl

1.7. Closed Session Announcement - None

1.8. Proclamation — Proclaimed the month of April as “Child Abuse Prevention Month”

1.9. Proclamation — Proclaimed April 2nd - 8th as “National Boys and Girls Club Week”

1.10. Proclamation — Honored Parking Meter Collector/Repair Charles Howard on his retirement after 33 years of service to the City.

2. CONSENT AGENDA – Items 2.2., 2.4., and 2.7. were removed from the Consent Agenda for discussion. A motion was made by Councilmember Herbert and seconded by Councilmember Holcombe to approve the remaining Consent Agenda items:

2.1. ORDINANCE NO. 2337 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO PROVIDE FOR AN EXEMPTION FROM THE UTILITY USERS’ TAX FOR ELECTRICITY SERVICE CHARGES FOR CERTAIN AGRICULTURAL IRRIGATION - Final reading and adoption

Adopted - an ordinance exempting electricity used in pumping water for agricultural irrigation from the Utility Users’ Tax. At its meeting of 3/21/06, the City Council introduced this ordinance which was originally recommended by the Finance Committee. The Assistant Community Services Director recommended adoption of the ordinance by reading of title only.

2.2. RESOLUTION NO. 19-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING PUBLIC NUISANCE AND SETTING TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS – This item was removed for additional discussion and heard immediately following the approval of the Consent Agenda.

2.3. ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Engineering recommended adoption of these resolutions.

A. RESOLUTION NO. 20-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 811 and 813 RANCHERIA / A.P. No. 043-180-038 (petition from property owner David and Teresa Turri)
B. RESOLUTION NO. 21-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 623 WEST 4TH AVENUE / A.P. No. 043-150-009  (petition from property owners Vernon and Martha White)

2.4. ORDINANCE NO. 2338 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (GPA/RZ 03-04; CITY OF CHICO) - Final Reading and Adoption

ORDINANCE NO. 2339 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND ENLOE MEDICAL CENTER AFFECTING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (DA 03-03; CITY OF CHICO/ENLOE MEDICAL CENTER) - Final Reading and Adoption

This item was removed for additional discussion and heard immediately following the approval of the Consent Agenda.

2.5. MINUTE ORDER NO. 11-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE EAST AVENUE RECONSTRUCTION PROJECT AND UTILITY UNDERGROUNDING

Approved - minute order authorizing the City Manager to execute agreements to acquire property rights from owners of various parcels on East Avenue between Cohasset Road and Ceanothus Avenue. The Administrative Services Director recommended approval of the minute order.

2.6. ACCEPTANCE – COMMUNITY ORGANIZATION COMPLIANCE AUDITS FOR FY 2004-05 AS RECOMMENDED BY THE FINANCE COMMITTEE

At its meeting of 4/4/06, the Finance Committee reviewed the Community Organization Compliance Audits for Fiscal Year 2004-05 as prepared by Nystrom & Company LLP, Certified Public Accountants for compliance with the provisions of the community organization funding agreements. The Finance Committee recommended (3-0) acceptance of the audits for FY 2004-05.

2.7. APPROVAL – CITY COUNCIL MINUTES OF 3/21/06 MEETING – This item was removed for additional discussion and heard immediately following the approval of the Consent Agenda.

The motion to approve the Consent Agenda, with items 2.2., 2.4., and 2.7. removed for further discussion, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

ITEMS REMOVED FROM CONSENT

2.2. RESOLUTION NO. 19-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING PUBLIC NUISANCE AND SETTING TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS – This item was removed for additional discussion at the request of Councilmember Schwab.
Adopted - a resolution which requires the abatement of weeds, rubbish, refuse, and/or debris; set a public hearing for Tuesday, 5/02/06; and directs the City Clerk to mail notices of the public hearing to all owners of parcels listed on the attached Exhibit “A” of the resolution. The Projects Manager recommended adoption of the resolution.

Councilmember Schwab noted that Enloe was still being shown as the property owner of several parcels in Exhibit “A” of the proposed resolution. Projects Manager Wood indicated that staff uses the latest tax roll to notify owners which may not include recent changes of property ownership. Councilmember Schwab asked that staff notify Council when the next tax roll is made available in order to verify that Enloe has sold the property in question.

A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to adopt the above resolution regarding the abatement of weeds.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

2.4. ORDINANCE NO. 2338 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (GPA/RZ 03-04; CITY OF CHICO) - Final Reading and Adoption

ORDINANCE NO. 2339 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND ENLOE MEDICAL CENTER AFFECTING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (DA 03-03; CITY OF CHICO/ENLOE MEDICAL CENTER) - Final Reading and Adoption

At its meeting of 03/21/06, a public hearing was held and the above ordinances were introduced. The City Council approved (6-0-1, Wahl disqualified) the Development Agreement (DA 03-03) between the City of Chico and Enloe Medical Center and a rezone affecting certain properties located generally west of the Esplanade, south of West Seventh Avenue, north of West Fourth Avenue, and east of Arcadian Avenue. The Planning Director recommended adoption of these ordinances by the reading of the title only. Councilmember Wahl was disqualified on this item. The Council was provided with an e-mail received in opposition from Jeanne Ertle.

This item was removed for additional discussion at the request of Councilmembers Bertagna and Holcombe. Councilmember Bertagna asked for clarification on the refacing of the tower during Phase 3, as listed in the development agreement. Assistant City Attorney Barker indicated that the wording would not preclude the refacing of the tower to occur during, or, by the end of Phase 3.

Councilmember Holcombe questioned: (1) the covenant on the park, which was addressed by Assistant City Attorney Barker; and (2) a condition that he felt had not been included in the development agreement pertaining to an assignment clause in the event Enloe transferred the development agreement to another entity. Following Councilmember Holcombe’s comments, Council concurred that while it had been discussed, the assignment clause was not included in the final action taken by Council on 3/21/06.

A motion was made by Councilmember Holcombe to agendize the discussion of including an assignment clause in the development agreement at a future meeting. The motion died for a lack of a second.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following ordinances, by reading of the title only:
ORDINANCE NO. 2338 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (GPA/RZ 03-04; CITY OF CHICO) - Final Reading and Adoption

ORDINANCE NO. 2339 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND ENLOE MEDICAL CENTER AFFECTING CERTAIN PROPERTIES LOCATED GENERALLY WEST OF THE ESPLANADE, SOUTH OF WEST SEVENTH AVENUE, NORTH OF WEST FOURTH AVENUE, AND EAST OF ARCADIAN AVENUE; AP Nos. Various (DA 03-03; CITY OF CHICO/ENLOE MEDICAL CENTER) - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Kirk
NOES: None
ABSENT: Gruendl
DISQ: Wahl

2.7. APPROVAL – CITY COUNCIL MINUTES OF 3/21/06 MEETING – This item was removed from the Consent Agenda at the request of Councilmember Holcombe.

A motion was made by Councilmember Holcombe and seconded by Councilmember Herbert to approve the 3/21/06 City Council minutes.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

3. NOTICED PUBLIC HEARINGS

3.1. ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA BREWING COMPANY)

Hearing to abandon and vacate a portion of a public alley located west of Franklin Street to allow for the construction of a sound wall. At its meeting of 2/21/06, the City Council adopted the resolution of intention to abandon and vacate a portion of an alley and set a public hearing for this meeting. (Report - Fritz McKinley, Director of Engineering)

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

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

RESOLUTION NO. 22-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA BREWING COMPANY / APN'S 005-450-020, 031, 032)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl
3.2. HEARING ON INITIATION OF "ISLAND" ANNEXATION PROCEEDINGS FOR EAST AVENUE ANNEXATION DISTRICT NO. 22

Hearing on the initiation of the annexation of 490 parcels which comprise the entirety of four adjacent "islands of unincorporated territory," with a total area of 182.84 acres, located in the area bounded by Lindo Channel, Mariposa Avenue, East Avenue and Cohasset Road. The area is developed with residential, institutional, commercial, and office uses, consistent with the General Plan and prezoning. Property owners were identified in the agenda report. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. (Report - Clif Sellers, Assistant Community Services Director)

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


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

3.3. HEARING ON INITIATION OF "ISLAND" ANNEXATION PROCEEDINGS FOR EAST AVENUE ANNEXATION DISTRICT NO. 23

Hearing on the initiation of the annexation of 272 parcels which comprise the entirety of four adjacent "islands of unincorporated territory," with a total area of 102.97 acres, located in the area bounded by Floral Avenue, Lupin Avenue/Eaton Road, East Avenue and Cohasset Road. The area is developed with residential, institutional, commercial, and office uses, consistent with the General Plan and prezoning. Property owners were identified in the agenda report. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. (Report - Clif Sellers, Assistant Community Services Director)

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

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


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSENT: Gruendl

3.4. HEARING ON INITIATION OF "ISLAND" ANNEXATION PROCEEDINGS FOR EAST AVENUE ANNEXATION DISTRICT NO. 24

Hearing on the initiation of the annexation of 367 parcels which comprise the entirety of three adjacent "islands of unincorporated territory," with a total area of 127.47 acres, located in the area bounded by Lassen Avenue, California State Route 99, East Avenue and Cohasset Road. The area is developed with residential, institutional, commercial, and office uses, consistent with the General Plan and prezoning. Property owners were identified in the agenda report. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. (Report - Clif Sellers, Assistant Community Services Director)
Petitions were received in opposition of the annexation from: Charlie Pelton, Natalie Pelton, Robin Pelton, Jackie Evans, Bob Kirkman, Jack Ferguson, Paula Cunningham, Lorraine Hanson, Helen Moorman, Kim Archibald, Pam Dakof, Mike Dakof, Barbara Skjonsby.

Vice Mayor Kirk opened the hearing to the public. Addressing the Council in opposition to the annexation were Melvin Smith and Arlea Sanghsnach. The hearing was closed to further public comment.

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Mayor Gruendl arrived at 8:30 p.m.

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


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
NOES: None
ABSTAIN: Gruendl

3.5. HEARING ON INITIATION OF "ISLAND" ANNEXATION PROCEEDINGS FOR NORD AVENUE ANNEXATION DISTRICT NO. 19

Hearing on the initiation of the annexation of 23 parcels which comprises the entirety of an "island of unincorporated territory," with a total area of 36.65 acres, located between Nord Avenue (State Highway Route 32) and the Union Pacific Railroad tracks, southeast of West 8th Avenue.

The area is developed with residential, institutional, commercial, warehousing and industrial uses, consistent with the General Plan and prezoning. Property owners were identified in the agenda report. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. *(Report - Clif Sellers, Assistant Community Services Director)*

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

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

RESOLUTION NO. 26-06 – 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 - NORD AVENUE ANNEXATION DISTRICT NO. 19

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
3.6. APPEAL OF PLANNING COMMISSION APPROVAL OF THE DISCOVERY BUILDERS TENTATIVE PARCEL MAP (PM 05-05) (DISCOVERY BUILDERS)

The Planning Commission had imposed a condition requiring dedication of a 20-foot public bike/pedestrian easement in association with the approval of the Discovery Builders Tentative Parcel Map (PM 05-05).

The map proposed to subdivide 10.2 acres into two parcels, a 2.2-acre parcel for existing residences and related improvements (Parcel 1), and a 7.12-acre parcel for future single-family residential development (Parcel 2). An appeal was filed on the Planning Commission’s decision from the applicant, Discovery Builders. The subject site is located on the south side of the future Eaton Road extension, and northwest of the terminus of Bay Avenue, identified as AP No. 006-690-036.

The subject property was recently designated Low Density Residential and prezoned R1 Low Density Residential through the adoption of the Northwest Chico Specific Plan. *(Report - Claudia Sigona, Senior Planner)*

Announcement of Ex-Parte Communications:

Councilmember Herbert announced that he had contact with the appellant and received an email from Ed McLaughlin. Mayor Gruendl and Councilmembers Wahl, Bertagna, and Kirk announced that they also received an email from Ed McLaughlin and Jim Mann. Councilmember Holcombe announced that he drove the property with the appellant and also received an email from Ed McLaughlin.

Addressing the Council in support of the appeal were Jim Mann, Judy Fawcett, and Tim Ferris. Speaking in opposition was Kelly Meagher.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to: (1) adopt the following resolution upholding the appeal, thereby upholding the approval of the Project by the Planning Commission, but removing the condition imposed by the Planning Commission which required dedication of a public pedestrian/bike path prior to or in conjunction with the filing of the Final Map; (2) removal of Finding No. 3 of the resolution regarding inconsistency; and (3) refer a general discussion of appeal fees to the Finance Committee and identify possible funding sources should Council decide to subsidize a portion of the fees.

RESOLUTION NO. 27-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO UPHOLDING AN APPEAL AND MODIFYING THE PLANNING COMMISSION’S APPROVAL OF THE DISCOVERY BUILDERS TENTATIVE PARCEL MAP (PM 05-05 DISCOVERY BUILDERS) - as amended.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.7. CONSIDERATION OF DRAFT ANNUAL PLAN FOR THE CITY’S 2006-07 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS AS REVIEWED BY THE FINANCE COMMITTEE AT ITS MEETING OF 3/22/06

The City will receive $1,616,033 of CDBG and HOME funds for the 2006-07 program year. The report included a list of proposed housing and community development activities recommended (3-0) by the Finance Committee at its 3/22/06 meeting for inclusion in the City’s draft annual plan. At this meeting the City Council conducted the first of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the U.S. Department of Housing and Urban Development (HUD). A second hearing and adoption of the final Annual Plan will be scheduled for the City Council meeting of 5/16/06. *(Report - Dennis McLaughlin, Housing Officer)*

Mayor Gruendl 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 Holcombe to: (1) adopt a draft Annual Plan; (2) direct staff to publish the draft Annual Plan as part of a 30-day public comment period; and schedule the second hearing and adoption of the final Annual Plan for the meeting of 5/16/06.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.8. HEARINGS REGARDING VARIOUS SPECIFIC PLAN AMENDMENTS TO THE NORTHWEST CHICO SPECIFIC PLAN

The City Council conducted separate hearings to consider four individual specific plan amendments. An Environmental Impact Report (EIR) was prepared and certified by the City Council for the Northwest Chico Specific Plan (NWCSP) on 12/5/06. Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, the proposed specific plan amendments were examined in the light of the overall adoption of NWCSP and have been found to be within the scope of the project covered by the EIR. No new significant effects would occur and no new mitigation measures are warranted as a result of the proposed specific plan amendments that were not previously identified in the NWCSP EIR. As a result, no additional environmental analysis is required. A copy of the NWCSP and its associated EIR were available for public review in the Planning Division Office at 411 Main Street. (Report - Kim Seidler, Planning Director)

A. SPECIFIC PLAN AMENDMENT 05-01 TO THE NORTHWEST CHICO SPECIFIC PLAN (WEBB HOMES; A. P. No. 006-680-009)

Hearing on the Planning Commission’s recommendation regarding Specific Plan Amendment 05-01 requesting the removal of language in the NWCSP which raises the density requirement on a property owned by the applicant from a minimum of 2.01 to a minimum of 5 to 6 units per acre.

Mayor Gruendl opened the hearing to the public. Addressing the City Council on this item was Greg Webb. The hearing was closed to further public comment.

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

RESOLUTION NO.  28-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO REGARDING SPECIFIC PLAN AMENDMENT 05-01 TO THE NORTHWEST CHICO SPECIFIC PLAN (WEBB HOMES; A. P. NO. 006-680-009)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Schwab, Wahl, Gruendl
NOES: Holcombe

B. SPECIFIC PLAN AMENDMENT 05-02 TO THE NORTHWEST CHICO SPECIFIC PLAN (WEBB HOMES; A. P. Nos. 006-680-006 through 009)

Hearing on the Planning Commission’s recommendation regarding Specific Plan Amendment 05-02 requesting incorporation into the NWCSP of a special residential street standard that is specific to the applicant's properties.

Mayor Gruendl opened the hearing to the public. Addressing the Council on this item was Greg Webb. The hearing was closed to further public comment.

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to adopt the following resolution, as amended to include: (1) 58-foot-right-of-way road width; (2) seven foot parking lanes; (3) sidewalk widths to remain the same; and (4) all intersections to be treated with traffic calming bulbed pedestrian ramps.
RESOLUTION NO. 29-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO REGARDING SPECIFIC PLAN AMENDMENT 05-02 TO THE NORTHWEST CHICO SPECIFIC PLAN (WEBB HOMES; A. P. Nos. 006-680-006 through 009), as amended

The motion failed by the following vote:

AYES: Holcombe, Kirk, Gruendl
NOES: Bertagna, Herbert, Wahl, Schwab

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt the resolution regarding Specific Plan Amendment 05-02, as amended to include: (1) 58-foot-right-of-way road width; (2) seven foot parking lanes; (3) sidewalk widths to be reduced to 4 feet; and (4) all intersections to be treated with traffic calming bulbed pedestrian ramps.

The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Holcombe, Kirk, Schwab, Gruendl

Councilmembers Bertagna and Herbert indicated, for the record, that they wanted to change their votes on the original motion, which was:

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to adopt the following resolution, as amended to include: (1) 58-foot-right-of-way road width; (2) seven foot parking lanes; (3) sidewalk widths to remain the same; and (4) all intersections to be treated with traffic calming bulbed pedestrian ramps.

RESOLUTION NO. 29-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO REGARDING SPECIFIC PLAN AMENDMENT 05-02 TO THE NORTHWEST CHICO SPECIFIC PLAN (WEBB HOMES; A. P. Nos. 006-680-006 through 009), as amended

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

C. SPECIFIC PLAN AMENDMENT 05-03 TO THE NORTHWEST CHICO SPECIFIC PLAN (RURAL CONSULTING ASSOCIATES)

Hearing on the Planning Commission’s recommendation regarding Specific Plan Amendment 05-03 requesting restoring the Eaton Road design treatment, with soundwalls, that was included in the draft NWCSP consistent with the 2004 direction of the City Council.

Mayor Gruendl opened the hearing to the public. Addressing the Council on this issue was Jim Mann. The hearing was closed to further public comment.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl approve the amendment by adoption of the following resolution:

RESOLUTION NO. 30-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO REGARDING SPECIFIC PLAN AMENDMENT 05-03 TO THE NORTHWEST CHICO SPECIFIC PLAN (RURAL CONSULTING ASSOCIATES)

The motion carried by the following vote:

AYES: Bertagna, Herbert,Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

D. SPECIFIC PLAN AMENDMENT 05-04 TO THE NORTHWEST CHICO SPECIFIC PLAN (EPICK HOMES; A. P. No. 006-690-007)

Hearing on the Planning Commission’s recommendation regarding Specific Plan Amendment 05-04 requesting incorporation into the NWCSP of a special residential street standard that is specific to the applicant’s property. Councilmembers Bertagna and Herbert were disqualified on this item and left the dias.
Mayor Gruendl opened the hearing to the public. Addressing the Council on this item was Pete Giampaoli. No one else spoke and the hearing was closed to further public comment.

A motion was made by Councilmember Wahl and seconded by Councilmember Holcombe to adopt the following resolution as amended to include: (1) 58-foot-right-of-way road width; (2) seven foot parking lanes; (3) sidewalk widths to remain the same; and (4) all intersections to be treated with traffic calming bulbed pedestrian ramps.

RESOLUTION NO. 31-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO REGARDING SPECIFIC PLAN AMENDMENT 05-04 TO THE NORTHWEST CHICO SPECIFIC PLAN (EPICK HOMES; A. P. No. 006-690-007), as amended

The motion carried by the following vote:

AYES: Holcombe, Kirk, Gruendl
NOES: Schwab, Wahl
DISQ: Bertagna, Herbert

3.9. REQUEST FOR CONTINUATION OF APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES) - Continued from 3/07/06

The City Council heard this appeal on 2/7/06 and 3/7/06, and continued the public hearing to this meeting in order to allow time to consider the option of downzoning the property and processing a project of lower density than that originally approved by the Planning Commission. (Report - Kim Seidler, Planning Director)

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to continue the hearing to 4/18/06 to allow additional time for resolution.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4. REGULAR AGENDA

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

5. BUSINESS FROM THE FLOOR – None.

6. ADJOURNMENT

Adjourned at 10:00 p.m. to April 18, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: April 18, 2006

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 4, 2006

CLOSED SESSION

Minutes

1. CALL TO ORDER – Vice Mayor Kirk called the April 4, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

   Roll Call:
   
   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk
   Absent: Gruendl

   Staff Present: City Manager Jones, Assistant City Attorney Barker, Assistant City Manager Burkland, Administrative Services Director Pierce, Director of Engineering McKinley, City Clerk Presson, and Director of Human Resources Fultz.

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

   (Gov. Code Sec. Section 54954.8.)

   Negotiator: Greg Jones, City Manager

   Under Negotiation: Price and terms of payment for proposed acquisition

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

2.2. CONFERENCE WITH LABOR NEGOTIATOR

   (Gov. Code Sec. 54957.6.)

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

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

3. ADJOURNMENT

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 18, 2006
Minutes

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

1.2. REGULAR CITY COUNCIL MEETING – 6:30 p.m.

1.3. Call to Order

Mayor Gruendl called the April 18, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Moment of Silence

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk, Gruendl
Absent: None

1.7. Closed Session Announcement - None

1.8. Proclamation - Celebrating the 20th Anniversary of the Butte Interagency Narcotics Task Force

1.9. Presentation - Recognizing the volunteer efforts of Adventure Outings; Community Action Volunteers in Education, Campus Crusade for Christ; CSU, Chico, and The College of Engineering; Computer Science and Construction Management Students for their service to Hurricane Katrina victims in honor of National Volunteer Week

2. CONSENT AGENDA – Item 2.7. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the remaining Consent Agenda items:

2.1. RESOLUTION NO. 32-06 – 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 (NORTHWEST CHICO ANNEXATION DISTRICT NO. 1)

Adopted - a resolution amending the Sphere of Influence (SOI) and annexing property within the recently adopted Northwest Chico Specific Plan (Specific Plan). Within the Specific Plan, approximately 601 acres are outside the City’s current limits, and of that acreage, approximately 160 acres lie outside of the SOI. In order to begin implementation of the Specific Plan and allow pending development applications to proceed, staff requested that Council initiate the SOI amendment and annexation. The SOI amendment and annexation of property within the Specific Plan were included in the project description for which an environmental impact report (EIR) was certified by Council at the public hearing held 12/06/05. Senior Planner Sigona recommended adoption of the resolution. Councilmembers Bertagna and Herbert were disqualified on this item.


Adopted - a resolution on the initiation of the annexation of Humboldt Road and El Monte Avenue right-of-way, and a single privately owned parcel at 2051 Humboldt Road, with a total area of 3.95 acres.

The annexation was proposed to facilitate the City project to reconstruct and widen Humboldt Road from Forest Avenue to Hank Marsh Junior High School and El Monte Avenue from Humboldt Road northerly to Dead Horse Slough. The Assistant Community Services Director recommended adoption of the resolution.

2.3. RESOLUTION NO. 34-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO N.T. ENLOE MEMORIAL HOSPITAL FOR
ENCROACHMENT ON PUBLIC RIGHT-OF-WAY (WEST FIFTH AVENUE - BUILDING OVERHANG NO. 1)

Adopted a resolution authorizing a grant of license to encroach on public right-of-way on West Fifth Avenue, east of Magnolia Avenue, to facilitate the construction of an overhang related to the expansion of Enloe Hospital. The Director of Engineering recommended adoption of the resolution.

2.4. RESOLUTION NO. 35-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution to destroy certain records over two years of age. The Human Resources Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 36-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY AND SEWER EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (HEGAN LANE / A. P. Nos. 039-620-018 & 019)

Adopted - a resolution of intention to abandon and vacate three easements located on Assessor’s Parcel Numbers (APNs) 039-620-018 & 019 to facilitate development of the site. The specific request was to abandon two public utility easements located on each side of APN 039-620-018, and one sewer easement on the east side of APN 039-620-019. The Director of Engineering recommended adoption of the resolution which schedules a public hearing for 5/16/06.

2.6. APPROVE RECOMMENDATION TO CONTRACT WITH NYSTROM & COMPANY, LLP TO PERFORM THE CITY’S FINANCIAL AUDIT

Approved - the awarding of the auditing services contract to the firm of Nystrom & Company, LLP, who placed second in the Request for Proposals conducted in Fiscal Year 2002-03. Per section 1109 of the City Charter, the City Council is to engage an independent accountant, licensed by the State Board of Accountancy, to perform an audit of the financial statements. The City was notified 4/03/06 that its current auditing firm, Macias, Gini & Company cannot fulfill its contract to provide auditing services for the 2005-06 Fiscal Year and beyond. The Finance Director recommended the City Council award the auditing services contract to Nystrom & Company, LLP.

2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS – This item was removed from the Consent Agenda and considered immediately after the approval of the remaining Consent Agenda items.

The motion to approve the Consent Agenda, with Item 2.7. removed for further discussion, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
DISQ: Bertagna and Herbert on Item 2.1. only

ITEMS REMOVED FROM CONSENT:

2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 3/28/06 and 4/04/06, as amended to reflect correction of vote of item 3.8.A., adoption of a resolution regarding Specific Plan Amendment 05-01 to the Northwest Chico Specific Plan (Webb Homes; APN 006-680-009).

Councilmember Schwab voted “AYE” and Councilmember Holcombe voted against. Mayor Gruendl asked that the minutes of 4/4/06 be amended to include his disclosure of ex parte communication on Item 3.7.
The motion to approve the minutes, as amended, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE ABANDONMENT OF A PORTION OF MAGNOLIA AVENUE**

N. T. Enloe Memorial Hospital petitioned the City to abandon a portion of Magnolia Avenue between West Fifth Avenue and West Sixth Avenue to allow for the construction of a hospital tower consistent with its proposed expansion project. Councilmember Wahl was disqualified on this item and left the dias. (Report - Fritz McKinley, Director of Engineering)

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

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

**RESOLUTION NO. 37-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF MAGNOLIA AVENUE PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (N. T. ENLOE MEMORIAL HOSPITAL)**

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES: None
DISQ: Wahl

3.2. **APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES) - continued from 4/04/06**

Hearing - on appeal of the Planning Commission’s approval of a request to subdivide a vacant 5.76 acre parcel to create 55 single family residential lots and 36 attached condominium units located in a proposed three-story condominium building. The Planning Commission also approved the project’s site, landscape, and architectural design. The site is located at the southeast corner of Sierra Sunrise Terrace and Idyllwild Circle, Assessor’s Parcel No. 018-360-002. An appeal was filed requesting that the Council revise the conditions imposed by the Planning Commission to require that final approval of this project not be issued until: (1) the developer has received architectural and design approval as required by the CC&Rs of the California Park Association and the Sierra Sunrise Village Property Association; and (2) an environmental impact report is prepared to reflect the potential impact of the proposed development on the giant garter snake and other relevant environmental issues. The City Council heard this appeal on 2/07/06, 3/07/06 and 4/04/06, and continued the public hearing to this meeting. (Report - Kim Seidler, Planning Director)

The City Council was provided with a letter received from Gregory R. Shaughnessy, legal representative for Sierra Sunrise LLC, stating reasons why the appeal should be denied.

**Announcement of Ex-Parte Communications** - None

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of upholding the appeal was Sharon Nichols. Addressing the Council in opposition were Greg Shaughnessy, Bruce Inman, and Cherene Sandridge.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to: (1) uphold the appeal, thereby overturning the Planning Commission’s decision to approve the project; (2) encourage the applicant to resubmit the smaller project originally proposed; (3) direct staff to initiate the rezone and General Plan Amendment; and (4) expedite the rezone application process.
A confirming resolution will be brought back at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk, Wahl, Gruendl
NOES: Holcombe, Schwab

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ENGINEER’S REPORT AND RESOLUTIONS REGARDING THE FORMATION OF THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05**

At its 4/26/05 meeting, the City Council adopted Resolution No. 122 04-05 initiating the proceedings for the formation of the Baroni Neighborhood Park and Open Space Landscaping and Lighting District (No. LLD 001-05) to help fund the improvements and maintenance of the park and open space areas. The resolution also ordered the preparation of an Engineer’s Report for the formation of the District. (Report - Dennis Beardsley, General Services Director) Mayor Gruendl was disqualified on this item and left the dias.

A motion was made by Councilmember Schwab and seconded by Councilmember Herbert to:

1. Adopt the resolution approving the Engineer’s Report for the Baroni Neighborhood Park and Open Space Landscaping and Lighting District No. 001-05.

   **RESOLUTION NO. 38-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO PRELIMINARILY APPROVING THE ENGINEER’S REPORT FOR CITY OF CHICO BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 FOR PARK AND OPEN SPACE MAINTENANCE AND IMPROVEMENTS**

2. Adopt the resolution declaring the Council’s intention to form the Baroni Neighborhood Park and Open Space Landscaping and Lighting District No. LLD 001-05.

   **RESOLUTION NO. 39-09 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING ITS INTENTION TO FORM BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05; TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN SUCH DISTRICT COMMENCING IN FISCAL YEAR 2006-07; TO CONDUCT A PROPERTY OWNER BALLOT PROCEEDING ON THE MATTER OF THE PROPOSED ASSESSMENTS AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS** - as amended to include the correct date of the public hearing.

3. Set the public hearing for Tuesday, 6/20/06 at 6:30 p.m. or as soon thereafter as feasible in the Chico City Council Chambers located at 421 Main Street, Chico, California.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl
NOES: None
DISQ: Gruendl

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. The list of claims paid during the month of March 2006 was available for review in the offices of Finance, the City Clerk and the City Council.
6.2. Letter received from Greg Bard appealing his Notice of Suspension and Proposed Revocation of City of Chico Vehicle for Hire-Driver Permit. The City Manager recommended that Council set a hearing on the appeal for the meeting of 5/2/06.

6.3. E-mail received from Scott Beauchamp appealing his Notice of Suspension and Proposed Revocation of City of Chico Vehicle for Hire-Driver Permit. The City Manager recommended that Council set a hearing on the appeal for the meeting of 5/2/06.

7. **ADJOURNMENT**

   Adjourned at 8:45 p.m. to May 2, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: May 2, 2006

________________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the April 18, 2006 – Adjourned Regular Chico City Council Meeting in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
   Absent: None  

   Staff Present: City Attorney Frank

2. **CLOSED SESSION MATTERS**

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

3. **ADJOURNMENT**

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

1.2. REGULAR CITY COUNCIL MEETING

1.3. Call to Order – Mayor Gruendl called the May 2, 2006 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Reverend Karen Kahn, Spiritual Enrichment Center

1.6. A moment of silence was dedicated to the memory of Gerald McNair, City employee originally hired in 1959 for the Engineering Department and who passed away April 11, 2006.

1.7. Roll Call

Present: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: Bertagna (arrived at 6:37 p.m.)

1.8. Closed Session Announcement - None

1.9. Proclamation — Proclaiming May as Veteran’s Appreciation Month

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

2.1. RESOLUTION NO. 40-06 – A RESOLUTION OF INTENT ON OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A STORM DRAIN EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (LONGBOARD SUBDIVISION UNIT 2 / A.P. Nos. 016-010-034 & 038)

Adopted - a resolution to abandon and vacate a public storm drain easement on Lot 27 of the Longboard Subdivision, Unit 2. The easement was intended to contain a storm drain that would provide drainage for lands to the east of the subdivision, but that storm drain was placed in a different location, making the easement no longer necessary. The Director of Engineering recommended adoption of the resolution which scheduled a public hearing for 6/6/06.

2.2. RESOLUTION NO. 41-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution authorizing destruction of certain City Attorney Office records over two years of age. The City Attorney recommended adoption of the resolution.

2.3. RESOLUTION NO. 42-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR PUBLIC SAFETY MANAGEMENT UNIT (A RESOLUTION REPLACING AND RESCINDING RESOLUTION NO. 12-06)

Adopted - a resolution rescinding Resolution No. 12-06 and amending the City’s PERS contract, adding Employer Paid Member Contributions (EPMC) for Public Safety Management Unit. The Human Resources Director recommended adoption of the resolution.
2.4. **RESOLUTION NO. 43-06 – A RESOLUTION APPROVING THE “MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE CHICO POLICE OFFICERS’ ASSOCIATION - SWORN UNIT REGARDING PAY, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PERIOD OF JUNE 30, 2002 THROUGH DECEMBER 22, 2007” (RESTATED VERSION 1, ADOPTED 5/02/06)**

**Adopted** - a resolution which modified a number of pay and benefit provisions in the Memorandum of Understanding applicable to the Chico Police Officers’ Association. These modifications resulted from recently concluded negotiations with the Association and were set forth in the agenda report along with estimated costs. The Human Resources Director recommended adoption of the resolution. Councilmember Bertagna was disqualified on this item.


**Adopted** - a resolution supporting the repeal of the California Education Code hazing provisions and would instead codify a new definition of hazing within the California Penal Code allowing the crime to carry misdemeanor and felony penalties. The City Clerk recommended adoption of the resolution.

2.6. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS** – At the request of Mayor Gruendl, this item was removed from the Consent Agenda and heard immediately following.

The motion to approve the Consent Agenda, with Item 2.6. removed and heard immediately following the approval, carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

**DISQ:** Bertagna - Item 2.4. only

**ITEMS REMOVED FROM CONSENT**

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

Mayor Gruendl asked for an amendment of the 4/18/06 minutes to reflect his disqualification on Item 4.1. regarding the Baroni Park Lighting and Maintenance District.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to approve the 4/18/06 minutes as amended.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

**DISQ:** Bertagna - Item 2.4. only

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON WEED ABATEMENT**

A hearing was held to consider objections to the resolution adopted 4/04/06 which declared that weeds, rubbish, refuse, and/or debris were to be removed and abated. Adoption of the following resolution overrules any objections to the previously adopted resolution, establishes Wednesday, 5/31/06 as the last day for voluntary abatement and removal of weeds, rubbish, refuse, and/or debris and directs the Community Services Director to: (1) cause removal of the weeds, rubbish, refuse, and/or debris not voluntarily removed; (2) maintain an accounting of costs associated with the abatement; and (3) provide the Council with a report of the costs to be recovered from property owners. Notice of the hearing was
mailed to all property owners on the list attached to the resolution as Exhibit “A.” (Report - Chet Wood, Projects Manager)

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

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

RESOLUTION NO. 45-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING OBJECTIONS TO RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE, AND DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT AND REMOVAL OF THE WEEDS, RUBBISH, REFUSE, AND DEBRIS, AND PROVIDING FOR AN ASSESSMENT OF THE COST OF SUCH ABATEMENT AND REMOVAL

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.2. HEARING ON THE FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT (HILLVIEW TERRACE SUBDIVISION)

A hearing was held on the formation of Chico Maintenance Assessment District No. 558, a condition of approval of a subdivision map for this development, generally located on the north side of East 20th Street east of Bruce Road adjacent to the Doe Mill neighborhood. The developers consented to the formation of a district to fund the annual maintenance and future replacement costs of the landscaping and irrigation along Potter Road and along East 20th Street, the oak stands within Lots A, B and C, rock walls, a portion of a bike path, and three storm water interceptors. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services to be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. Mayor Gruendl was disqualified on this item and left the dias. (Report - Fritz McKinley, Director of Engineering)

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

A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to adopt the following resolution ordering the formation of Maintenance Assessment District (Hillview Terrace Subdivision):

RESOLUTION NO. 46-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 558 (HILLVIEW TERRACE SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl
NOES: None
DISQ: Gruendl

3.3. APPEAL OF THE CHIEF OF POLICE’S AND CITY MANAGER’S RECOMMENDATIONS TO REVOKE THE VEHICLE FOR HIRE-DRIVER PERMIT ISSUED TO GREG BARD

A hearing on appeal was held regarding the recommendation to suspend and revoke Greg Bard’s City of Chico Vehicle for Hire - Driver’s Permit. The Chief of Police recommended that the City Council deny the appeal and uphold the City Manager’s action to revoke the Vehicle for Hire - Driver Permit issued to Greg Bard for failure to meet the minimum requirements of Section 5.28.190 E. of the Chico Municipal Code. (Report - Mike Maloney, Captain and Linda Dye, Sergeant)
Announcement of Ex-Parte Communications - None

The hearing was opened to the public. Addressing the Council in support of upholding the appeal were Greg Bard and Richard Elsom. Speaking in opposition was Frank Lusardi. The hearing was closed.

It was noted by the Council that this type of appeal should not be held at public meetings and agreed that it should be reviewed by the Internal Affairs Committee.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to: (1) uphold the appeal thereby overturning the revocation of the Vehicle for Hire - Driver Permit issued to Greg Bard for failure to meet the minimum requirements of Section 5.28.190 E. of the Chico Municipal Code; (2) forward the appeal process to the Internal Affairs Committee for evaluation; and (3) direct the Committee to prepare a clear definition of moral turpitude based on the severity of the crime.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.4. APPEAL OF THE CHIEF OF POLICE’S AND CITY MANAGER’S RECOMMENDATIONS TO REVOKE THE VEHICLE FOR HIRE-DRIVER PERMIT ISSUED TO SCOTT BEAUCHAMP

A hearing on appeal from Scott Beauchamp was held regarding the recommendation to suspend and revoke his City of Chico Vehicle for Hire - Driver’s Permit. (Report - Mike Maloney, Captain and Linda Dye, Sergeant)

Announcement of Ex-Parte Communications – None

Scott Beauchamp asked the Council to not televise his hearing on appeal. Mayor Gruendl indicated that while the Council would stop the televising of the meeting, along with the streaming video, the proceeding would still be recorded as part of the record.

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of upholding the appeal were Scott Beauchamp, Paul Beauchamp, Susan Beauchamp, Kristin Flock, and Greg Bard. The hearing was closed.

A motion was made by Councilmember Schwab and seconded by Vice Mayor Kirk to uphold the appeal, thereby overturning the revocation of the Vehicle for Hire - Driver Permit issued to Scott Beauchamp for failure to meet the minimum requirements of Section 5.28.190 E. of the Chico Municipal Code.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

It was again noted by Council that the hearing procedure would be sent to the Internal Affairs Committee as requested during the discussion on Item 3.3.

4. REGULAR AGENDA

4.1. CONSIDERATION OF LEASE OF THE OLD MUNICIPAL BUILDING

At its meeting of 2/08/06, the Internal Affairs Committee reviewed the requests of local agencies expressing an interest in leasing the Old Municipal Building. The Committee directed staff to review the original Request for Proposal for possible utilization should the Council wish to proceed with an RFP. Councilmembers Schwab and Wahl were disqualified on this item and left the dias. (Report - Greg Jones, City Manager)

The City Manager recommended Council consider various options related to the future use of the Old Municipal Building. Staff further recommended that if Council directs staff to develop a lease arrangement that:
• any lease agreement related to use of the OMB be for no more than five years to allow for use as City office space when the need arises.
• that the previously developed criteria for selection of tenants be used for the purposes of evaluating responses to a Request for Proposals.

Addressing the Council on this item were Dave Rush, Natalie Birk, Bruce Norlie, Sarah Blackstone, Debra Lucero, and Arlene Ward.

Council agreed that prior to a decision being made on the Old Municipal Building, staff should: (1) continue to move forward with the ADA and seismic retrofits; (2) initiate a long term planning vision for the City center and overall space needs for all City facilities; and (3) schedule a Council discussion regarding the analysis at a meeting sometime in July.

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

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

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

6.1. Letter received 4/12/06 from Daniel Donnelly requested that the Council cancel the Chico Art Center’s contract for the COBA project for 2006. Staff also provided Council with a copy of a letter addressed to Dave Lawton, Chico Art Center from Mary Gardner, Art Projects Coordinator, regarding the COBA agreement and his response to that letter. No action was taken on this item as the request was withdrawn in writing on 4/27/06 by Daniel Donnelly.

7. ADJOURNMENT

Adjourned at 8:40 p.m. to May 16, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: May 16, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the May 2, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

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

2. **CLOSED SESSION MATTERS**

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

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

3. **ADJOURNMENT**

Adjourned at 6:28 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 5:30 p.m. - see page 10, 11, & 12

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

1.3. Call to Order

Mayor Gruendl called the May 16, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Reg Schultz-Ackerson, Faith Lutheran Church

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

Absent: None

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Items 2.1. and 2.3. were removed for further discussion from the Consent Agenda and heard immediately following the approval of the Consent Agenda. A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the remaining Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW DRIVE-IN AND DRIVE-THROUGH SALES BY DRUG STORES AND PHARMACIES IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT (CA 05-05, LONG’S DRUG STORE/DOUCET & ASSOCIATES)** – At the request of Vice Mayor Kirk, this item was removed from the Consent Agenda for further discussion.

2.2. **RESOLUTIONS PERTAINING TO THE WATER POLLUTION CONTROL PLANT EXPANSION PROJECT TO EXPAND THE CAPACITY OF THE PLANT TO 12 MILLION GALLONS PER DAY**

Adopted - resolutions pertaining to the City's application for a State Revolving Fund loan to provide the financing mechanism for the expansion of the Water Pollution Control Plant, as approved by the City Council at the hearing held on 10/18/05. The Director of Engineering recommended adoption of the resolutions.

RESOLUTION NO. 47-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ESTABLISHING THE CITY’S INTENT TO COMPLY WITH TREASURY REGULATION § 1.150-2 AND ANY OTHER REGULATIONS OF THE INTERNAL REVENUE SERVICE RELATING TO THE QUALIFICATION FOR REIMBURSEMENT OF PROJECT COSTS IN CONJUNCTION WITH THE APPLICATION TO THE STATE REVOLVING FUND LOAN PROGRAM FOR THE CITY OF CHICO WATER POLLUTION CONTROL PLANT EXPANSION PROJECT

RESOLUTION NO. 48-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ESTABLISHING THE USE OF THE CITY’S WASTEWATER CAPITAL RESERVE FUND IN CONJUNCTION WITH THE APPLICATION TO THE STATE REVOLVING FUND LOAN PROGRAM FOR THE CITY OF CHICO WATER POLLUTION CONTROL PLANT EXPANSION PROJECT

RESOLUTION NO. 49-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DEDICATING REVENUE FROM WATER POLLUTION CONTROL PLANT CAPACITY FEES, MONTHLY SEWER SERVICE FEES, AND TRUNKLINE CAPACITY FEES TO REPAYMENT OF A STATE REVOLVING FUND LOAN FOR THE CITY OF CHICO WATER POLLUTION CONTROL PLANT EXPANSION PROJECT
2.3. RESOLUTION NO. 50-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAvero NOTestINE ASSOCIATES) – At the request of Councilmember Holcombe, this item was removed from the Consent Agenda for further discussion.

2.4. RESOLUTION NO. 51-06 – A RESOLUTION APPROVING THE “MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE CHICO PUBLIC SAFETY ASSOCIATION REGARDING PAY, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PERIOD OF DECEMBER 29, 2002 THROUGH DECEMBER 31, 2007” (RESTATATED VERSION 1, ADOPTED 5/02/06)

Adopted - a resolution which modified a number of pay and benefit provisions in the Memorandum of Understanding applicable to the Chico Public Safety Association. These modifications resulted from recently concluded negotiations with the Association and were set forth in the agenda report along with estimated costs. The Human Resources Director recommended adoption of the resolution.

2.5. MINUTE ORDER NO. 12-06 – AUTHORIZING AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT WITH CITY MANAGER (CITY OF CHICO/GREGORY T. JONES)

Approved - minute order which authorized amendments to the City Manager’s employment agreement. The City Manager Evaluation Committee recommended approval of the minute order.

2.6. ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE EAST AVENUE RECONSTRUCTION PROJECT AND UTILITY UNDERGROUND DISTRICT 14, AREA C

The City Council previously authorized fixed compensation offers of $500 and $1,000 or authorized negotiations with various property owners in connection with the East Avenue reconstruction and undergrounding project (Project 18041). The listed minute orders authorized the City Manager to execute documents associated with these acquisitions according to the terms set forth in the minute orders:

A. MINUTE ORDER NO. 13-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS (VARIOUS)

Approved - minute order authorizing acquisition of right of way and/or public service easements according to the negotiated terms set forth in the minute order for the following properties:

1. James Brian Grether, 2475 Almandor Circle, APN 015-300-029
2. Mackey 2004 Trust, 1187 East Avenue, APN 015-260-013
3. Church of the Nazarene of Chico, 1184 East Avenue, APN 015-250-049
4. Donald K. and Marta J. Tinker, 989 East Avenue - APN 015-310-062 and 991 East Avenue - APN 015-310-063

B. MINUTE ORDER NO. 14-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS FOR ADDITIONAL ACQUISITIONS WITH FIXED COMPENSATION OFFERS OF $500 OR $1,000

Approved - minute order authorizing fixed compensation offers of $500 or $1,000 for additional acquisitions which may be identified as a result of project redesign and fall within the previously authorized Council parameters for such fixed offers. The Administrative Services Director recommended approval of the minute orders.

2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved – minutes of the City Council meeting held on 5/02/06.
The motion to approve the Consent Agenda, with Items 2.1. and 2.3. removed from the Consent Agenda for further discussion, carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
**NOES:** None

**ITEMS REMOVED FROM CONSENT**

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW DRIVE-IN AND DRIVE-THROUGH SALES BY DRUG STORES AND PHARMACIES IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT (CA 05-05, LONG'S DRUG STORE/DOUCET & ASSOCIATES) - Introductory Reading**

Introductory reading - of a proposed ordinance that would amend the City's permit processing procedures to allow pharmacy drive-through sales in the CN Neighborhood Commercial zoning district subject to the issuance of a use permit. The Planning Director recommended the introduction of the ordinance by reading of the title only. The public hearing for this ordinance is scheduled for 06/06/06. Addressing the Council on this issue was Luis Cornejo.

A motion was made by Councilmember Herbert and seconded by Councilmember Holcombe to introduce the ordinance, clarifying the drive-in and drive-through sales shall be for pharmaceutical sales only.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
**NOES:** Wahl

2.3. **RESOLUTION No. 50-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES) - Adopted**

Adopted - a resolution denying the Sierra Gardens subdivision map. At the hearing held on 4/18/06, the City Council approved a motion of intent to: (1) uphold the appeal of the project, thereby overturning the Planning Commission's decision to approve the project; (2) encourage the applicant to resubmit the smaller project originally proposed; (3) direct staff to pursue the rezone and General Plan Amendment; and (4) expedite the rezone process. The Planning Director recommended adoption of the resolution.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the resolution amended as follows: (1) strike Finding "1b", (2) re-letter the findings, and (3) add Finding "F" as follows:

“Because the proposed condominium building is an integral part of the project as a whole and cannot be separated from the subdivision without making the project inconsistent with the density requirements of the project site's existing R3 zoning, and because the proposed condominium building cannot be supported for reasons related to its architecture, location, size, height, orientation, and massing, as well as its inconsistency with the general character of the neighborhood, the project as a whole cannot be supported.”

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Kirk, Wahl, Gruendl
**NOES:** Holcombe, Schwab
3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY AND SEWER EASEMENTS (HEGAN LANE - A.P. No. 039-620-018 & 019)**

Guillon, Inc. requested the abandonment and vacation of two public utility easements and one sewer easement located off Hegan Lane to facilitate development of their site. At its meeting held 4/18/06, Council adopted Resolution No. 36-06, declaring its intent to abandon and vacate the three easements and scheduled the public hearing for 5/16/06. Public notices were published twice in local newspapers, mailed to adjacent property owners, and posted in at least three places along the area to be abandoned. The Director of Engineering recommended adoption of the resolution ordering the abandonment.

Mayor Gruendl 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 Schwab to adopt the following resolution:

RESOLUTION NO. 52-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY AND SEWER EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (HEGAN LANE - A.P. Nos. 039-620-018 & 019)

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

The Council adjourned at 8:25 p.m. for a ten minute break.  
The meeting was reconvened and all members were present.

3.2. **HEARING ON THE 2006-07 ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS**

At this meeting the Council conducted the second (and final) of two public hearings to receive citizen input on the use of CDBG and HOME funds. To comply with the City’s Citizen Participation Plan for CDBG and HOME, the City must hold two public hearings on the Annual Plan. At least 30 days must be provided for public review and comment between the hearing on the draft plan and the hearing on the final plan. There were no comments received from the public at the time of agenda preparation.  
(Report - Robert Sronce, Housing Specialist)

Mayor Gruendl 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 Holcombe to: (1) close the draft Annual Plan public comment period; (2) adopt the final 2006-07 Annual Plan; and (3) authorize the City Manager to submit the final Annual Plan to the federal Department of Housing and Urban Development and to execute all certifications required by HUD to accompany the final Annual Plan and application for federal funds.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None
3.3. **APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SHASTAN HOMES AT GLENWOOD AVENUE VESTING TENTATIVE SUBDIVISION MAP (S 04-21)**

**Hearing** - on an appeal of the Planning Commission’s approval of the Shastan Homes at Glenwood Avenue Vesting Tentative Subdivision Map (S 04-21). At the 4/20/06 Planning Commission meeting, the Commission voted (4 in favor, 1 against, 2 absent) to approve a request to subdivide two parcels totaling 14.9 acres into 56 lots, one of which could be developed with either a duplex or a single-family dwelling. The property is located on the east side of Glenwood Avenue, north of West Sacramento Avenue, at 1134 and 1150 Glenwood Avenue, Assessor’s Parcel Numbers 042-640-020 and 021. The property is designated Low Density Residential on the General Plan diagram and is prezoned R1 Low Density Residential. An appeal was filed by two area residents requesting that the Council deny the project due to the density of the project being incompatible with the existing neighborhood, lack of an adequate agricultural buffer, the inclusion of a duplex on one of the parcels, traffic impacts, and drainage. (Report - Teresa Bishow, Principal Planner)

The Council was provided with copies of correspondence from Nicole Angvall and Kathryn Arbogast in support of upholding the appeal.

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of upholding the appeal were Micheal Watts, Nanci Watts, Audrey Tennis, Tom Blixt, Eric Schroth, Olga Peterson, and Joann Mellon.

Addressing the Council in opposition to the appeal was Jim Stevens. The hearing was closed.

A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to: (1) deny the appeal; (2) adopt Resolution No. 53-06, as amended, which modifies Finding 5 to facilitate Lots 28 and 29 being created as two lots reconfigured to be parallel with Glenwood Avenue, with the house on Lot 28 designed to face Glenwood Avenue and the house on Lot 29 designed to face “A” Court; and modifies Condition #1 to allow for the creation of fifty-seven lots.

**RESOLUTION NO. 53-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF THE SHASTAN HOMES AT GLENWOOD AVENUE VESTING TENTATIVE SUBDIVISION MAP (S 04-21)**

The motion carried by the following vote:

**AYES:** Bertagna, Holcombe, Wahl, Schwab
**NOES:** Herbert, Kirk, Gruendl

The Council adjourned at 9:25 p.m. for a ten minute break.

The meeting was reconvened and all members were present.

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4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF THE PROPOSED MITIGATED NEGATIVE DECLARATION AND MASTER PLAN FOR THE HIGHLAND NEIGHBORHOOD PARK**

At its 1/30/06 meeting, the Bidwell Park and Playground Commission voted unanimously to recommend that the City Council approve the Master Plan for the Highland Neighborhood Park in northeast Chico. The General Services Director recommended that the Council adopt a mitigated negative declaration and monitoring program for the project pursuant to the California Environmental Quality Act, and authorize staff to proceed with establishing a lighting and landscape assessment district for ongoing maintenance of the park and development of a portion of the park. (Report - Dennis Beardsley, General Services Director)

Addressing the Council in support of the Highland Park Master Plan were Fred Brooks and Lisa Billingsley.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to extend the meeting to 10:30 p.m. The motion carried unanimously.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to: (1) adopt the following resolution approving the mitigated negative declaration and Master Plan for the Highland Neighborhood Park; and (2) authorize staff to initiate the establishment of a lighting and landscape assessment district for development and maintenance of the park.

RESOLUTION NO. 54-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND APPROVING THE HIGHLAND NEIGHBORHOOD PARK MASTER PLAN

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.2. CONSIDERATION OF POLICIES PERTAINING TO MANAGEMENT OF CHILDREN’S PLAYGROUND

The Chico Mother’s Club had expressed concern regarding Children’s Playground, including types of uses that are available for children, current activities that deter families from using the park, signs, lighting and other items. At its 4/12/06 meeting, the Internal Affairs Committee reviewed this issue along with recommendations from the General Services and Police Departments on how to address these issues. (Report - Dennis Beardsley, General Services Director)

Addressing the Council on this item in support of the changes were Lon Glazner, Amanda Montgomery, and Bob Evans.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to accept the Internal Affairs Committee (3-0) recommendation to:

1. Implement the following measures included in the recommendation provided by the Police Department:

   A. Post proper signs at all entrances to Park. Increase frequency of signs and size.
   B. Install partitions on benches to prevent sleeping.
   C. Prune all trees and tree type shrubs to 7’ to the first branch. Prune all bushes 12” from ground and no higher than 36’.
   D. Utilize more frequent placement of lighting and change to halide type lighting in order to identify faces at 25’.
   E. On the east side of Presbyterian Church - install motion sensor lights and/or halide type lighting. Also, prune the Juniper trees to 7’.
   F. Remodel the playground equipment to a style that allows for natural surveillance. Increase lighting to halide type in order to clearly identify faces at 25’.
   G. Install skate stop devices on all curbs.
   H. Install halide type lights to prevent sleeping at night and for identification purposes. Install sitting partitions to prevent sleeping. Install surveillance cameras to monitor activity. Increase patrol during the high school lunch time and other high crime times of the day or night.
   I. Prune all bushes 12” from the ground and to a height no greater than 36” along the creek bank.
   J. Install bollards from creek bank to creek alongside the bridge to maintain proper access control.
   K. Increase lighting on bridge between Bidwell Mansion and Children’s Playground.
   L. Provide adequate maintenance to all areas of the park.
M. Install halide lighting on the northeast creek bank, prune all shrubs to 36" in height and 12" up from ground level. Install low barrier type fencing to properly define public space.
N. East end of Physical Science Building - install barrier plants, high fencing, etc. to reinforce this as being nonpublic space.
O. South side of Physical Science Building - install unclimbable 10’ fence and increase the intensity of corner light as well as the lighting pattern.
P. Northwest entrance from University - increase lighting and install panic duress button and surveillance cameras.

2. Establish a 10:00 p.m. to sunrise curfew for Children’s Park, with direction to the Police Department to provide the Council with further input on implementing a curfew for all City owned parks.

3. Direct staff to work on an ordinance which would supplement the state loitering law to allow the City to protect the entrance ways and path ways to public restrooms.

It was noted by Council that the motion did not include the walls on the amphitheater being torn down.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. CONSIDERATION OF VICE MAYOR KIRK’S REQUEST TO AGENDIZE THE LOCATION OF FIRE STATION NO. 6

Vice Mayor Kirk requested that the City Council discuss the location of Fire Station No. 6. Pursuant to City Council rules of procedure the Council could vote to hear the item at this meeting or agendize it for a future meeting.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to agendize the discussion of the location of Fire Station No. 6 at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.4. CONSIDERATION OF COUNCILMEMBER WAHL’S REQUEST TO AGENDIZE THE DISCUSSION OF THE PLANNING COMMISSION DECISION REGARDING THE CELL TOWER ON MANZANITA AVENUE

Councilmember Wahl requested that the City Council discuss the decision made by the Planning Commission to require an independent third-party analysis of the project. Councilmember Wahl withdrew his request regarding the Planning Commission’s decision on the cell tower on Manzanita Avenue but asked that staff agendize the discussion of the authority of Boards and Commissions to hire consultants.

Pursuant to City Council rules of procedure, the Council could agree to hear the item at this meeting or agendize it for a future meeting. The Council was provided with a memorandum dated 5/15/06 from Planning Director Seidler and Assistant Planner Redeker.

A motion was made by Councilmember Wahl and seconded by Councilmember Holcombe to: (1) agendize a discussion of authority levels for members of the City’s Boards and Commissions to refer work to consultants; and (2) direct staff to provide the Council with information on how often it happens, costs of such decisions, and what the maximum amount can be approved by the Board or Commission prior to needing approval by a Department Head.
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None


5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Letter dated 4/27/06 from Amanda Montgomery, Supervising Behavioral Health Educator, Butte County Department of Behavioral Health, requesting that the City consider establishing a Youth Commission. This item was referred to the Internal Affairs Committee.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: June 6, 2006

___________________________
Deborah R. Presson, City Clerk
1. CALL TO ORDER – Mayor Gruendl called the May 16, 2006 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

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

2.1. MINUTE ORDER NO. 02-06 – AUTHORIZATION FOR AGENCY COUNSEL TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH GOLDSBERRY, FREEMAN, GUZMAN & DITORA LLP IN THE MATTER OF PERFORMANCE EXCAVATORS, INC. V. CHICO REDEVELOPMENT AGENCY, ET AL

Approved - minute order authorizing Agency Counsel to enter into a legal services agreement with outside counsel. The Agency Counsel recommended approval of the minute order.

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

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA – None

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. ADJOURNMENT

Adjourned at 10:33 p.m. to June 6, 2006 at 8:30 a.m., in the City Council Chamber for an adjourned regular work session.

Date Approved: June 6, 2006

Deborah R. Presson, Agency Secretary
CLOSED SESSION

1. CALL TO ORDER – Mayor Gruendl called the May 16, 2006 – Adjourned Regular Chico City Council/Redevelopment Agency meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

Staff Present: City Manager Jones, City Attorney Frank, City Clerk Presson, and Administrative Services Director Pierce.

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Gov. Code Sec. Section 54954.8.)

Negotiator: Greg Jones, City Manager

Under Negotiation: Price and terms of payment for proposed acquisition

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

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

2.3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: Regional Water Quality Control Board Cleanup and Abatement Order No. R5-2003-0707 (Humboldt Road Burn Dump) pursuant to subdivision (a) of Government Code section 54956.9.

2.4. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: Regional Water Quality Control Board Cleanup and Abatement Order No. R5-2006-0711 (Humboldt Road Burn Dump) pursuant to subdivision (a) of Government Code section 54956.9.

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

2.6. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The Redevelopment Agency was convened in order to consider this item. The Agency Counsel reviewed the following case: Performance Excavators, Inc. v. Chico Redevelopment Agency, et al., San Francisco County Case No. CGC-06-451549 pursuant to subdivision (a) of Government Code section 54956.9.

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

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

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence J. Fuller &amp; Gail E. Fuller</td>
<td>997 and 999 East Avenue</td>
<td>015-310-066 &amp; 015-310-067</td>
</tr>
<tr>
<td>Temporalities Corporation of First Church of God of Chico, California</td>
<td>1095 East Avenue</td>
<td>015-280-051</td>
</tr>
<tr>
<td>Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints</td>
<td>2430 Mariposa Avenue</td>
<td>015-440-001</td>
</tr>
</tbody>
</table>

The City's negotiator is City Manager Greg Jones and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).
1.1. CLOSED SESSION – see page 11

1.2. REGULAR CITY COUNCIL MEETING

1.3. Call to Order – Mayor Gruendl called the June 6, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:30 a.m.

1.4. Flag Salute

1.5. A moment of silence was dedicated to the memory of Earle C. Arbuckle who passed away May 18, 2006. Mr. Arbuckle retired as Fire Marshall in 1978 after a 30-year career with the City of Chico Fire Department.

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.7. Set the following items for 11:30 a.m.:

- Closed Session
- Break for Lunch

Reminder:

- 12:30 p.m. – Redevelopment Budget Review
- 2:00 p.m. – Community Organization Funding Requests

2. CONSENT AGENDA – Items 2.5. and 2.6. were removed for further discussion and heard immediately following the approval of the Consent Agenda. A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to approve the remaining Consent Agenda items:


Adopted – a resolution calling for a general municipal election to be held on November 7, 2006, for the purpose of electing three members to the City Council and requested the County Elections Office to consolidate the City of Chico election with the statewide general election. The City Clerk recommended adoption of the resolution.

2.2. RESOLUTION NO. 56-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 972 LUPIN AVENUE / A.P. NO. 015-120-022

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Engineering recommended adoption of the resolution.
2.3. **RESOLUTION NO. 57-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (CROUCH FARR SUBDIVISION - A.P. NO. 005-610-014)**

*Adopted* - a resolution of intention to abandon and vacate a ten-foot easement along the easterly line of Lot 2 in Crouch Farr Subdivision, as it is no longer needed. The Director of Engineering recommended adoption of the resolution which scheduled a public hearing for 7/11/06.

2.4. **MINUTE ORDER No. 15-06 – AUTHORIZING AMENDMENT No. 2 TO EMPLOYMENT AGREEMENT BETWEEN CITY OF CHICO AND DAVID R. FRANK**

*Approved* - minute order authorizing merit increases for FY 04-05 and 05-06 and Amendment No. 2 to the City Attorney’s employment agreement. The City Attorney Evaluation Committee recommended approval of the minute order.

2.5. **CONSIDERATION OF A REQUEST FROM THE 1078 GALLERY FOR $5,000 LOAN** – This item was removed from the Consent Agenda for further discussion.

2.6. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING** – This item was removed from the Consent Agenda for further discussion.

The motion to approve the Consent Agenda, with Items 2.5. and 2.6. removed for further discussion, carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

**ITEMS REMOVED FROM CONSENT**

2.5. **CONSIDERATION OF A REQUEST FROM THE 1078 GALLERY FOR $5,000 LOAN** – This item was removed from the Consent Agenda for further discussion.

At its 4/26/06 meeting, the Finance Committee reviewed a request for funding assistance submitted by Carla Resnick, Executive Director of the 1078 Gallery, and directed staff to determine a possible funding source for the request. The funds would be used for construction of interior improvements to the 1078 Gallery’s new location at 820 Broadway. If approved, funds will be allocated from the Historical Rehabilitation Program as a 5-year amortized loan in the amount of $5,000 as the City Council authorized a waiver of the eligibility requirements set forth in City of Chico Administrative Procedure and Policy (AP&P) 11-50. The City Manager recommended approval of the request.

A motion was made by Councilmember Holcombe and seconded by Councilmember Herbert to approve a 5-year amortized loan in the amount of $5,000 allocated from the Historical Rehabilitation Program.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl

**NOES:** Wahl

2.6. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING** – This item was removed from the Consent Agenda for further discussion.

*Approved* – minutes of the City Council meeting held on 5/16/06, as amended.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the minutes, as amended to reflect the following changes: (1) vote correction on Item 2.3., adoption of a resolution regarding Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES) to reflect that
Councilmember Holcombe voted against this item and Councilmember Wahl voted in favor; and (2) to reflect that Councilmember Schwab made the motion on Item 3.3.

The motion to approve the minutes as amended, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. LONGBOARD SUBDIVISION ABANDONMENT AND VACATION OF PUBLIC STORM DRAIN EASEMENT HEARING

Hearing on the abandonment and vacation of a public storm drain easement located on Lot 27 within the Longboard Subdivision Unit 2. This easement was originally established as part of the approval process for the subdivision to contain a storm drain to provide drainage for lands east of the subdivision. Subsequently, the required storm drain was placed in a different location, making the original easement no longer necessary for drainage purposes. (Report - Fritz McKinley, Director of Engineering)

Mayor Gruendl 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 Bertagna to adopt the following resolution:

RESOLUTION NO. 58-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC STORM DRAIN EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (LONGBOARD SUBDIVISION - A.P. Numbers 016-010-034 & 038)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - SPARROW HAWK RIDGE SUBDIVISION

Hearing ordering the formation of a maintenance assessment district to fund the annual maintenance and future replacement costs of a storm water interceptor. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services to be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. (Report - Fritz McKinley, Director of Engineering)

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

RESOLUTION NO. 59-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 563 (SPARROW HAWK RIDGE SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
The City Council took a 15 minute break at 10:00 a.m. All members of Council were present when the meeting reconvened.

3.3. **FINAL ADOPTION OF AN ORDINANCE AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW DRIVE-IN AND DRIVE-THROUGH SALES BY DRUG STORES AND PHARMACIES IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT**

A hearing was held on a proposed ordinance that would amend Title 19 of the Chico Municipal Code which modified the City's permit processing procedures by allowing only pharmacy drive-through sales of pharmaceuticals in the CN Neighborhood Commercial zoning district subject to the issuance of a use permit. This ordinance was introduced at the 5/18/06 Council meeting. (Report - Bob Summerville, Associate Planner)

Mayor Gruendl opened the hearing to the public. Addressing the Council in support of adopting this ordinance were Galen Grant and George Ramstad. The hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following ordinance, by reading of title only:

**ORDINANCE NO. 2340 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ALLOW DRIVE-IN AND DRIVE-THROUGH SALES BY DRUG STORES AND PHARMACIES IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT (CA 05-05, LONG'S DRUG STORE/DOUCET & ASSOCIATES)**

Final Reading and Adoption

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Gruendl

**NOES:** Schwab, Wahl

4. **REGULAR AGENDA**

4.1. **BUDGET REVIEW**

A. **General Budget Review**

The City Manager provided an overview of the 2006-08 Biennial Proposed Budget, including a review of the Budget Message, Budget Policies, General Fund, and Estimated Fund Balances, and draft Ten Year Financial Plan. (Report – Greg Jones, City Manager)

B. **Department Presentations**

Each Department/Office presented an overview of significant budget changes, as well as major accomplishments and expected initiatives for the biennial budget period.

- **City Clerk Office**
  - Deborah Presson, City Clerk

- **Administrative Services**
  - Cindy Pierce, Administrative Services Director

- **Airport**
  - Dave Burkland, Assistant City Manager

- **Human Resources/Risk Mgmt.**
  - Dan Fulks, Director of Human Resources/Risk Management

- **Finance**
  - Jennifer Hennessy, Finance Director

- **City Attorney**
  - Dave Frank, City Attorney

- **Information Systems**
  - Lynn McEnespy, Information Systems Director

- **Police Department**
  - Bruce Hagerty, Chief of Police

- **Fire Department**
  - Steve Brown, Fire Chief

- **Community Services**
  - Tony Baptiste, Community Services Director

- **General Services**
  - Dennis Beardsley, General Services Director
The City Council requested that Chief Hagerty provide an updated staffing report for the Police Department as soon as possible in order for Council to consider additional staffing requests.

C. Capital Budget Review

The Director of Engineering provided a brief overview of upcoming/proposed capital projects for 2006-08. It was noted that staff will provide the Council with the updated funding sources for capital projects once the list has been modified with any RDA project changes requested by the Agency, when reviewing the Redevelopment Agency Tentative Budget Item 4.1.D. (Report - Fritz McKinley, Director of Engineering)

The City Council recessed to Closed Session and lunch at 11:25 a.m.  
Closed Session was adjourned at 12:30 p.m.

The meeting reconvened at 12:35 p.m. as the Chico Redevelopment Agency - Page 7-10

All members were present.

D. Community Organization Funding – this item was heard at 2:00 p.m.

The Council was provided with a report from the City Manager which transmitted the recommendations of the Finance Committee and the Arts Commission for community organization funding for Fiscal Year 06-07 in the General/CDBG, Transient Occupancy Tax (TOT) - Economic Development/Tourism, and TOT - Arts categories. (Report - Greg Jones, City Manager) It was noted that Councilmember Schwab was disqualified on items pertaining to CLIC and DCBA.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve community organization funding requests as recommended by the Finance Committee and Arts Commission as listed in 4.1.C.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to: (1) approve the Finance Committee recommendations for the General Fund/CDBG funds including an additional $2,000 for Butte County Behavioral Health and $4,000 allocated for the Allstars Program, and (2) refer to Internal Affairs the following items:

A. Clarification of the definition of “community-based” organization funding;
B. Discussion of the possible requirement of outcome-based budgeting for organizations; and
C. Consideration of the development of a policy prohibiting political activity conducted by organizations who receive City funding.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

E. Conclude 2006-08 Budget Review

Final action on the 2006-08 Proposed City Budget was taken following the Redevelopment Agency Budget review, Item No. 4.1.D.
4.2. CONSIDERATION OF A PROPOSED MITIGATED NEGATIVE DECLARATION, MASTER PLAN, AND APPROVAL TO SUBMIT A GRANT APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE VERBENA FIELDS RESTORATION PROJECT (1ST AND VERBENA)

At its 1/30/06 meeting, the Bidwell Park and Playground Commission voted unanimously to recommend that the City Council approve the Master Plan for the Verbena Fields Restoration Project for the City-owned property located at East 1st and Verbena Avenues in east Chico. The General Services Director also recommended that the Council adopt a mitigated negative declaration and monitoring program for the project pursuant to the California Environmental Quality Act, and approve the submittal of an application to the State Water Resources Control Board for a Proposition 40 Integrated Watershed Management Program grant to help fund the project. (Report - Dennis Beardsley, General Services Director).

A motion was made by Councilmember Schwab and seconded by Councilmember Wahl to: (1) adopt the following resolution approving the mitigated negative declaration, mitigation monitoring program, and Master Plan for the Verbena Fields Restoration Project; and (2) approve staff’s recommendation to submit an application to the State Water Resources Control Board for a Proposition 40 Integrated Watershed Management Program Implementation grant for the project:

RESOLUTION NO. 60-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND APPROVING THE VERBENA FIELDS RESTORATION PROJECT MASTER PLAN

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

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

5. BUSINESS FROM THE FLOOR – None

6. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting.
1. **CALL TO ORDER** – Mayor Gruendl called the June 6, 2006 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 12:30 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **REDEVELOPMENT BUDGET REVIEW**

   A. **General Budget Review**

      The Executive Director provided an overview of the Proposed Chico Redevelopment Agency Budget, including a review of the Trends and Projections, and the Operating Budget. (Report – Greg Jones, Executive Director)

      1. Chico Amended and Merged Low and Moderate Income Housing Fund Summary (Report – Cindy Pierce, Administrative Services Director)

      2. Chico Amended and Merged Art Fund Summary (Report – Cindy Pierce, Administrative Services Director)

      It was noted by staff that a 10-Year Forecast for the Redevelopment Agency will be presented during the 2007-2008 budget review.

   B. **Capital Budget Review**

      The Director of Engineering provided an overview of anticipated projects to be funded primarily through Agency funding for 2006-07.

   C. **Agency Bond Potential Projects List**

      The Finance Committee forwarded a list of projects as recommended by staff for Agency consideration.

      1. Presentation was made regarding the BMX Park proposal – Board Member Schwab indicated that she was disqualified on this item.

      2. Presentations were made by Barbara Reed, Mark Sorensen, and Lon Glazner from the Citizen’s Committee - regarding the Citizens’ RDA Oversight Committee Activity Report.

      3. Review of Project List as forwarded by the Finance Committee. Addressing the Agency regarding this item were Dan Neumeister, Jim Sheets, Susan Mason, Barbara Reed, Kasey Merrill, Grace Marvin, Ken Lamond, and Stuart King. Board Member Schwab indicated that she was disqualified on any discussions pertaining to the downtown bulbing project.

      A motion was made by Councilmember Holcombe and seconded by Councilmember Wahl providing the following direction to staff regarding the Fire Station 7 CUAFRA funding:

      (1) The City will pay no more than what the County has paid in acquisition costs;
      (2) Any future facilities will be built by the City and then leased back to the County; and
      (3) Direct staff to negotiate with the County to incorporate these changes to the agreement.
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl Gruendl
NOES: None

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the RDA Citizen’s Committee recommendation regarding: (1) funding for fire hydrants; (2) E. 8th Street reconstruction; (3) Highway 32 Widening project; and (4) setting aside of $14,000,000 for neighborhood improvements. Funding was not approved for the Animal Shelter or BMX Bike Park.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to fund the Park projects as amended to include; (1) Ceres Neighborhood Park; (2) Children’s Playground Improvements with a discussion to be held regarding the surveillance cameras; (3) Northwest Neighborhood Park; (4) Park Facilities Improvements - CARD; and (5) Southeast Neighborhood Park.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to approve the funding of the Sycamore Pool Bladder. Councilmember Schwab was disqualified on this item.

The motion failed due to the following tie vote:

AYES: Holcombe, Kirk, Gruendl
NOES: Bertagna, Herbert, Wahl
DISQ: Schwab

D. Conclusion of Redevelopment Agency Budget Review and Final Action on Budgets:

City Council Action:

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to (1) approve the addition of three Firefighter positions to the 2006/07 budget; (2) add two additional sworn Police Officer positions, and (3) send the issue of Battalion Chiefs/Fire Captains back to the negotiating team for possible resolution and bring back recommendations to the City Council for consideration.

After further discussion, Councilmember Herbert withdrew his second to the motion. Councilmember Wahl’s motion died for a lack of a second.

A motion was made by Vice Mayor Kirk to: (1) adopt the following resolution adopting the Tentative Budget for the City of Chico, the Chico Public Financing Authority, and the City of Chico Parking Authority, as presented, which includes the funding of three Battalion Chief positions with direction to staff to work with the Fire Department on a way to mitigate possible 2006/07 staffing of three Firefighter positions and to bring that recommendation back to the Council.

Councilmember Bertagna seconded the motion and requested an amendment that would include the addition of two Police Officer positions. The amendment was not accepted by Vice Mayor Kirk. Councilmember Bertagna withdrew his request to add the two additional Police Officer positions and indicated he would still second the motion.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab
NOES: Wahl, Gruendl

Vice Mayor Kirk left the meeting prior to the final action taken on the RDA 2006-07 Tentative Budget.

A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to adopt the following Redevelopment Agency resolution, with the earlier discussion and action noted concerning the funding for Fire Station 7 and the CUAFRA agreement.

**Redevelopment Agency Action:**

**RESOLUTION NO. 02-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2006-07 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY**

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

4.2. **CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION FOR AMENDED BUDGET POLICY TO FACILITATE AGENCY’S ACQUISITION OF PROPERTY FOR AFFORDABLE HOUSING**

At its meeting of 4/26/06, the Finance Committee recommended (2-1, Wahl opposed) the Agency amend its budget policy authorizing the Executive Director to acquire property for affordable housing without further agency action subject to specific conditions as set forth in the proposed budget policy amendment. (Report - Dennis McLaughlin, Housing Officer)

A motion was made by Board Member Bertagna and seconded by Board Member Schwab to: (1) approve amending the policy with the requirement that the Council/Agency be notified, by memorandum, of any acquisitions immediately upon purchase; (2) require an annual review by the Finance Committee; and (3) include the policy in the Final Budget Resolution.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Schwab, Wahl, Gruendl
NOES: Herbert, Wahl
ABSENT: Kirk

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

5. **ADJOURNMENT** – Adjourned at 4:35 p.m. to June 20, 2006, at 6:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.
CALL TO ORDER – Mayor Gruendl called the June 6, 2006 – Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 11:30 a.m.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

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

CLOSED SESSION MATTERS

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

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

ADJOURNMENT

Adjourned at 12:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **REGULAR CITY COUNCIL MEETING**

1.2. Mayor Gruendl called the June 20, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Flag Salute

1.4. Invocation — Dr. Tom Shifflet, Pastor, First Christian Church

1.5. Roll Call

Present: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl

Absent: Herbert

1.6. Presentation — Certificate of Appreciation presented to Chris Boza, retiring Urban Forester, for 16 years of City service.

1.7. Presentation – State Route 32/Nord Avenue Corridor Community Plan Study. This presentation was organized by the Local Government Commission and Glatting Jackson under the direction of the Butte County Association of Governments on behalf of Butte County and the City of Chico.

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

2.1. **ADOPTION OF CITY OF CHICO AND REDEVELOPMENT AGENCY BUDGET RESOLUTIONS** – This item was removed from the Consent Agenda and heard immediately following the approval of the remaining items.

2.2. **RESOLUTION NO. 63-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 297 - (INITIATIVES FILING FEE; PLANNING DIVISION FEES; BUILDING DIVISION FEES; ENGINEERING FEES; SUBDIVISION FEES; AND PARK DIVISION FEES))**

Adopted - a resolution formally amending the City’s fee schedule as conceptually approved by the City Council on 6/06/06. The Administrative Services Director recommended adoption of the resolution.


Adopted - a resolution initiating the annexation of a single parcel at 1511 West Sacramento Avenue, developed with a single family residence. The annexation is initiated to facilitate the subdivision of the property to create a second parcel for single family residential, and sanitary sewer connection. The Assistant Community Services Director recommended adoption of the resolution.


Adopted - a resolution initiating the annexation of a single parcel at 2863 Godman Avenue, developed with a single family residence. The annexation is initiated to facilitate additional residential development, and sanitary sewer connection. The Assistant Community Services Director recommended adoption of the resolution.

Adopted - a resolution initiating the annexation of two parcels at 720 East Lassen Avenue, developed with a single family residence and accessory structures. The annexation is initiated to facilitate the potential development of a second single family residence, and sanitary sewer connection. The Assistant Community Services Director recommended adoption of the resolution.

2.6. RESOLUTION NO. 67-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution to destroy certain Finance Office records over five years of age. The Finance Director recommended adoption of the resolution.

2.7. MINUTE ORDER 16-06 – AUTHORIZING THE CITY MANAGER TO PROVIDE PACIFIC GAS AND ELECTRIC (PG&E) WITH A LETTER COMMITTING THE CITY TO CONVEY A PUBLIC UTILITY EASEMENT AND EXECUTE THE GRANT OF EASEMENT

Approved - a minute order authorizing the City Manager to: (1) provide PG&E with a letter committing the City to convey a public utility easement on city-owned property based on the "as built" situation; and (2) execute the grant of easement to PG&E when the legal description is available. A public utility easement was required on City-owned property located between Murphy Commons and Humboldt Road to bring the required public utilities to the project adjacent to Notre Dame Boulevard. The Director of Engineering recommended approval of the minute order.

2.8. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2006-07 FISCAL YEAR

Approved - the award of bids for Legal Publications and Display Publications for the 2006-07 fiscal year. The City Clerk recommended: (1) the bid for Legal Publications be awarded to the Chico Enterprise-Record; and (2) that the bid for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review.

The motion to approve the Consent Agenda, as read, with Item 2.1. removed and heard following the approval of the Consent Agenda, carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Herbert

ITEMS REMOVED FROM CONSENT

2.1. ADOPTION OF CITY OF CHICO AND REDEVELOPMENT AGENCY BUDGET RESOLUTIONS – This item was removed from the Consent Agenda for further discussion.

Adopted - resolutions implementing the City of Chico 2006-08 Biennial Final Budget and the Chico Redevelopment Agency 2006-07 Annual Final Budget. Budget adjustments approved by the City Council and the Agency at the 6/06/06 meeting were outlined in the agenda report. The adjustments adopted by the budget resolutions will be incorporated into the Final City of Chico and Chico Redevelopment Agency Budgets. The City Manager/Executive Director recommended adoption of the resolutions. The Council was provided with a copy of a letter received from Susan Mason concerning the Bladder Dam. Addressing the City Council on this item were David Main, Charlie Preusser, and Susan Mason.
The City Council/Redevelopment Agency discussed the Final Budgets Memorandum from the City Manager which added the following items back into the Council and Redevelopment Agency budgets:

1. CUAFRA Fire Stations (16022) – $4 million recommended for implementation of the station planning provisions of Chico Urban Area Fire and Rescue Agreement (CUAFRA) in order to ensure the Agency and Butte County continue to move forward with CUAFRA implementation, which ensures the best and safest emergency response services for Chico residents. It was noted that any proposed agreement reached with the County would require Agency approval at a later date.

2. Police Facility (17007) – $2.5 million allocated for the design of the Police Facility which has been determined as a critical project for the City. Approval of this allocation allows for the project to proceed while the Agency determines how this project will be funded.

3. Public Infrastructure Improvements (17008) – A statement is to be inserted on the capital project detail page in the Final Budget that states: “expenditure of funds is subject to further approval and prioritization by the Agency based on approved neighborhood plans.”

City Council Action

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to authorize three additional Firefighter positions and two Police Officer positions with direction to staff to come back in 60 days in order to identify funding sources.

The motion failed due to the following vote:

AYES: Bertagna, Wahl, Gruendl
NOES: Holcombe, Kirk, Schwab
ABSENT: Herbert

A motion was made by Councilmember Schwab and seconded by Vice Mayor Kirk to add three Firefighter positions with direction to staff to identify possible funding sources for the addition of two Police Officer positions.

The motion carried by the following vote:

AYES: Kirk, Schwab, Wahl, Gruendl
NOES: Bertagna, Holcombe
ABSENT: Herbert

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to approve the expenditure of $250,000 of Redevelopment Agency bond proceeds for the purchase of the Sycamore bladder dam, subject to findings that will be brought back to the City Council at a subsequent meeting. Councilmember Schwab was disqualified on this item.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Gruendl
NOES: Bertagna, Wahl,
DISQ: Schwab
ABSENT: Herbert

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the Final 2006-08 final budget for the City of Chico, the Chico Public Financing Authority and the City of Chico Parking Authority by adoption of the following resolution, as amended to include the addition of three Firefighter positions and excluding approval of the recommended Fee Schedule Adjustments and the budget policy pertaining to self-help housing authority being granted to the City Manager.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Herbert

Council directed staff to agendize the discussion and review of a long range staffing plan or strategic plan for the Police Department at a future meeting. Staff was also directed to identify possible funding sources for two additional Police Officers to bring back for Council consideration within 60 days.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the recommended Fee Schedule Adjustments and the budget policy pertaining to self-help housing authority being granted to the City Manager.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: Wahl
ABSENT: Herbert

Redevelopment Agency Action - The City Council convened as the Chico Redevelopment Agency for consideration of the following resolution.

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to adopt the following RDA Budget resolution, as amended:

RESOLUTION NO. 03-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2006-07 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY (Agency Action)

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Herbert

3. NOTICED PUBLIC HEARINGS

3.1. PUBLIC HEARING REGARDING THE FORMATION OF THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05

At its 4/18/06 meeting, the City Council approved the Engineer’s Report and adopted Resolution No. 39-06 declaring the Council’s intention to form the Baroni Neighborhood Park and Open Space Landscape and Lighting District No. LLD 001-05. Pursuant to California Constitution, Article XIIIC and XIIID (Proposition 218), the Council also authorized a property owner election and scheduled a hearing to consider public comments for this meeting. (Report - Dennis Beardsley, General Services Director). Mayor Gruendl was disqualified on this item.

Vice Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed. The City Clerk’s Office conducted the tabulation of the property owner ballots in Conference Room, located in the City Council Chamber Building. Results of that tabulation confirmed 55% of the residents in the proposed district were in favor of the basic park design at $63.00 per year.

A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to adopt the following resolutions, declaring the results of the property owner ballot, approving the final Engineer’s Report, and confirming the formation of the Baroni Neighborhood Park and Open Space Landscape and Lighting District:

RESOLUTION NO. 68-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR
BARONI PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05
AND APPROVING CERTAIN RELATED ACTIONS - as amended

RESOLUTION NO. 69-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
APPROVING THE FINAL ENGINEER’S REPORT REGARDING THE FORMATION OF THE BARONI
PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05; AND THE
LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING IN
FISCAL YEAR 2006-07 - as amended

RESOLUTION NO. 70-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
CONFIRMING THE FORMATION OF THE BARONI PARK AND OPEN SPACE LANDSCAPING AND
LIGHTING DISTRICT NO. LLD 001-05; ASSESSMENT DIAGRAM AND ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS - as amended

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl
NOES: None
DISQ: Gruendl
ABSENT: Herbert

4. REGULAR AGENDA

4.1. ACKNOWLEDGMENT OF VACANCY AND CONSIDERATION OF APPOINTMENT TO
ARCHITECTURAL REVIEW BOARD

Acknowledged - the vacancy created on 5/05/06 by the resignation of Lorrin Ward, whose term will
expire on 1/01/07. The City Council was provided with copies of a letter received from Nicholas
Ambrosia, Chairman of the ARB, an application and resume received from Michael Borzage for
consideration, and an e-mail from Barbara Reed withdrawing her application. Council directed the City
Clerk to advertise for additional applicants for consideration.

4.2. CONSIDERATION OF INITIATION OF CODE AMENDMENTS TO PROVIDE STANDARDS FOR NEW
INFILL FLAG LOT DEVELOPMENT

The Planning Director provided draft amendments to Title 19 of the Chico Municipal Code proposing
new standards for infill flag lots, including: (1) a limitation on the numbers of new flag lots within
neighborhoods; (2) administrative site design and architectural review; (3) a prohibition of second
dwelling units; (4) required orientation of homes; and (5) specified setbacks from neighboring properties.
(Report - Kim Seidler, Planning Director) The City Council was provided with copies of a letter received
from Tom Blodget and e-mails received from Kathie Watson, Dan Katz and Lisa Riley.

Addressing the City Council on this item were Chuck Eppelheimer, Marc Selkirk, Kevin Atkin, Lisa Riley,
and Jo Walser.

A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to initiate
this code amendment by directing that it be referred to the Planning Commission for public hearing,
review, and recommendations which may include City standards and a possible overlay zone.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Herbert

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

6. **ADJOURNMENT**

Adjourned at 9:56 p.m. to July 11, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved:  August 15, 2006

________________________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the June 20, 2006 - Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: Herbert

2. **CONSENT AGENDA**

2.1. **RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2006-07 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY** (Agency Action)

This item was considered by the Agency under Item 2.1. on the City Council Consent Agenda.

**ITEMS REMOVED FROM CONSENT** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting in the Council Chambers.

Date Approved: August 15, 2006

Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order – Mayor Gruendl called the July 11, 2006 – Adjourned Regular Chico City Council Meeting to order at 6:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Invocation — Pastor David Leeper Moss, Chico Trinity United Methodist Church

1.6. Roll Call

   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl

   Absent: Kirk

1.7. Closed Session Announcement – None

1.8. Proclamation — Honoring Senior Lab Technician John Callaway on his retirement after 30 years of service to the City.

1.9. Presentation — City Plaza update by General Services Director Beardsley regarding the progress of City Plaza.

2. **CONSENT AGENDA** – Item 2.4. was removed for further discussion. A motion was made by Councilmember Holcombe and seconded by Councilmember Herbert to approve the remaining items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PROPERTY BETWEEN HUMBOLDT ROAD, EAST 20TH STREET, BRUCE ROAD AND NOTRE DAME EXTENSION (ENLOE HOSPITAL/CITY OF CHICO)** - Introductory Reading

   **Introduced** - an ordinance to amend the Development Agreement between the City of Chico and Enloe Hospital for the property between Humboldt Road, East 20th Street, Bruce Road and Notre Dame Extension. The amendment removed a three acre parcel, previously owned by the City, from the conditions of Development Agreement. The parcel was sold to the Chico Redevelopment Agency and will be used for an affordable housing project. The Housing Officer recommended that the City Council: (1) introduce the ordinance by reading of the title only; and (2) schedule the ordinance for public hearing on 7/18/06.

2.2. **RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM**

   **Adopted** - resolutions authorizing sewer assessments to be collected on the tax roll in lieu of full 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 Engineering recommended adoption of these resolutions.

   **RESOLUTION NO. 71-06** – **A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 366 RIO LINDO AVENUE / A.P. No. 006-110-033** (petition from property owners Dale L. and Janet C. Grell)

   **RESOLUTION NO. 72-06** – **A RESOLUTION THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 606 W. 4TH AVENUE / A.P. No. 043-132-013** (petition from property owners S. Kirk and Teresa Wilsey)
2.3.  MINUTE ORDER NO. 17-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE EAST AVENUE RECONSTRUCTION PROJECT AND UTILITY UNDERGROUND DISTRICT 14, AREA C (VARIOUS )

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

A. Sherry Ellen Levi, Trustee of the Gary Leroy Levi Marital Trust, 962 East Avenue, APN 015-230-024
B. Charles M. and Dorothy H. Parsons, 973, 975, and 977 East Avenue, APN 015-310-072

The Administrative Services Director recommended approval of the minute order.

2.4.  AUTHORIZATION FOR THE CITY MANAGER TO COMMENCE NEGOTIATIONS BETWEEN THE MECHOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA AND THE CITY OF CHICO – This item was removed for further discussion and heard immediately following the approval of the Consent Agenda.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

ITEMS REMOVED FROM CONSENT

2.4.  AUTHORIZATION FOR THE CITY MANAGER TO COMMENCE NEGOTIATIONS BETWEEN THE MECHOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA AND THE CITY OF CHICO

Considered - The authorization for the City Manager to commence negotiations between the Mechoopda Indian Tribe and the City for the purpose of providing public health and safety, law enforcement, fire protection, and other services on the Mechoopda Indian Reservation and proposed casino. The City Manager recommended that the Council grant him the authority to enter into negotiations with the Mechoopda Indian Tribe. The City Council was provided with a copy of a letter from the Butte County Board of Supervisors received on 7/7/06.

Addressing the City Council in favor of the negotiations were Steve Santos, Robert Rosette, and Merlyn Adams. Speaking in opposition were Curt Josiassen, Mary Anne Houx, Starr Brown, Barbara Vlamis, and Michael Reilly.

The City Manager noted that the entitlement process the County made reference to was not agendized as part of this discussion since it is regulated by the Federal Government.

A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to authorize the City Manager to begin negotiations.

The motion failed due to the following vote:

AYES: Holcombe, Schwab, Gruendl
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to continue this item to the 8/1/06 meeting for discussion of authorizing the City Manager to commence negotiations between the Mechoopda Indian Tribe of the Chico Rancheria and the City of Chico.
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

The City Council recessed at 8:42 p.m. for a ten minute break.
The meeting was reconvened and all members were present, with Vice Mayor Kirk absent.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT
(CROUCH FARR SUBDIVISION - APN 005-610-014)

At its meeting of 6/06/06, the City Council adopted Resolution No. 57-06, stating its intent to abandon
the public utility easement, and set the public hearing for this meeting. (Report - Fritz McKinley, Director
of Engineering)

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

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

RESOLUTION NO. 73-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO
THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (CROUCH
FARR SUBDIVISION - APN 005-610-014)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

4. REGULAR AGENDA

4.1. CONSIDERATION OF THE AIRPORT COMMISSION’S RECOMMENDATION TO LIMIT THE
AIRPORT MANAGER’S AUTHORITY TO APPROVE LEASES OF CITY OWNED PROPERTY AT
THE CHICO MUNICIPAL AIRPORT

At its 02/28/06 meeting, the Airport Commission discussed limiting the lease approval authority of the
Airport Manager and recommended (5-0) adoption of a resolution amending Section 11R.08.164 of the
Chico Municipal Code to limit the authority of the Airport Manager to approval of airport leases with
terms of one year or less. (Report - Dave Burkland, Assistant City Manager)

A motion was made by Councilmember Bertagna and seconded by Councilmember Holcombe to retain
the Airport Manager’s current authority to approve leases for terms up to 15 years in order to allow
flexibility for staff in situations where leases must be expedited.

The motion carried by the following vote:

AYES: Bertagna, Holcombe, Schwab, Gruendl
NOES: Herbert, Wahl
ABSENT: Kirk
4.2. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Letter dated 6/22/06 from Greg Webb requesting discussion of bike lanes on DeGarmo Drive. This item was withdrawn at the request of Greg Webb.

6.2. Letter dated 6/28/06 from Jim Mann, Rural Consulting Associates, writing on behalf of Discovery Builders and Ritchie Homes on the issue of DeGarmo Drive. He stated they were in concurrence with the Planning Director’s decision regarding minor changes to the aforementioned street.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: August 15, 2006

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the July 11, 2006 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. **Roll Call**

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl  
Absent: Kirk

2. **CONSENT AGENDA**

2.1. **ALLOCATE CHICO REDEVELOPMENT AGENCY 2005 TAX ALLOCATION BONDS FOR THE ONE MILE RECREATION AREA DAM** – The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of this item.

*Adopted* - resolutions allocating $250,000 of bond proceeds from the 2005 Chico Redevelopment Agency Tax Allocation Bonds for the installation of an inflatable dam at One Mile Recreation Area and making findings required by the Community Redevelopment Law. An administrative supplemental appropriation confirming the allocation of funds will be processed following this meeting. The City Manager/Executive Director recommended adoption of the resolutions. Councilmember Schwab was disqualified from participating in this discussion and left the Council meeting. Bob Best addressed the City Council on this item.

A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to authorize the adoption of the following resolutions, as amended to reflect that the funding is to come from the tax increment instead of the proceeds from the RDA bonds.

**City Council Action**

RESOLUTION NO. 74-06 OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE PAYMENT BY THE CHICO REDEVELOPMENT AGENCY OF COSTS RELATED TO THE ONE MILE DAM REPLACEMENT PROJECT AND MAKING CERTAIN FINDINGS RELATED THERETO - as amended

**Redevelopment Agency Action**

RESOLUTION NO. 04-06 OF THE CHICO REDEVELOPMENT AGENCY APPROPRIATING A PORTION OF THE PROCEEDS FROM THE CHICO REDEVELOPMENT AGENCY 2005 TAX ALLOCATION BONDS TO THE ONE MILE DAM REPLACEMENT PROJECT - as amended

The motion carried by the following vote:

- **AYES:** Bertagna, Holcombe, Kirk, Wahl, Gruendl  
- **NOES:** None  
- **DISQ:** Schwab  
- **ABSENT:** Herbert

**ITEMS REMOVED FROM CONSENT** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None
5. **ADJOURNMENT**

Adjourned at 9:37 p.m. to July 18, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: August 15, 2006

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the July 11, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
   Absent: Kirk

   Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, and City Clerk Presson

2. **CLOSED SESSION MATTERS**

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

3. **ADJOURNMENT**

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

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

1.3. Call to Order – Mayor Gruendl called the July 18, 2006 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Chaplain Peter Hansen, Chico Police Chaplain Association

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.7. Closed Session Announcement – None

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

2.1. **MINUTE ORDER NO. 18-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS (ENGEL)**

   Approved - minute order authorizing acquisition of right of way and public service easements according to the negotiated terms set forth in the minute order for Eugene T. Engel; 1266, 1270, and 1274 East Avenue; APN 016-040-020. The Administrative Services Director recommended approval of the minute order.

2.2. **APPROVAL OF A VEHICLE FOR HIRE OWNER’S PERMIT- CHECKERS TAXI**

   Approved - the issuance of a Vehicle for Hire Owner’s Permit to Checkers Taxi (Evan Finlayson). Management Analyst Herman recommended approval of the issuance of the permit.

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3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - WESTSIDE PLACE**

   A condition of approval of the Westside Place Subdivision required establishment of a means for funding the annual costs of operating and maintaining public improvements that are of special benefit to the subdivision located off Nord Avenue. (Report - Fritz McKinley, Director of Engineering)

   Mayor Gruendl opened the hearing to the public. No one spoke and the hearing was closed.
A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO.  75-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 559 - WESTSIDE PLACE SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.2. HEARING ON THE FINAL READING AND ADOPTION OF AN ORDINANCE AMENDING THE DEVELOPMENT AGREEMENT FOR PROPERTY BETWEEN HUMBOLDT ROAD, EAST 20TH STREET, BRUCE ROAD AND NOTRE DAME EXTENSION (ENLOE HOSPITAL/CITY OF CHICO) - Final Reading and Adoption

A hearing was held on a proposed ordinance that would amend the Development Agreement to remove a three acre parcel, previously owned by the City, from the conditions of Development Agreement. The parcel was sold to the Chico Redevelopment Agency and will be used for an affordable housing project. (Report - Dennis McLaughlin, Housing Officer)

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

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to adopt the following ordinance, by reading of title only:

ORDINANCE NO.  2341 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PROPERTY BETWEEN HUMBOLDT ROAD, EAST 20TH STREET, BRUCE ROAD AND NOTRE DAME EXTENSION (ENLOE HOSPITAL/CITY OF CHICO) - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4. REGULAR AGENDA

4.1. CONSIDERATION OF APPOINTMENT TO FILL ARCHITECTURAL REVIEW BOARD VACANCY

The City Council directed staff to advertise for additional applicants to fill the vacant position created by the resignation of Lorrin Ward. Michael Borzage was appointed to fill the vacancy which carries a term that will expire 01/01/07. (Report - Deborah Presson, City Clerk)

4.2. DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 2006

The League of California Cities requested that the Council designate a voting representative and an alternate who will be registered at the League Annual Conference and present at the annual business
meeting on Saturday morning, 9/09/06. The conference is scheduled for 9/06/06 through 9/09/06 in San
Diego.

A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to
designate Vice Mayor Kirk as the voting delegate, with City Manager Jones serving as the alternate.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. CONSIDERATION OF THE LOCATION OF FIRE STATION NO. 6 - continued to a future meeting

At its meeting of 5/16/06, the City Council voted (7-0) to agendize Vice Mayor Kirk’s request to
discuss the location of Fire Station No. 6. (Report - Greg Jones, City Manager)

This item was continued until after the completion of the Highway 32 study.

4.4. ITEMS ADDED AFTER THE POSTING OF THE AGENDA

4.4. CONSIDERATION OF COUNCILMEMBER WAHL’S REQUEST TO AGENDIZE A REQUEST
FROM VECTORS FOR OUT-OF-CYCLE FUNDING

Councilmember Wahl requested that the City Council discuss the request from VECTORS, asking for
$10,000 in out-of-cycle CDBG funding. Pursuant to City Council rules of procedure, a motion was made
by Vice Mayor Kirk and seconded by Councilmember Bertagna to schedule the matter for consideration
at a future meeting. The motion carried unanimously. Stevan Longoria addressed the Council in
support of this request.

5. BUSINESS FROM THE FLOOR

James Husband asked for an update on the sewer connection for the Oak Drive area which was
annexed into the City in 1995.

William Diamond expressed his concern over the left turn lane (westbound) from East Avenue onto
Connors Avenue by McDonald’s Restaurant.

6. ADJOURNMENT

Adjourned at 6:57 p.m. to August 1, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is
scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: August 15, 2006

_______________________________
Deborah R. Presson, City Clerk
CLOSED SESSION

Cancelled

1. CALL TO ORDER

1.1. Roll Call

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The Agency Counsel reviewed the following case: Performance Excavators, Inc. v. Chico Redevelopment Agency, et al., Sacramento County Superior Court Case No. 06AS02371 pursuant to subdivision (a) of Government Code section 54956.9.
1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.

1.2. Call to Order – Mayor Gruendl called the August 1, 2006 - Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Flag Salute

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

1.5. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

1.6. Presentation:


   B. Outstanding Financial Reporting 2004-05 Award by the California Society of Municipal Finance Officers (CSMFO) for the City of Chico's Comprehensive Annual Financial Report (CAFR).

2. **CONSENT AGENDA** – Items 2.5. and 2.6. were removed for further discussion and heard immediately following the approval of the Consent Agenda. A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to approve the remaining items:

2.1. **RESOLUTION NO. 76-06** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2R.04 OF THE CHICO MUNICIPAL CODE, ENTITLED “ADMINISTRATION,” BY ADDING SECTION 2R.04.460 ENTITLED “CITY MANAGER AUTHORIZED TO EXECUTE SEWER SERVICE AGREEMENTS WITH SCHOOL DISTRICTS AND OTHER PUBLIC AGENCIES”

   Adopted - a resolution authorizing execution of sewer service agreements with school districts and other public agencies pursuant to the provisions of Chapter 15.36 of the Chico Municipal Code and California Government Code Section 54999, et seq. The Administrative Services Director recommended adoption of this resolution.

2.2. **RESOLUTION NO. 77-06** – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MISSION RANCH BOULEVARD - APN’s 006-150-111 & 112)

   Adopted - a resolution of intention to abandon and vacate a public utility easement on Mission Ranch Boulevard no longer needed for public utilities. The Director of Engineering recommended adoption of the resolution which will schedule a public hearing for 9/05/06.

2.3. **RESOLUTION NO. 78-06** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO CALIFORNIA WATER SERVICE COMPANY FOR ENCROACHMENT ON CITY PROPERTY (BIDWELL PARK) (ASSESSOR’S PARCEL NO. 016-170-001-000)

   Adopted - a resolution authorizing the City Manager to execute a grant of license to California Water Service Company for the construction, installation, and maintenance of a water main through Bidwell Park. The Director of Engineering recommended adoption of the resolution.
2.4. MINUTE ORDER NO. 19-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF A RIGHT OF WAY EASEMENT (PHILLIPS/BACHUS)

Approved - minute order authorizing acquisition of right of way easement according to the negotiated terms set forth in the minute order for Charles W. Phillips and Louie A. Bachus, 1154 East Avenue, APN 015-250-058. The Administrative Services Director recommended approval of the minute order.

2.5. APPROVAL OF THE 2006-07 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET - This item was removed from the Consent Agenda for further discussion.

2.6. FINANCE COMMITTEE RECOMMENDATION REGARDING DISCOVERY BUILDERS APPEAL OF TENTATIVE PARCEL MAP PM 05-05 - This item was removed from the Consent Agenda for further discussion.

2.7. APPROVAL OF OUT-OF-CYCLE FUNDING REQUEST FROM VETERANS EXECUTIVE CORPORATION TO ORGANIZE REHABILITATIVE SERVICES (VECTORS)

Approved - a $10,000 out-of-cycle funding request from VECTORS. The City Manager recommended that the Council authorize funding the $10,000 request from the General Fund Community Organization reserve and authorize staff to enter into a grant and/or forgivable loan agreement, depending on VECTORS’ resources.

2.8. ACCEPTANCE OF ANNUAL REPORT OF LOST, STOLEN OR UNCLAIMED PROPERTY FOR FISCAL YEAR 2005-06

Accepted - the annual report for Fiscal Year 2005-06 showing the disposition of all lost, stolen or unclaimed property which was not disposed of at public auction during the preceding fiscal year. The Finance Director recommended acceptance of the report.

2.9. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved – minutes of the City Council meeting held on 6/06/06.

The motion to approve the Consent Agenda, with Items 2.5. and 2.6. removed for further discussion, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSTAIN: Kirk - Item 2.9.

ITEMS REMOVED FROM CONSENT:

2.5. APPROVAL OF THE 2006-07 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET – This item was removed from the Consent Agenda for further discussion.

Approved - the 2006-07 BINTF General Budget as required by the BINTF Memorandum of Understanding between the City and various other law enforcement agencies in Butte County. The Chief of Police recommended approval of the 2006-07 General Budget.

A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to approve the 2006-07 Butte Interagency Narcotics Task Force General Budget.
The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

2.6. **FINANCE COMMITTEE RECOMMENDATION REGARDING DISCOVERY BUILDERS APPEAL OF TENTATIVE PARCEL MAP PM 05-05** – This item was removed from the Consent Agenda for further discussion.

**Approved** - a recommendation from the Finance Committee (2-1, Holcombe opposed) to transfer $5,390.15 from the General Fund to the Private Development Fund for costs associated with processing an appeal of Tentative Parcel Map PM 05-05. The Finance Committee recommended the City Council approve a budget modification authorizing the fund transfer. Councilmember Holcombe noted for the record that he was supportive of the appeal fee refund but opposed to the General Fund being the funding source. Virgil Hales addressed the Council.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the transfer of $5,390.15 from the General Fund to the Private Development Fund in order to refund the appeal fee.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Kirk, Schwab, Wahl, Gruendl  
**NOES:** Holcombe

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON 2006 LOT CLEANING/WEED ABATEMENT PROGRAM COST REPORT PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY**

A hearing was held on the costs incurred by the City in connection with the 2006 Lot Cleaning/Weed Abatement Program. *(Report - Chet Wood, Projects Manager)*

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

A motion was made by Councilmember Bertagna and Councilmember Wahl to accept the cost report as submitted.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

3.2. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 562 (BELVEDERE HEIGHTS SUBDIVISION)**

A condition of approval of the Belvedere Heights Subdivision required establishment of a means for funding the annual costs of operating and maintaining public improvements that are of special benefit to the subdivision generally located on East 20th Street east of Bruce Road east of the Doe Mill neighborhood. *(Report - Fritz McKinley, Director of Engineering)*

Mayor Gruendl 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 Holcombe to adopt the following resolution:

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.3. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 566 (BRUCE ROAD SUBDIVISION)**

A condition of approval of the Bruce Road Subdivision required establishment of a means for funding the annual costs of operating and maintaining public improvements that are of special benefit to the subdivision located between Humboldt Road and Little Chico Creek. *(Report - Fritz McKinley, Director of Engineering)*

Mayor Gruendl 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 Bertagna to adopt the following resolution:

**RESOLUTION NO. 80-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 566 (BRUCE ROAD SUBDIVISION)**

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.4. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 567 (SALISBURY COURT SUBDIVISION)**

A condition of approval of the Salisbury Court Subdivision required establishment of a means for funding the annual cost of operating and maintaining public improvements that are of special benefit to the subdivision located on the south side of Henshaw Avenue west of the Esplanade. *(Report - Fritz McKinley, Director of Engineering)*

Mayor Gruendl 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 Bertagna to adopt the following resolution:


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.5. **HEARING REGARDING ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR FINANCING THE CONSTRUCTION OF THE CHICO COURTYARDS MULTI-FAMILY HOUSING PROJECT**

Pacific West Communities (PWC) is developing a 76-unit affordable housing project, known as “Chico Courtyards,” located on Pillsbury Road across from the North Valley Plaza Mall, with a portion of the financing being provided by the Chico Redevelopment Agency. PWC is also proposing to use tax-exempt private activity bonds for a major portion of the financing.
The bonds will be issued by California Statewide Communities Development Authority, a Joint Power Agency sponsored by the League of Cities and the California State Association of Counties. (Report - Dennis McLaughlin, Housing Officer)

Mayor Gruendl opened the hearing to the public. Addressing the Council in opposition to the project was Arola Sinhasnach. The hearing was closed to the public.

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

RESOLUTION NO. 82-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF A MULTIFAMILY RENTAL HOUSING DEVELOPMENT KNOWN AS CHICO COURTYARDS

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

The Council recessed at 7:50 p.m. for a ten minute break. The meeting reconvened and all members were present.

4. REGULAR AGENDA

4.1. DISCUSSION REGARDING AUTHORITY FOR THE CITY MANAGER TO COMMENCE NEGOTIATIONS BETWEEN THE MECOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA AND THE CITY OF CHICO - continued from 7/11/06

At its meeting of 7/11/06, the Council continued its discussion to this meeting to approve the authorization for the City Manager to commence negotiations between the Mechoopda Indian Tribe and the City for the purpose of providing public health and safety, law enforcement, fire protection, and other services on the Mechoopda Indian Reservation and proposed casino. (Report - Greg Jones, City Manager)

The Council was provided with a copy of a letter from Butte County Board of Supervisors received 7/27/06, a letter from Griffin Moran received 7/17/06, and an e-mail from Caroline Burkett dated 7/28/06.

Addressing the Council in support of proceeding negotiations were Steve Santos and Robert Rosette. Speaking in opposition were Roger Calloway and Paul McIntosh.

A motion was made by Councilmember Wahl and seconded by Councilmember Schwab to authorize the City Manager to enter into discussions with the Mechoopda Indian Tribe to develop terms of an agreement to provide public safety services, including a vendor and hiring preference for the benefit of City residents.

Councilmember Herbert asked that the motion be amended to include a provision that should a MOU be created, that the Mechoopda Indian Tribe’s offer to provide funding for services be pursued. Councilmember Wahl accepted the amendment.

Councilmember Schwab withdrew her second to the motion.

Councilmember Holcombe seconded the motion.
The motion carried by the following vote:

AYES: Herbert, Holcombe, Wahl, Gruendl
NOES: Bertagna, Kirk, Schwab

The Council recessed at 9:05 p.m. for a ten minute break.
The meeting reconvened and all members were present.

4.2. REVIEW AND DISCUSSION OF FACILITY NEEDS FOR THE CITY OF CHICO

The City Council requested a report that identified future facility needs for the broad range of services and programs provided by the City of Chico. (Report - Dennis Beardsley, General Services Director)

The General Services Director recommended the following:

A. Retain the 5.4 acres owned by the City of Chico located on the north west corner of Bruce Road and Humboldt Road (APN 002-180-087 & 002-180-088) for a future Police Department Headquarters facility.

B. Relocate the Police Sub-Station currently located in the Parking Structure to the first floor of 441 Main Street (Old Muni Building), the balance of the first floor be used for City purposes. As part of this recommendation, staff would determine the feasibility of renting the second floor of 441 Main Street as an interim (three to five years) use until needed by the City for office space.

The Council was provided with a copy of an e-mail from the Downtown Chico Business Association dated 7/26/06. Addressing the Council regarding this item were John Zorbas and Bob Best.

The Council voted 7-0 to extend the meeting to 10:30 p.m.

The City Council reviewed and provided direction for various options and alternatives to meeting future facility needs. It was noted that there was a need to establish a long term financing mechanism for future facility needs related to the growth of office space needs at 411 Main Street (City Hall-Municipal Center).

Council directed staff to bring the overall facility needs discussion back in June 2007. In addition, Council directed the Finance Committee to begin the discussion regarding the police facility as soon as possible.

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

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

Adjourned at 10:16 p.m. to August 15, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: September 5, 2006

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Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - 6:00 p.m. – see page 9 and Appendix “A”

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

1.3. Call to Order – Mayor Gruendl called the August 15, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

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

1.6. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
   Absent: Schwab

1.7. Closed Session Announcement - None

1.8. Staff Introductions:

   Martha Wescoat - Andes, Economic Development/Redevelopment Manager
   Tom Varga, Assistant Director of Engineering

1.9. Presentation — Honoring Senior Maintenance Worker Jimmy Jackson on his retirement after 29 years of service to the City

2. **CONSENT AGENDA** – Items 2.3. was removed from Consent and continued to a future meeting. Items 2.5. and 2.9. were also removed for further discussion and heard immediately following approval of the Consent Agenda.

   A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to approve the remaining Consent Agenda items:


   **Adopted** - a resolution which modified a number of pay and benefit provisions in the Memorandum of Understanding applicable to the Trades and Crafts employees of the City. These modifications resulted from recently concluded negotiations with SEIU-TC and were set forth in the report along with estimated costs. The Director of Human Resources and Risk Management and the City Manager recommended adoption of the resolution.

Adopted - a resolution which modified a number of pay and benefit provisions in the Memorandum of Understanding applicable to the Clerical, Technical and Professional employees of the City. These modifications resulted from recently concluded negotiations with SEIU-CTP and were set forth in the report along with estimated costs. The Director of Human Resources and Risk Management and the City Manager recommended adoption of the resolution.

2.3. **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 - EATON ROAD ANNEXATION DISTRICT NO. 5.** – At the request of staff, this item was continued to a future meeting. Lois Dodds Robert addressed the Council in opposition to the annexation of Troy Lane.

2.4. **RESOLUTION NO. 85-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 806**

Adopted - a resolution which changed the limited time loading zone adjacent to the Hotel Diamond from 6:00 a.m. to 12:00 p.m. to facilitate the delivery of goods to adjacent businesses along Fourth Street without blocking a lane of traffic. The loading zone will revert to regular metered parking from 12:00 p.m. to 6:00 p.m. The Internal Affairs Committee recommended (2-0, Schwab disqualified) adoption of the resolution.

2.5. **MINUTE ORDER NO. 20-06 – AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A LEASE WITH WILLIAM AND JOAN LEWIS FOR USE OF A PORTION OF THE PROPERTY LOCATED AT 2544 HIGHWAY 32 AS FIRE STATION NO. 6** – This item was removed from the Consent Agenda for further discussion.

2.6. **MINUTE ORDER NO. 21-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FISCAL YEAR 2006-07)**

Approved - minute order that authorized the execution of an agreement with Butte County by which the City provides supplemental funding to increase the hours of operation at the Chico branch of the Butte County Library from 35 hours per week to 60 hours per week. The execution of the agreement, with a term commencing 07/01/06 and ending 06/30/07, was contingent on confirmation that Butte County had adopted a budget which continued the base level of service for the Chico branch of the library. The Administrative Services Director recommended approval of the minute order.

2.7. **MINUTE ORDER NO. 22-06 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT AND RELATED DOCUMENTS TO ALLOW CINGULAR WIRELESS TO CO-LOCATE AND LEASE SPACE ON THE COMMUNICATIONS ANTENNA TOWER AT 1460 HUMBOLDT ROAD**

Approved - minute order which authorized the City Manager to execute an agreement and related documents with Cingular Wireless to co-locate and lease space on the communications antennae located at 1460 Humboldt Road in accordance with the terms set forth in the minute order. The General Services Director recommended approval of the minute order.
2.8. **APPROVAL OF RECOMMENDATION FROM THE COUNCIL PROCEDURES COMMITTEE REGARDING ADMINISTRATIVE PROCEDURE AND POLICY (AP & P) 10-1**

Approved - recommendations forwarded by the Council Procedures Committee regarding revisions to AP&P 10-1, Board, Commission, Advisory Committees and Task Force Rules of Procedure. The revisions consolidated a number of AP&P’S and clarified the Rules of Procedure for the City’s Boards and Commissions. The Council Procedures Committee recommended approval of the revised AP & P 10-1.

2.9. **DEVELOPMENT OF AN ORDINANCE GOVERNING THE PARKING OF BOATS, TRAILERS, AND RECREATIONAL VEHICLES ON CITY STREETS** – This item was removed from the Consent Agenda at the request of a citizen.

2.10. **AUTHORIZATION FOR CITY MANAGER TO DEFER PAYMENT OF FEES AND CHARGES ASSOCIATED WITH THE SALVATION ARMY’S DEVELOPMENT OF A 50-BED REHABILITATION FACILITY AT 13404 BROWNS VALLEY ROAD**

Authorized - the City Manager to defer the cost of the fees and permits associated with the development of the rehabilitation facility until 9/30/07, rather than waive the fees, in response to a request from the Salvation Army. The deferral period allows staff time to identify funding sources for the fees. The Finance Committee recommended (2-0, Wahl disqualified) that the City Manager be authorized to defer the payment of development fees until September 2007. Councilmember Wahl disqualified himself on this item.

2.11. **AUTHORIZATION TO EXPEND A PORTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS PREVIOUSLY ALLOCATED TO THE CATALYST DOMESTIC VIOLENCE SERVICES PROJECT FOR ENVIRONMENTAL REVIEW AND ASSESSMENT**

Authorized - staff to expend up to $25,000 of Community Development Block Grant (CDBG) funds previously approved for the relocation of the Catalyst Domestic Violence Services emergency shelter facility. The funds will be used for a phase two site assessment and environmental review of the project. The Finance Committee recommended (3-0) that staff be authorized to expend up to $25,000 of Community Development Block Grant (CDBG) funds.

2.12. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 6/20/06, 7/11/06 and 7/18/06.
ITEMS REMOVED FROM CONSENT

2.5. Minute Order No. 20-06 – Authorization for the City Manager to Enter Into a Lease with William and Joan Lewis for Use of a Portion of the Property Located at 2544 Highway 32 as Fire Station No. 6 – At the request of Councilmember Holcombe, this item was removed from the Consent Agenda for further discussion.

Approved - minute order which authorized the execution of a lease agreement for a portion of the property owned by William and Joan Lewis at 2544 Highway 32 for Fire Station No. 6 subject to the terms and conditions set forth in the minute order. The Administrative Services Director recommended approval of the minute order.

A motion was made by Councilmember Holcombe and seconded by Councilmember Bertagna to approve the minute order.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: None
ABSENT: Schwab

2.9. Development of an Ordinance Governing the Parking of Boats, Trailers, and Recreational Vehicles on City Streets – At the request of Vice Mayor Kirk, this item was removed from the Consent Agenda for further discussion.

Consideration of the development of an ordinance relating to the parking of boats, trailers, and recreational vehicles on City streets. At its 7/12/06 meeting, the committee received input from staff, and support from owners of recreational vehicles, and interested citizens for the development of such an ordinance. The Internal Affairs Committee recommended (3-0) that City Council direct staff to develop an ordinance to regulate the parking of boats, trailers, and recreational vehicles on city streets. Addressing the Council in support of staff’s recommendation was Don Rogers.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to direct staff to prepare an ordinance to address on-street parking issues pertaining to boats, trailers, and recreational vehicles. Staff was also directed to notify all interested neighborhood groups when the ordinance is brought back for consideration by the Council.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: None
ABSENT: Schwab

3. Noticed Public Hearings

3.1. Hearing on Adoption of a Resolution Amending the City’s Fee Schedule (Amendment No. 298 - Northwest Chico Specific Plan Fees)

Hearing on the adoption of Northwest Chico Specific Plan Fee. Government Code 65456 (a) authorizes the City to recover costs associated with preparation, adoption and administration of a specific plan. The City Council and the project proponents previously agreed that the plan costs for the Northwest
Chico Specific Plan would be recovered by the City through a specific plan fee. (Report - Tony Baptiste, Community Services Director) Councilmember Bertagna was disqualified on this item.

The City Manager and the Community Services Director recommended adoption of the fee resolution establishing the Northwest Chico Specific Plan Fee. Mayor Gruendl 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 Herbert to adopt the following resolution:

RESOLUTION NO. 86-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 298 - NORTHWEST CHICO SPECIFIC PLAN FEES)

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Gruendl
NOES: Wahl
DISQ: Bertagna
ABSENT: Schwab

3.2. APPEAL OF PLANNING COMMISSION APPROVAL OF A 192-LOT VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT (S/PDP 05-15; WILDWOOD ESTATES) OFF CACTUS AVENUE (WILDWOOD INVESTORS)

Hearing on the appeal of the Planning Commission decision to approve the Wildwood Estates vesting tentative subdivision map and planned development permit (PDP) located on the east side of Cactus Avenue; Assessor’s Parcel Nos. 016-160-001, 016-160-002, 016-160-003.

The site is designated Low Density Residential on the General Plan diagram with a zoning classification of R1-SD7 Low Density Residential with a special design considerations overlay zone. The approved subdivision consists of 168 single-family lots and 24 duplex lots, for a total of 216 residential units. The PDP authorizes various modifications to City subdivision and design standards, including reduced lot sizes for some lots, allowing duplexes on lots other than corner lots, and allowing modified street widths. The PDP also approved architectural elevations for the residences. The Council was provided with copies of a letter from James A. Sexton and a fax from Jerry Olio.

Addressing the Council in support of upholding the appeal, thereby overturning the approval of the Project by the Planning Commission were John Merz, Liz Mosher, Steve Mosher, Paul Teegarden, John Terris, Bob Campbell, Mark Streets, and Chris Serna.

Speaking in opposition to the appeal were Tony Symmes and Ken Whitney.

Mayor Gruendl and Vice Mayor Kirk announced ex parte communications with Steve and Liz Mosher, Jerry Olio, John and Geri Terris, Kenneth Bruggman, Paul Teegarden, Bob and Toni Campbell, Marjorie Fredenburg, Nancy Francis, and Ruth Burns.

Councilmember Bertagna, Herbert, and Wahl announced ex parte communications with Steve Mozier. Councilmember Holcombe announced that he had spoken with Jerry Olio and John Merz.
The Council provided the following direction to the applicant: (1) Examine the subdivision connection at Cactus; (2) look at the alignment of lots on Albion; and (3) consider the replacement of 1.7 acres designated as wetlands.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to keep the public hearing open and directed the developer and the neighbors to work together to resolve the issues or concerns.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: None
ABSENT: Schwab

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to continue the public hearing to the regular meeting to be held on October 3, 2006.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: None
ABSENT: Schwab

The Council voted 6-0-1, (Councilmember Schwab absent) to continue the meeting to 10:30 p.m.

4. REGULAR AGENDA

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

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

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

6.1. The Art Projects Coordinator forwarded a recommendation from the Arts Commission to revise the existing Council policy to provide an increase in available TOT funding for the arts. The City Manager recommended deferring this item in order for it to be included in the upcoming staff review of all the processes and programs associated with community organization funding.

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Gruendl called the August 15, 2006 – Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
Absent: Schwab

2. **CONSENT AGENDA**

2.1. **SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $150,000 FOR OFF-SITE MITIGATION FEES FOR THE JARVIS GARDENS SENIOR HOUSING PROJECT LOCATED AT EAST 20TH STREET AND NOTRE DAME BOULEVARD, AND AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS FOR OFF-SITE MITIGATION**

Approved - a supplemental appropriation in the amount of $150,000 from the Agency’s Low and Moderate Income Housing Fund for the mitigation expenses and any unanticipated expenses related to the development of the Jarvis Gardens Senior Housing project. In addition, the Agency was asked to authorize the Executive Director to execute agreements for the purchase of mitigation credits. The Finance Committee recommended (3-0) approval of the supplemental appropriation and authorization for the Executive Director to execute agreements for the purchase of mitigation credits.

ITEMS REMOVED FROM CONSENT – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ACQUISITION OF AFFORDABLE HOUSING PROJECT SITE LOCATED ADJACENT TO THE CORNER OF BOUCHER AND WISCONSIN STREETS FOR DEVELOPMENT AS A SELF-HELP HOUSING PROJECT**

At its meeting of 7/26/06 the Finance Committee recommended funding for acquisition of property be allocated from the Low and Moderate Income Housing Fund of the Redevelopment Agency. (Report Dennis McLaughlin, Housing Officer)

The Finance Committee recommended (2-1, Wahl opposed) adoption of the following resolution and approval of the supplemental appropriation. Bill Carter addressed the Council on this item.

Council directed that in the future, all property acquisition negotiations should occur in Closed Session.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to direct staff to: (1) negotiate a purchase price for the property; (2) move forward with the appraisal; and (3) not pay more than would make it an affordable housing project.

**RESOLUTION NO. 05-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND CONSENT TO CONVEYANCE OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET EAST OF BOUCHER STREET – PORTION OF A.P. NO. 005-391-004**
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $575,000 FROM THE LOW AND MODERATE INCOME HOUSING FUND FOR ACQUISITION OF PROPERTY

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
NOES: None
ABSENT: Schwab

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. REPORTS AND COMMUNICATIONS

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

5.1. By email dated 8/03/06, Chair Gruendl requested that the Agency refer the issue of accountability and continuation of the RDA Citizen’s Committee to a subcommittee of the Council for review and recommendation for Council action. Council voted 5-1-1, with Wahl voting against and Schwab absent, to refer the Mayor’s request to the Internal Affairs Committee for discussion.

5.2. Letter dated 7/25/06 from the Chico Avenue Neighborhood Association who asked that their request for an allocation of RDA funds for Avenues infrastructure projects be discussed and voted on. The Executive Director recommended referral to the Finance Committee.

6. ADJOURNMENT

Adjourned at 10:40 p.m. to September 5, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: November 7, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called August 15, 2006 – Adjourned Regular Chico City Council Closed Session to order in Conference Room 2, at 6:00 p.m.

1.1 Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Wahl, Gruendl
Absent: Schwab

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
   (Gov. Code Sec. Section 54954.8)

   2.1.A. **Negotiator:** Greg Jones, City Manager  
   **Under Negotiation:** Price and terms of negotiation for proposed acquisition - 995 Humboldt Avenue  
   **Negotiating Parties:** See Appendix “A” to the Agenda for property owner or designated negotiator(s)

   2.1.B. **Negotiator:** Greg Jones, City Manager  
   **Under Negotiation:** Price and terms of negotiation for proposed acquisition - 969 Humboldt Avenue  
   **Negotiating Parties:** See Appendix “A” to the Agenda for property owner or designated negotiator(s)

3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
REGULAR CHICO CITY COUNCIL MEETING — September 5, 2006
Minutes

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

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

1.3. Call to Order – Mayor Gruendl called the September 5, 2006 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

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

1.6. Roll Call

    Present: Bertgana, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
    Absent: None

1.7. Closed Session Announcement - None

1.8. Staff Introductions – Holly Keeler, Engineering Administrative Manager and Sherry Morgado, Housing Officer

2. CONSENT AGENDA – Item 2.4. was removed from Consent for further discussion. A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve the remaining Consent Agenda items:

2.1. RESOLUTION NO. 87-06 – 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 - GLENWOOD AVENUE ANNEXATION DISTRICT NO. 2

    Adopted - a resolution initiating the annexation of two parcels located on the east side of Glenwood Avenue, 650 feet north of West Sacramento Avenue. The annexation was initiated to provide municipal services to the approved Shastan Homes at Glenwood single family residential subdivision. A Negative Declaration, which also addressed annexation, was adopted at the time the subdivision was approved. The Assistant Community Services Director recommended adoption of the resolution.

2.2. MINUTE ORDER NO. 23-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF RIGHT OF WAY EASEMENT (ZHANG)

    Approved - minute order authorizing acquisition of right of way easement according to the negotiated terms set forth in the minute order for Honghong Zhang, 1065, 1071, 1073, and 1079 East Avenue, APN 015-300-023. The Administrative Services Director recommended approval of the minute order.

2.3. ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION TO DIRECT PREPARATION OF AN ORDINANCE AMENDING CHAPTER 5.28 OF THE CHICO MUNICIPAL CODE, ENTITLED "VEHICLES FOR HIRE"

    Accepted - the Internal Affairs Committee recommendation (3-0) that staff be directed to prepare an ordinance amending Chapter 5.28. On 8/09/06, the Committee considered a draft framework of a proposed ordinance which reflected recommendations for revising the appeal process and other recommended amendments to streamline the entire Vehicle for Hire process in order to achieve operational efficiencies. The draft ordinance would be forwarded on 10/17/06 for Council consideration.
2.4. **APPROVAL OF MINUTES OF 8/01/06 CITY COUNCIL MEETING** – This item was removed from Consent for further clarification.

The motion to approve the Consent Agenda, as read, with Item 2.4. removed for further clarification, carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

**ITEMS REMOVED FROM CONSENT**

2.4. **APPROVAL OF MINUTES OF THE 8/01/06 CITY COUNCIL MEETING** – This item was removed from the Consent Agenda at the request of Vice Mayor Kirk.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the minutes from the 8/01/06 Council meeting, as amended to reflect correction of the date on Item 4.2.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING FOR FY 2006-07**

The State of California appropriated funds for the Citizens Option for Public Safety (COPS) program for the eleventh consecutive year. The State Legislature approved continued funding for this program for the 2006-07 fiscal year and a hearing was required by State law prior to receiving COPS funds. Funds to cover the cost for one police officer position were included in the City of Chico 2006-07 Final Budget, subject to this hearing. *(Report - Mike Maloney, Police Captain)*

Mayor Gruendl 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 Bertagna to approve the use of the COPS program grant funds for the 2006-07 fiscal year.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

3.2. **HEARING ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT (MISSION RANCH BOULEVARD - APN's 006-150-111 & 112)**

Rolls Anderson & Rolls, on behalf of S & S Enterprises, requested the abandonment and vacation of a public utility easement on Mission Ranch Boulevard, as it is no longer necessary and conflicts with a proposed building on this property. At its meeting held 8/01/06, the City Council adopted Resolution No. 77-06, stating its intent to abandon the public utility easement, and set the public hearing for this meeting. *(Report - Fritz McKinley, Director of Engineering)*

Mayor Gruendl opened the hearing to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the following resolution:
RESOLUTION. NO. 88-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MISSION RANCH BOULEVARD - APN’s 006-150-111 & 112)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3.3. HEARING ON A PROPOSED ORDINANCE AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL CARE HOME PERMIT REQUIREMENTS IN THE RESIDENTIAL AND MANUFACTURING/INDUSTRIAL ZONING DISTRICTS

The proposed code amendment would: (1) allow more residential care home clients than the maximum of seven currently allowed in most residential zones, subject to approval of a use permit; and (2) allow residential care homes with seven or more clients in the ML Light Manufacturing zoning district, subject to approval of a use permit, and with a requirement that the facility also include on-site vocational training or employment for the residents. (Report - Kim Seidler, Planning Director)

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

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

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL CARE HOME PERMIT REQUIREMENTS IN THE RESIDENTIAL AND MANUFACTURING/INDUSTRIAL ZONING DISTRICTS - Introductory Reading

The motion carried by the following vote:

AYES: Holcombe, Schwab, Wahl, Gruendl
NOES: Bertagna, Herbert, Kirk

3.4. HEARING ON GENERAL PLAN AMENDMENT AND REZONE FOR AN 18.3-ACRE PARCEL ON THE SOUTH SIDE OF EATON ROAD, BETWEEN MORSEMAN AND BURNAP AVENUES (TUSCAN VILLAGE GPA/RZ 04/05; APN 007-190-022)

On 7/6/06, the Planning Commission held a public hearing on this application, which would amend the General Plan Diagram from Low Density Residential/Medium Density Residential/Mixed Use Neighborhood Core to Medium Density Residential/Mixed Use Neighborhood Core, amend the General Plan text regarding development of the site, and amend the zoning map to change the PMU Mixed Use zoning to R2-PD Medium Density Residential and CN-PD Neighborhood Commercial with a Planned Development overlay district. The GPA/RZ was accompanied by a tentative subdivision map and planned development permit application intended to be scheduled for Commission consideration after the City Council took action on the proposed General Plan amendment and rezone. (Report - Kim Seidler, Planning Director)

The City Council was provided with copies of: (1) a letter from Rupert A. McDowell received 9/01/06; (2) a letter from Joan A. McDowell received 9/01/06; and (3) petitions received 9/5/06 with 155 signatures in opposition to the project.

The City Council announced ex parte communications regarding this item. Councilmember Bertagna spoke with Steve Schuster, Don Scott, and Andy Willhoit; Councilmembers Herbert, and Wahl spoke with Steve Schuster and Don Scott; Councilmember Holcombe spoke with Steve Schuster, Don Scott, and Kathy Webster; Councilmember Schwab spoke with Don Scott, Steve Schuster, Kathy Webster, and Crystal Trimble; Vice Mayor Kirk spoke with Don Scott and Rupert McDowell; and Mayor Gruendl spoke with Don Scott, Steve Schuster, Crystal Trimble and Kathy Webster.
Mayor Gruendl opened the hearing to the public. Addressing the Council in opposition of the proposed General Plan amendment and rezone were Charlotte Sturgis, Diane Leckeuby, Rupert McDowell, Chris Person, Andy Willhoit, Crystal Trimble, Lynne Bellante, and Richard McGuagh.

Addressing the Council in support of the General Plan amendment and rezone were Steve Schuster and Don Scott.

A motion was made by Councilmember Bertagna and seconded by Councilmember Schwab to, in concept, support the General Plan Amendment and rezone of the whole site R-2 - Medium Density not to exceed 10.5 units per acre, with the 1.8 acres of commercial retained as open space and incorporated in the overall density calculation and direction that homes are not to face Eaton Road with the formal General Plan Amendment and rezone to be brought back for Council consideration at a future public hearing.

Councilmember Schwab asked for a friendly amendment to include the stipulation that the homes along Eaton face out toward the street, with the garages being enhanced and to not allow fences in the back.

The amendment was not accepted by Councilmember Bertagna.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab
NOES: Kirk, Wahl, Gruendl

4. REGULAR AGENDA

4.1. CONSIDERATION OF COSTS FOR ABATEMENT OF PRIVATE PARCELS DURING 2006 WEED ABATEMENT PROGRAM

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 and public hearing before approving the placement of the costs incurred by the City for performing the lot cleaning/weed abatement plus administrative costs on the property tax roll. Affected property owners were provided with written notice of the public meeting and public hearing. The council was provided with a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 8/21/06. Council action was not required on this item.

4.2. CONSIDERATION OF ADDITIONAL POLICE STAFFING FOR 2006-07

During the City Council meeting of 6/20/06, Council directed the City Manager to explore possible ways to fund two additional police officer positions in this biennial budget period (FY 2006-08). (Report - Greg Jones, City Manager)

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to not authorize any additional Police Officer positions in FY 2006-07 due to long term fiscal constraints, but to direct the City Manager to bring back recommendation on funding two additional officers in FY 2007-08 in the context of the overall mid-biennial budget review in June 2007.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES: Wahl

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

5. BUSINESS FROM THE FLOOR

James Husband addressed the Council regarding his concerns regarding traffic signal needs on Thornton by the McDonald’s restaurant. He also asked that staff look into the effectiveness of the City’s street sweeping services.
6. **ADJOURNMENT**

Adjourned at 10:08 p.m. to September 19, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: November 7, 2006

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the September 5, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

2. **CLOSED SESSION MATTERS**

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

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

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

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

2.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

   (Gov. Code Sec. Section 54954.8)

   2.3.A. Negotiator: Greg Jones, City Manager
   Under Negotiation: Price and terms of negotiation for proposed acquisition - 995 Humboldt Avenue
   Negotiating Parties: See Appendix “A” to the Agenda for property owner or designated negotiator(s)

   2.3.B. Negotiator: Greg Jones, City Manager
   Under Negotiation: Price and terms of negotiation for proposed acquisition - 969 Humboldt Avenue
   Negotiating Parties: See Appendix “A” to the Agenda for property owner or designated negotiator(s)

3. **ADJOURNMENT**

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - See pages 8 and 9

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

1.3. Call to Order – Mayor Gruendl called the September 19, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation – Dr. Tom Shifflet, Pastor, First Christian Church

1.6. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

1.7. Closed Session Announcement - None

1.8. Proclamation – Proclaimed the week of September 17th - 23rd, 2006, as Constitution Week

2. **CONSENT AGENDA** – Items 2.1. and 2.3. were removed for further discussion and heard immediately following the approval of the Consent Agenda. A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to approve the remaining items:

2.1. **ORDINANCE NO. 2342** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL CARE HOME PERMIT REQUIREMENTS IN THE RESIDENTIAL AND MANUFACTURING/INDUSTRIAL ZONES - This item was removed for further discussion.

2.2. **RESOLUTION NO. 89-06** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

   Adopted - a resolution authorizing the City Manager to submit a Recreational Trails Program grant application to the California Parks and Recreation Department. The City was requesting $230,000 to reduce erosion, improve access to and to bring the trail to the Monkey Face Rock in Upper Bidwell Park to standards. The General Services Director recommended adoption of the resolution.

2.3. **RESOLUTION NO. 90-06** – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A BICYCLE AND PEDESTRIAN PATHWAY AND SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (GARY LEE - HENSHAW AVENUE / APN 006-360-007) – This item was removed for further discussion.


   Adopted - a resolution initiating annexation of 19 parcels located south of Eaton Road along Godman Avenue. The annexation was initiated to provide municipal services to existing developed residential properties and to facilitate future additional residential development, and sanitary sewer connection. A Negative Declaration was prepared for this project and will be adopted by Council. The Assistant Community Services Director recommended adoption of the resolution.
2.5. MINUTE ORDER NO. 24-06 – MINUTE ORDER AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS (VARIOUS)

Approved - minute order authorizing acquisition of right of way and/or public service easements according to the negotiated terms set forth in the minute order for the following properties:

1. Karen E. Carver, 1251 East Avenue, APN 015-430-057.
2. Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, 2430 Mariposa Avenue, APN 015-440-001.
3. Temporalities Corporation of the First Church of God of Chico, 1095 East Ave., APN 015-280-051.

The motion to approve the Consent Agenda with Items 2.1. and 2.3. removed for further discussion, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE NO. 2342 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL CARE HOME PERMIT REQUIREMENTS IN THE RESIDENTIAL AND MANUFACTURING/INDUSTRIAL ZONES - Final Reading and Adoption

Adopted - an ordinance that: (1) allows more residential care home clients than the maximum of twelve currently allowed in most residential zones, subject to approval of a use permit; and (2) allows residential care homes with seven or more clients in the ML Light Manufacturing/Industrial zoning district subject to approval of a use permit, and with a requirement that the facility also include on-site vocational training or employment for the residents. The Planning Commission and Planning Director recommended adoption of this ordinance. This item was removed from the Consent Agenda at the request of Councilmember Bertagna.

A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to approve the final reading and adoption of Ordinance No. 2342, by reading of title only.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: Bertagna, Kirk

2.3. RESOLUTION NO. 90-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A BICYCLE AND PEDESTRIAN PATHWAY AND SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (GARY LEE - HENSHAW AVENUE / APN 006-360-007)

Adopted - a resolution of intention to abandon and vacate a 2.5’ portion of a bicycle and pedestrian pathway and sanitary sewer easement located between Henshaw Avenue and Camden Court. The abandonment of this portion of the easement would not impact the required standard width of the existing easement. The Director of Engineering recommended adoption of the resolution which will schedule a public hearing for 10/17/06. The Council was provided with a copy of a letter from Vernon R. James. At the request of Vice Mayor Kirk, this item was removed from the Consent Agenda for further discussion.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to adopt Resolution No. 90-06. The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON PLACING ASSESSMENTS ON THE TAX ROLL TO RECOVER CITY COSTS ASSOCIATED WITH THE 2006 LOT CLEANING/WEED ABATEMENT PROGRAM**

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 hearing before approving the placement of the assessments on the tax roll for costs incurred by the City for performing the lot cleaning plus administrative costs. Affected property owners were provided with written notice of the public hearing, and Council was provided a list of those property owners whose lot cleaning/weed abatement bills remain unpaid. (Report - Chet Wood, Projects Manager)

Mayor Gruendl 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 Herbert to approve the costs for various parcels as recommended and to authorize the placement of the assessments on the property tax roll for any parcels which were not paid as listed on Exhibit A.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4. **REGULAR AGENDA**

4.1. **INITIAL CONSIDERATION OF AN APPEAL OF BIDWELL PARK AND PLAYGROUND COMMISSION APPROVAL OF A WIRELESS TELECOMMUNICATIONS FACILITY WITHIN THE HOOKER OAK RECREATION AREA (UP 04-41) AT 1928 MANZANITA AVENUE (MOUNTAIN UNION)**

An initial consideration of an appeal of the Bidwell Park and Playground Commission's decision to approve a use permit for a wireless telecommunications facility within the Hooker Oak Recreation Area, A.P. No. 016-170-001 (portion) was held. The site is designated Parks on the General Plan diagram, and is located in an OS-1 Primary Open Space zoning district. The use permit authorizes the replacement of the existing 85-foot tall light standards at the Hooker Oak baseball field with new light standards, including two new 110-foot tall standards which will also allow the placement of up to six antenna arrays (three arrays per pole) for wireless telecommunications services. All ground-mounted telecommunications equipment, including air conditioners and backup generators, would be located in a walled 75-foot x 100-foot ground lease area, behind the scoreboard and right field fence. The Council was provided with copies of emails received from Randy Abbott, Janet Palermo, and Virginia Baxter. (Report - Greg Redeker, Assistant Planner)

The Planning Director recommended that the City Council take no action, thereby denying the appeal and affirming the approval of the Project by the Bidwell Park and Playground Commission.

Addressing the Council in support of hearing the appeal was Randy Abbott, Emerald Behrens, Harold Carlson, Linnea Hanson, Phil Johnson, Doug Perske, and John Merz.

Jeff Carter, representing CARD indicated that CARD had not yet taken a position on this item.

Alex Goetze, Stephen Smith, Erin Merrill, Lori Novatny, Kimberely Threadgill, Dr. Jerry Bushburn, and Doug Picard spoke in opposition to holding a hearing regarding the approval of the wireless telecommunications facility.
A motion was made by Councilmember Schwab and seconded by Vice Mayor Kirk to direct staff to schedule the appeal for a future meeting.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl
NOES: Herbert, Wahl
DISQ: Bertagna

The Council recessed for a 15 minute break at 7:50 p.m. The meeting was reconvened and all members of the Council were present.

4.2. **ORDINANCE AMENDING CHAPTER 2.74 OF THE CHICO MUNICIPAL CODE TO PROVIDE FOR THE CONCURRENT PROCESSING OF DEVELOPMENT APPLICATIONS**

Proposed amendment to Chapter 2.74, Development Application Procedures, of the Chico Municipal Code to modify the City's permit processing procedures to require a project that involves the processing of multiple applications, one or more of which would require City Council approval, to be processed concurrently with final action on the applications being taken by the City Council. At its 9/07/06 meeting, the Commission considered the proposed code amendment and voted (5-0-1) to recommend that Council not approve the proposed amendment. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, the project is not subject to CEQA as the proposed changes to permit processing procedures would not result in any physical impact on the environment or change allowable uses, densities or any other development regulations. (Report - Patrick Murphy, Senior Planner)

The Planning Director recommended that the City Council approve the introduction of the following ordinance. The Planning Commission recommended that the code not be amended. The Council was provided with a copy of a letter received from Crystal Trimble. Addressing the Council on this item were Andy Willhoit and Mary Brownell.

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

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2.74 OF THE CHICO MUNICIPAL CODE TO PROVIDE FOR THE CONCURRENT PROCESSING OF MULTIPLE DEVELOPMENT APPLICATIONS** - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4.3. **CONSIDERATION OF THE LOCATION OF FIRE STATION NO. 6**

At its meeting of 5/16/06, the City Council voted (7-0) to agendize Vice Mayor Kirk’s request to discuss the location of Fire Station No. 6. At its meeting of 7/18/06 the Council continued its discussion of this item to this meeting. All previous information was provided again for Council consideration. (Report - Greg Jones, City Manager)

Addressing the Council on this item were Jon Clark, Kevin Hunn, Mary Brownell, and Jane Dolan.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to table this item for 60 days in order to allow time for the completion of the Highway 32 corridor study and directed staff to look at the availability of alternative sites.
The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

### 4.4. CONSIDERATION OF COUNCILMEMBER HERBERT’S REQUEST TO AGENDIZE THE ISSUE OF INFILL DEVELOPMENT

Councilmember Herbert requested that the City Council discuss the development of a new zoning category that would apply strictly to infill development. The Council was provided with a copy of a letter received from Crystal Trimble. Addressing the Council on this item were Charlotte Sturgis, Chris Persson, Jane Turney, and Juanita Sumner.

Pursuant to City Council rules of procedure, the Council, by majority vote, voted to consider this matter at a future Internal Affairs Committee meeting.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to refer the discussion of infill guidelines to the November 2006 Internal Affairs Committee, for a preliminary discussion of standards established in other cities as provided to the Council. The Committee was also directed to look at the issue of transition between the old and new development, with staff to provide a map reflecting all remaining infill sites.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

**Posted Addendum Item:**

### 4.5. COUNCILMEMBER HERBERT’S REQUEST TO AGENDIZE THE CONSIDERATION OF REAPPOINTING KIRK MONFORT TO PLANNING COMMISSION

Councilmember Herbert requested that the Council consider re-appointing Kirk Monfort to complete the remainder of his term as Planning Commissioner, due to his resignation from that commission in August. It was noted by the City Clerk that the recruitment to fill this vacancy would end on 9/25/06, with the appointment scheduled for Council consideration at its meeting of 10/3/06.

Pursuant to City Council rules of procedure, a motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to re-appoint Kirk Monfort to the Planning Commission.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl  
**NOES:** None

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The Council voted (7-0) to extend the meeting to 10:30 p.m.

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### 5. BUSINESS FROM THE FLOOR

Chris Mitchell addressed his concerns regarding the City’s policy for the acquisition of greenway property located on Humboldt Avenue.
6. **REPORTS AND COMMUNICATIONS**

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

6.1. Letter dated 9/04/06 from Myra and Julia Lerch proposing “The Chico Challenge,” a program designed to reduce gas consumption by setting a maximum speed limit for the stretch of Highway 99 that falls within the city limits. The City Manager recommended the letter be forwarded to Cal Trans.

7. **ADJOURNMENT**

   Adjourned to a Redevelopment Agency meeting in the Council Chamber.

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Date Approved: November 21, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the September 19, 2006 – Adjourned Regular Chico Redevelopment Agency Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. **Roll Call**

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wall, Gruendl
Absent: None

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

The Council voted (7-0) to extend the meeting to 11:00 p.m.

4.1. **CONSIDERATION OF CHICO AVENUES NEIGHBORHOOD REQUEST FOR ALLOCATION OF REDEVELOPMENT FUNDS**

The Chico Avenues Neighborhood Association addressed a letter to the Chico City Council and Redevelopment Agency on 7/25/06 outlining their request for allocation of Redevelopment funds for Avenues infrastructure projects and asked that their project/funding request be considered by Council. The Agency was provided with a copy of an email received from Jeffrey Greening. Addressing the Agency on this item were Ed McLaughlin, Marvin Davidson, Barbara Reed, Kasey Merrill, and Lee Laney.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to allocate a funding source for $7.5 million in infrastructure improvements for the Chico Avenues Neighborhood area and directed staff to incorporate it into the 5-year Capital Improvement Plan.

Councilmember Holcombe asked for a friendly amendment to indicate an “average” of $1.5 million per year. The amendment was accepted.

The motion carried by the following vote:

AYES:  Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl
NOES:  Wahl

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

5. **ADJOURNMENT**

Adjourned at 10:52 p.m. to October 3, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved:  November 21, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – The Council recessed to Closed Session at 6:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

2. **CLOSED SESSION MATTERS**

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

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence J. Fuller &amp; Gail E. Fuller</td>
<td>995, 997, and 999 East Avenue</td>
<td>015-310-065, 015-310-066, and 015-310-067</td>
</tr>
</tbody>
</table>

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

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF REAL PROPERTY**

Pursuant to Government Code Section 54954.8, the item of business to be discussed was a conference with the real property negotiator. The items under discussion were instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator was City Manager Greg Jones and the parties with whom negotiations were proposed to be conducted were the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
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<td>015-310-065, 015-310-066, and 015-310-067</td>
</tr>
</tbody>
</table>
2.2. CONFERENCE WITH LABOR NEGOTIATOR
(Gov. Code Sec. 54957.6.)
Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

3. ADJOURNMENT

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
REGULAR CHICO CITY COUNCIL MEETING — October 3, 2006
Minutes

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

1.2. Call to Order – Mayor Gruendl called the October 3, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Flag Salute

1.4. Invocation — Jules Vautrot, Baha’i Faith

1.5. Roll Call

   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Kirk, Gruendl
   Absent: None

1.6. Proclamation — Proclaimed October 2006 as Domestic Violence Awareness Month
   Proclaimed October 1-7, 2006 as Nurse-Midwifery Week

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

2.1. **ORDINANCE NO. 2343 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2.74 OF THE CHICO MUNICIPAL CODE TO PROVIDE FOR THE CONCURRENT PROCESSING OF MULTIPLE DEVELOPMENT APPLICATIONS** - Final Reading and Adoption by reading of title only.

   **Adopted** - an ordinance that modifies the City’s permit processing procedures to require a project that involves the processing of multiple applications, one or more of which require City Council approval, to be processed concurrently with final action on the applications being taken by the City Council. The Planning Director recommended adoption of this ordinance.

2.2. **ACCEPTANCE OF THE 2005/06 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM**

   **Accepted** - the 2005/06 Consolidated Annual Performance Evaluation Report (CAPER). In order for the City to receive federal funding for the Community Development Block Grant (CDBG) program and the Home Investment Partnership (HOME) Program, the U. S. Department of Housing and Urban Development (HUD) requires that a CAPER regarding use of these funds be prepared, made available for public comment, and received and accepted by the City Council. The Housing Officer recommended that the Council receive and accept the 2005/06 CAPER for the CDBG and HOME Program and authorize staff to submit the final CAPER to HUD.

2.3. **DIRECTION TO CITY ATTORNEY TO PREPARE REORGANIZATION ORDINANCE FOR INTRODUCTION AT THE OCTOBER 17, 2006 CITY COUNCIL MEETING IN ACCORDANCE WITH CITY CHARTER REQUIREMENTS**

   **Directed** - the City Attorney to prepare a reorganization ordinance. The City Manager will bring recommendations related to reorganization of various City departments to the City Council at its 10/17/06 meeting. The City Charter required preparation and the adoption of an ordinance for such reorganization and the City Manager requested Council direct the City Attorney to prepare such an ordinance. The City Manager recommended that the draft ordinance be introduced at its 10/17/06 Council meeting.
The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE WILDWOOD ESTATES VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT (S/PDP 05-15) OFF CACTUS AVENUE (WILDWOOD INVESTORS) - Continued from 8/15/06**

A hearing was held regarding the appeal of the Planning Commission decision to approve the Wildwood Estates vesting tentative subdivision map and planned development permit (PDP) located on the east side of Cactus Avenue; Assessor’s Parcel Nos. 016-160-001, 016-160-002, 016-160-003. At its 08/15/06 meeting, the Council conducted a public hearing and voted to continue the item to it’s 10/03/06 meeting, with the public hearing remaining open. (Report - Patrick Murphy, Senior Planner)

**Announcement of Ex-Parte Communications** - The Council indicated that no additional ex-parte communications were held since the 8/15/06 Council meeting.

Mayor Gruendl opened the hearing to the public. Addressing the Council in favor of denying the appeal was Tony Symmes.

Addressing the Council in favor of upholding the appeal were Steve Mosher, Jerry Olio, Liz Mosher, John Merz, Bob Campbell, and Kenneth Chase.

James Sexton addressed the Council in favor of upholding the appeal and asked to be notified of any future neighborhood meetings that are going to be held. The hearing was closed to further public comment.

The Council was provided with copies of additional correspondence received from Mark L. Streets, Patrick Murphy, and Jerry Olio.

A motion was made by Councilmember Herbert to deny the appeal and provide direction to staff to create a plan consistent with a blending of Alternative # 2 and Alternative #5, with passive use of the northeast corner, and with the removal of Lots 61 and 125. After further discussion, Councilmember Herbert withdrew his motion.

A motion was made by Councilmember Holcombe and seconded by Councilmember Schwab to uphold the appeal and send the project back to the Planning Commission with direction to: (1) re-review the connectivity of this project; (2) keep the vernal pools as open space; and (3) remove Lots #1-5.

The motion failed due to the following vote:

AYES: Holcombe, Schwab
NOES: Bertagna, Herbert, Kirk, Wahl, Gruendl

A motion was made by Vice Mayor Kirk to uphold the appeal and send the project back to the Planning Commission, with a discussion to be held on connectivity for bike/pedestrian access, removal of Lots 1-5 and combine Lots 36-37, 42-43, 44-45, 47-48, 52-53 turning them into larger lots.

The motion died for a lack of a second.

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to uphold the appeal and send the project back to the Planning Commission to consider Alternative #5, as is, excluding Lots 1-5 which should be retained as vernal pools or open space.
The motion failed by the following vote:

AYES: Holcombe, Kirk
NOES: Bertagna, Herbert, Schwab, Wahl, Gruendl

A motion was made by Councilmember Schwab and seconded by Vice Mayor Kirk to uphold the appeal and send the project back to the Planning Commission.

The motion failed due to the following vote:

AYES: Kirk, Schwab, Gruendl
NOES: Bertagna, Herbert, Holcombe, Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to: (1) deny the appeal; (2) approve Alternative #2, with Lots C & D (61 and 125) used as a linear park; and (3) continue the discussion regarding the connectivity at the end of Cactus.

The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Holcombe, Kirk, Schwab, Gruendl

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to: (1) deny the appeal; (2) approve the subdivision map; and (3) replace Lots 61 and 125 with a linear park, as indicated in Alternative #2; with review or discussion of an easement for pedestrian or bike traffic.

The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Holcombe, Kirk, Schwab, Gruendl

A motion was made by Councilmember Holcombe and seconded by Councilmember Herbert to deny the appeal and then approve the project defined as Alternative 5, with the removal of Lots 1-5 to remain as open space.

The motion failed due to the following vote:

AYES: Herbert, Holcombe, Kirk
NOES: Bertagna, Schwab, Wahl, Gruendl

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to uphold the appeal and provide direction to the Planning Commission to look at removal of Lots 1-5 being retained as open space subject to the Army Corp. of Engineer’s approval.

The motion failed due to the following vote:

AYES: Herbert, Holcombe, Kirk
NOES: Bertagna, Schwab, Wahl, Gruendl

A motion was made by Councilmember Schwab to uphold the appeal and refer the issue back to the Planning Commission. The motion died for a lack of a second.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to deny the appeal, go with Alternative 2, with Lots 61 and 125 becoming a linear park.

The motion failed due to the following vote:
AYES: Bertagna, Herbert, Wahl  
NOES: Holcombe, Kirk, Schwab, Gruendl

A motion was made by Councilmember Schwab and seconded by Vice Mayor Kirk to uphold the appeal and refer the project back to the Planning Commission.

The motion carried due to the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl  
NOES: Bertagna, Herbert, Wahl

The City Council recessed for break at 9:10 p.m.  
The meeting was reconvened at 9:26 p.m. and all members were present.

4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL OF THE ARCHITECTURAL REVIEW BOARD’S ACTION REGARDING DEVELOPMENT OF PROPERTY AT EATON ROAD AND THE ESPLANADE; ARB 05-30 (JOSHI)

Initial consideration of an appeal of two conditions of approval that were required by the Architectural Review Board (ARB) for a proposed commercial/office development of vacant property at the northwest corner of Eaton Road and the Esplanade. The conditions, requiring a specified setback of the proposed building facing the Esplanade and elimination of a proposed drive aisle adjacent to another building, were included as a part of the larger project approval by the ARB on 8/03/06, and were subsequently reconsidered and modified by the ARB on 9/06/06. The Planning Director recommended that the Council elect not to call up the record and hear the appeal. The Council was provided with additional correspondence received from Rakesh Joshi.

Addressing the Council in support of hearing the appeal were Rakesh Joshi and Greg Peitz.

A motion was made by Councilmember Wahl and seconded by Councilmember Schwab to hear the appeal at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Schwab, Wahl, Gruendl  
NOES: Holcombe, Kirk

4.2. GENERAL PLAN AMENDMENT AND REZONE FOR AN 18.3-ACRE PARCEL ON THE SOUTH SIDE OF EATON ROAD, BETWEEN MORSEMAN AND BURNAP AVENUES (TUSCAN VILLAGE GPA/RZ 04/05; APN 007-190-022)

On 9/05/06, the City Council held a public hearing on this application, and provided the following direction: (1) amend the General Plan Diagram from Low Density Residential/Medium Density Residential/Mixed Use Neighborhood Core to Medium Density Residential; (2) amend the General Plan text regarding development of the site to specify a maximum density of 10.5 units per gross acre and to require that homes not face Eaton Road; and (3) amend the zoning map to change the PMU Planned Mixed Use zoning to R2-PD Medium Density Residential with a Planned Development overlay district. A resolution and ordinance reflecting this Council direction have been prepared. (Report - Kim Seidler, Planning Director)

The Council was provided with copies of additional correspondence received from Richard L. Crabtree and Crystal Trimble.
Addressing the Council in support of upholding the appeal were Charlotte Sturgis, Todd Jones, Crystal Trimble, Tom Sharp, Lynn Bellante, Andy Willhoit, Rick Madison, Chris Persson, Rick McGaugh, and Greg Frank.

Addressing the Council in support of denying the appeal were Steve Schuster and Don Scott.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the General Plan Amendment and rezone.

For the record, Councilmember Holcombe indicated that while he liked the project and could support it as well as the General Plan Amendment, he felt that the General Plan policy regarding mixed-use should be honored and not removed from the project.

Mayor Gruendl stated that he agreed with Councilmember Holcombe and felt that the commercial use issue had not been addressed.

Vice Mayor Kirk agreed that the project was a well designed project but that it doesn’t work well with the neighborhood.

Councilmember Schwab indicated that she couldn’t support the project at this time and that we were failing the General Plan with the removal of the commercial use.

The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Holcombe, Kirk, Schwab, Gruendl

The Council voted (7-0) to extend the meeting to 11:00 p.m.

4.3. CONSIDERATION OF VICE MAYOR KIRK’S REQUEST TO AGENDIZE THE ISSUE OF A MORATORIUM ON INFILL PROJECTS

Vice Mayor Kirk requested that the City Council discuss a moratorium on infill projects. Pursuant to City Council rules of procedure, the Council voted (7-0) to refer this matter for inclusion in the infill discussion currently scheduled for the November Internal Affairs Committee meeting.

The Council voted (7-0) to extend the meeting to 11:30 p.m.

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

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

   The City Council meeting was adjourned to a Redevelopment Agency meeting in the Council Chamber.

   Date Approved:  November 21, 2006

   ________________________________
   Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Gruendl called the October 3, 2006 - Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

Absent: None

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – The Chico Redevelopment Agency acted in its capacity as both the Agency and the Chico City Council for consideration of Items 4.1. and 4.2.

4.1. **FINANCE COMMITTEE’S (3-0) RECOMMENDATION REGARDING THE FUTURE OF THE CATALYST DOMESTIC VIOLENCE SERVICES FACILITY**

At its meeting of 8/23/06, the Finance Committee discussed the future use of the current Catalyst Domestic Violence Services Facility due to Catalyst planning to relocate its emergency shelter and supportive services to a newly constructed facility on a City-owned parcel. (Report - Dennis McLaughlin, Housing Officer)

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to accept the Finance Committee’s recommendation:

1) That the City retain the existing Catalyst facility, and that the Finance Committee be directed to identify a future social service provider which would occupy the facility consistent with the agreement between the City and the Agency; and

2) That the City and Agency enter into an agreement for the future use of the facility for 55 years, with the Agency paying the City the present value of the lease based on an acceptable monthly lease payment and discount rate.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

4.2. **FINANCE COMMITTEE’S RECOMMENDATION TO APPROVE FUNDING REQUEST FROM THE COMMUNITY HOUSING IMPROVEMENT PROGRAM TO DEVELOP A SEVEN-LOT, SINGLE-FAMILY, SELF-HELP SUBDIVISION ON PROPERTY BEING PURCHASED BY THE REDEVELOPMENT AGENCY**

At its meeting of 8/23/06, the Finance Committee considered a request from the Community Housing Improvement Program (CHIP) for the opportunity to develop a self-help housing project with seven homes on a parcel of property being acquired by the Redevelopment Agency. In addition, CHIP proposed a financing plan for the project that included an allocation of $150,500 of City Home Investment Partnership Program (HOME) funds. (Report - Dennis McLaughlin, Housing Officer)

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Kirk to approve the Finance Committee’s recommendation (2-1, Wahl opposed):

1) **Redevelopment Agency Action** – That the Agency select CHIP to develop the Project Site with a self-help, single-family housing project and transfer the site to CHIP at such time as seven lots are available for development; and
2) **Council Action** – That the City provide CHIP a $150,500 loan of Community Housing Development Organization (CHDO) set-aside funds from the City’s HOME Program.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl  
**NOES:** Wahl

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

5. **ADJOURNMENT**

Adjourned at 11:38 p.m. to October 17, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: November 21, 2006

__________________________________
Deborah R. Presson, City Clerk
1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.

1.2. Call to Order - Mayor Gruendl called the October 17, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Flag Salute

1.4. Invocation — Pastor Julie Horne, Trinity United Methodist Church

1.5. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.6. Staff Introductions — Steve Peterson, Planning Director

1.7. Presentation — Certificates of Appreciation presented to Kim Seidler, retiring Planning Director, for 9 years of City service and Dennis McLaughlin, Housing Director, for 17 years of City service.

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


*Introduced* - an ordinance that: (1) updates and recasts the provisions of Chapter 5.40 of the Chico Municipal Code regarding administration of the alarm system permit process, and (2) amends Chapter 5.40 to authorize assessing a false alarm suppression fee when the fire department responds to a false alarm. The Fire Chief and City Attorney recommended introductory reading of this ordinance.


*Adopted* - a resolution initiating annexation of the parcel at 491 Waterford Drive, developed with a duplex residence and accessory structures. The annexation was initiated to facilitate the potential development of a single family residence and sanitary sewer connection. The Assistant Community Services Director recommended adoption of the resolution.

2.3. **MINUTE ORDER NO. 25-06 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS (FULLER)**

*Approved* - minute order authorizing acquisition of right of way and public service easements according to the negotiated terms set forth in the minute order for Lawrence J. and Gail E. Fuller, 995, 997 and 999 East Avenue, APNs 015-310-065, 015-310-066, and 015-310-067. The Administrative Services Director recommended approval of the minute order.
2.4. **ACQUISITION OF MUD CREEK GREENWAY AND REIMBURSEMENT FOR THE VALUE OF A PORTION OF THE ACQUISITION**

Georgie Bellin, developer of the Sky Creek Business Park at Chico Municipal Airport proposed to dedicate 4.41 acres along Mud Creek for public greenway. She was requesting reimbursement for the value of approximately .71 acres (31,000± square feet) of the total acreage.

1. **Accepted the 8/23/06 Finance Committee’s (3-0) recommendation and approved** - minute order authorizing the City Manager to accept dedication of the Mud Creek greenway in fee, free and clear of any title encumbrances affecting its intended use, and execute any related documents, contingent on: (1) the formation by the developer of a Maintenance District or similar mechanism to fund maintenance of the greenway; and (2) placement of a recordable conservation easement to a third party into escrow.

**MINUTE ORDER 26-06 – AUTHORIZATION FOR THE CITY MANAGER TO ACCEPT THE DEDICATION OF MUD CREEK GREENWAY ACQUISITION AT SKY CREEK BUSINESS PARK (BELLIN)**

2. **Approved** - a supplemental appropriation allocating $160,000 from the Linear Parks/Greenways Fund (Fund 333) to reimburse the project developer for the value of the developable portion of the greenway acquisition.

**SUPPLEMENTAL APPROPRIATION NO. 06-08 03 ALLOCATING $160,000 FOR THE MUD CREEK GREENWAY ACQUISITION**

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

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

**ITEMS REMOVED FROM CONSENT** – None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING ABANDONMENT OF A PORTION OF A BICYCLE AND PEDESTRIAN PATHWAY AND SANITARY SEWER EASEMENT ON HENSHAW AVENUE (GARY LEE - APN 006-360-027)**

Hearing on the abandonment and vacation of a 2.5 foot portion of a 15 foot bicycle and pedestrian pathway and sanitary sewer easement located between Henshaw Avenue and Camden Court. At its meeting held 9/19/06, Council adopted Resolution No. 90-06, stating its intent to abandon a portion of the bicycle and sewer easement, and set the public hearing for this meeting. (Report - Fritz McKinley, Director of Engineering)

Mayor Gruendl opened the hearing to the public. Addressing the Council on this item were Vernon James and Janice Lee. The hearing was closed to the public.

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

3.2. HEARING ON THE 2006-07 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY) AND REVISIONS TO DEVELOPMENT IMPACT FEES IN REGARD TO TRANSPORTATION FACILITY FEES AND BUILDING AND EQUIPMENT FEES

Hearing on the Nexus Study update proposing an increase in development impact fees. This Nexus Study update recommended an adjustment in the Street Facility Improvement, Street Maintenance Equipment, and Fire Protection Building and Equipment development impact fees, based upon changes to the proposed Project List, as well as application of the Construction Cost Index (CCI) or Consumer Price Index (CPI), where appropriate. (Report - Fritz McKinley, Director of Engineering)

At its 8/23/06 meeting, the Finance Committee (2-1, Wahl opposed) recommended approval of the 2006-07 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) and adoption of the resolution.

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

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

RESOLUTION NO. 94-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE IN REGARD TO TRANSPORTATION FACILITY FEES AND BUILDING AND EQUIPMENT FEES

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

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

4. REGULAR AGENDA


This ordinance proposed the reorganization of several divisions and programs within the City to enhance service delivery, efficiency and effectiveness. (Report - Greg Jones, City Manager)

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the introduction of the ordinance.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
4.2. **CONSIDERATION OF RESOLUTION ADDING A PROVISION TO THE CHICO MUNICIPAL CODE REGARDING CLOSURES OF CERTAIN CITY PARKS**

As a result of concerns raised by the public and the Police Department regarding unwanted activities in Children’s Playground, the City Council requested that the Bidwell Park and Playground Commission (BPPC) consider establishing a curfew in all City parks. At its meeting of 8/28/06, the BPPC recommended (5-2) to add a section to the Chico Municipal Code to close certain parks from midnight to 5:00 a.m., with a sunset date for this provision of 12/31/08. Councilmember Schwab was disqualified on the City Plaza park (B-3) and the city owned park property (B-6) as defined in the staff report and Councilmember Wahl was disqualified on the action pertaining to City Plaza park (B-3). Ken Fleming and Andy Keller addressed the Council on this item.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the following resolution, including a sunset provision in two years and a request that staff provide a report back to Council in a year with B-3 and B-6 removed to be voted on separately. Councilmember Wahl made the request for an amendment to include looking at police staffing in January in order to provide more police officers on the street. The amendment was withdrawn.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl

**NOES:** None

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve staff’s recommendations to B-6 park closures, as referenced in the staff report, and adopt the following resolution:

**RESOLUTION 95-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 12R.04.370, ENTITLED “CLOSURE OF CERTAIN PARKS,” TO THE CHICO MUNICIPAL CODE ESTABLISHING CLOSING HOURS FOR CERTAIN PARKS WITH A SUNSET PROVISION - as amended**

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Kirk, Wahl

**NOES:** Holcombe, Gruendl

**DISQ:** Schwab

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to amend staff’s recommendations regarding Item B-3, to reflect the City Plaza’s closure being from 2:00 a.m. to 5:00 p.m., Pacific standard time.

The motion carried by the following vote:

**AYES:** Bertagna, Herbert, Holcombe, Kirk, Wahl

**NOES:** Gruendl

**DISQ:** Schwab

4.3. **CONSIDERATION OF MAYOR GRUENDL’S REQUEST THAT THE CITY OF CHICO SIGN ON TO THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AGREEMENT**

Mayor Gruendl requested that the City Council authorize him to sign on to the U.S. Conference of Mayors Climate Protection Agreement and establish a Task Force to assist with implementation of the agreement. The Council was provided with copies of e-mails received in support of the U.S. Mayors’ Climate Protection Agreement from Tracy McDonald, Lauren Wright, Dan Toy, and Arnethia Okelo.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to table this item for 30 days in order to allow time for staff to provide a costs/benefits analysis on the protection agreement for Council review.
The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl  
NOES: Holcombe, Kirk, Schwab, Gruendl

A motion was made by Vice Mayor Kirk and seconded by Councilmember Schwab to hear this item at this meeting.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl  
NOES: Bertagna, Herbert, Holcombe

Addressing the Council in support of the signing the protection agreement were Tracy McDonald, Scott Wolf, Jeff Price, Emerald Behrens, Elizabeth Devereaux, Nani Teves, Daniel Salazar, Adam Hansen, Halli Bovid, Jessica Rios, Marion Harmon, David Wilson, Grace Marvin, Julian Zener, Andy Keller, Walt Schafer, Jon Luvaas, Phil Johnson, James Pushnik, Karen Laslo, Kathleen Faith, Dale Rudesill, Tanha Luvaas, Scott McNall, Samuel Ready, Emma Riley, Melinda Riley, Lin Jensen, Emily Alma, Nathaniel Millard, Randy Larsen, Juan Gomez, Caroline Kittrell, Bill Knudsen, and Paul Persons.

Councilmember Wahl made a motion to postpone this item for thirty days. The motion died for a lack of a second.

A motion was made by Councilmember Schwab and seconded by Councilmember Holcombe to authorize the Mayor to sign the protection agreement.

The motion carried by the following vote:

AYES: Holcombe, Kirk, Schwab, Gruendl  
NOES: Bertagna, Herbert, Wahl

It was noted by the Mayor that a joint task force between the City and University should be created and that Councilmember Schwab should chair the committee.

4.4. CONSIDERATION OF VICE MAYOR KIRK’S REQUEST THAT THE BICYCLE ADVISORY COMMITTEE EVALUATE INTERSECTIONS THROUGHOUT THE CITY

Vice Mayor Kirk requested that the City Council consider asking the Bicycle Advisory Committee to evaluate popular and busy intersections throughout the City and make its recommendations to the Internal Affairs Committee. In addition, she asked that the City Council consider making the Bicycle Advisory Committee a Brown Act Committee. The Council voted (4-3, with Bertagna, Herbert, and Wahl voting against) to refer this item to the 12/13/06 Internal Affairs Committee when considering the review of the City's Boards and Commissions.

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

5. BUSINESS FROM THE FLOOR

Karen Laslo wanted to include in the record that she was not the unidentified individual speaking from the audience on Item 4.3.

6. REPORTS AND COMMUNICATIONS

The following reports and communication item were provided for the Council's information. No action was taken on this item.

6.1. Joel Castle requests that his letter regarding medical marijuana be placed on this agenda.
7. **ADJOURNMENT**

   Adjourned at 10:34 p.m. to November 7, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

   Date Approved:   December 5, 2006

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

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

1.3. Call to Order – Mayor Gruendl called the November 7, 2006 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

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

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absents: None

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Items 2.2. and 2.6. were removed for further discussion and heard immediately following the approval of the Consent Agenda. Item 2.3. was removed from the agenda by staff because the statutory authority referred to in CMC 12,0450 had changes and further research was needed to determine how best to proceed. A motion was made by Vice Mayor Kirk and seconded by Councilmember Holcombe to approve the remaining Consent Agenda items:


RESOLUTION NO. 96-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION NO. 114 00-01 TO ADD AND DELETE CERTAIN SPECIFIED POSITIONS TO THE MANAGEMENT EMPLOYEE GROUP AND SET THE SALARY RATE FOR THOSE POSITIONS (AMENDMENT NO. 15 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

MINUTE ORDER NO. 27-06 – CONFIRMATION OF DEPARTMENT HEADS FOR THE NEWLY ESTABLISHED DEPARTMENTS OF PLANNING SERVICES, BUILDING AND DEVELOPMENT SERVICES, HOUSING AND NEIGHBORHOOD SERVICES, AND CAPITAL PROJECT SERVICES

Adopted - an ordinance reorganizing several divisions and programs within the City to enhance service delivery, efficiency, and effectiveness. In order to implement the reorganization, staff also recommended that the City Council adopt a resolution amending the Management Employees Pay and Benefits Resolution to add and delete specified positions, and approve a minute order confirming the City Manager's appointment of department heads to the departments established by the ordinance. The City Manager recommended adoption of the ordinance and resolution, and approval of the minute order.

2.2. **ORDINANCE NO. 2345 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING CHAPTER 5.40, ENTITLED “ALARM SYSTEMS,” OF THE CHICO MUNICIPAL CODE, AND ADDING CHAPTER 5.40, ENTITLED “REGULATION OF ALARM SYSTEMS,” TO THE CHICO MUNICIPAL CODE** - This item was removed for further discussion.
2.3. AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING SECTIONS 12.04.010 AND 12.04.050 OF THE CHICO MUNICIPAL CODE TO CHANGE "PLAZA PARK" TO "CITY PLAZA," AND AMENDING SECTION 12.0450 OF THE CODE TO ADD RINGEL PARK AS A "DRUG FREE ZONE" - This item was removed from the agenda by staff for further research.

2.4. RESOLUTION NO. 97-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE EXCESS RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (AUSTIN’S HOME FURNISHERS / APN 002-190-018, 028)

Adopted - a resolution of intention to abandon and vacate a portion of excess right-of-way located along the Skyway at Notre Dame Boulevard to allow for future development. The Director of Engineering recommended adoption of the resolution which scheduled a public hearing for 12/05/06.

2.5. RESOLUTION NO. 98-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE CHICO URBAN STREAMS ALLIANCE CLEAN CREEKS PROJECT

Adopted - a resolution authorizing the City Manager or Assistant City Manager to execute a revised grant agreement extending the term of the grant to December 2007. The resolution had been requested by the State Water Resources Control Board for the Chico Urban Streams Alliance Clean Creeks project. The Director of Engineering recommended adoption of the resolution.

2.6. MINUTE ORDER NO. 28-06 – REQUEST FOR APPROVAL TO SELL ASSIGNED DUTY HANDGUNS TO POLICE OFFICERS WHO HAVE SEPARATED FROM SERVICE WITH THE CHICO POLICE DEPARTMENT - This item was removed for further discussion.

2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 06-08 05 TO PROVIDE ADDITIONAL FUNDING FOR MAJOR LITIGATION COSTS

Approved - an additional amount of $200,000 that was requested to fund continuing outside legal counsel for fees and costs anticipated to be incurred for the defense of litigation during FY 2006-07. The City Attorney recommended approval of the Supplemental Appropriation.

2.8. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approve - minutes of the City Council meetings held on 8/15/06 and 9/05/06.

The motion to approve the Consent Agenda with Items 2.2. and 2.6. removed for further discussion, and Item 2.3. removed from the agenda, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

ITEMS REMOVED FROM CONSENT

2.2. ORDINANCE NO. 2345 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING CHAPTER 5.40, ENTITLED “ALARM SYSTEMS,” OF THE CHICO MUNICIPAL CODE, AND ADDING CHAPTER 5.40, ENTITLED “REGULATION OF ALARM SYSTEMS,” TO THE CHICO MUNICIPAL CODE - Final reading and adoption – This item was removed from the Consent Agenda for further discussion at the request of Councilmember Wahl.

Adopted - an ordinance that: (1) updates and recasts the provisions of Chapter 5.40 of the Chico Municipal Code regarding administration of the alarm system permit process, and (2) amends Chapter 5.40 to authorize assessing a false alarm suppression fee when the fire department responds to a false alarm. The Fire Chief and City Attorney recommended adoption of this ordinance. David Wood and Ray Murdoch addressed the City Council on this item.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the final reading and adoption of Ordinance No. 2345, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

2.6. **MINUTE ORDER NO. 28-06 – REQUEST FOR APPROVAL TO SELL ASSIGNED DUTY HANDGUNS TO POLICE OFFICERS WHO HAVE SEPARATED FROM SERVICE WITH THE CHICO POLICE DEPARTMENT** – This item was removed from the Consent Agenda for further discussion at the request of Terry Moore.

Approved - a minute order that allows officers who have left the Department in good standing, to purchase their handgun, after approval from the Chief of Police and after completion of a Service Firearm Purchase Agreement. The Chief of Police recommended approval of the minute order. Terry Moore addressed the City Council on this item.

A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to adopt Minute Order No. 28-06. The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON AN APPEAL OF BIDWELL PARK AND PLAYGROUND COMMISSION APPROVAL OF USE PERMIT 04-41 TO AUTHORIZE A WIRELESS TELECOMMUNICATIONS FACILITY WITHIN THE HOOKER OAK RECREATION AREA AT 1928 MANZANITA AVENUE (MOUNTAIN UNION)**

Hearing on an appeal of the Bidwell Park and Playground Commission's (BPPC) decision to approve a use permit for a wireless telecommunications facility within the Hooker Oak Recreation Area; A. P. No. 016-170-001 (portion). This appeal was initially considered by the City Council on 9/19/06, at which meeting it voted to call up the record and schedule the matter for a public hearing on 11/07/06. Councilmember Bertagna was disqualified from participating in this discussion and left the Council meeting. (Report - Greg Redeker, Assistant Planner)

The City Council was provided with copies of a revised comparison chart of UP 04-41 (Hooker Oak) and UP 05-76 (Elks Lodge) received from the Planning Department and an e-mail received on 11/06/06 from Karen Kite.

The City Council announced ex parte communications regarding this item. Councilmember Wahl, Mayor Gruendl and Vice Mayor Kirk spoke with Alex Goetze.

Addressing the Council in support of upholding the appeal were Randy Abbott, Karen Kite Montana, Linnea Hanson, Harold Carlson, John Merz, Kris Koenig, Richard L. Harrima, Phil Johnson and Craig Scarpelli. Information regarding EMF’s was provided by Craig Scarpelli.

Addressing the Council in support of denying the appeal were Jerry Bushberg, Tiffany Scalia, Erin Merrill, Doug Picard, Ken Crouse, Robert Gunderman and Alex Goetze.

Jeff Carter addressed the Council on behalf of Chico Area Recreation District.

A motion was made by Councilmember Herbert to adopt a motion of intent to uphold the approval of Use Permit 04-41 by the Bidwell Park and Playground Commissioned, as conditioned, thereby denying the appeal, stipulating that construction of the ground-mounted equipment enclosure facility be limited to 75’ x 75’ and that the enclosure be heavily landscaped. The motion was seconded by Councilmember Wahl. Councilmember Holcombe requested a friendly amendment to ensure that existing light levels remain at the same height. The amendment was accepted.

Councilmember Herbert clarified that pages 58 and 59 of the staff report be used as a point of reference for the light fixtures, antennae arrays and the equipment enclosure facility.
The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Wahl
NOES: Schwab, Gruendl
DISQ: Bertagna

The City Council recessed for break at 8:32 p.m.
The meeting was reconvened at 8:45 p.m. and all members were present.

3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 565 (RIVER GLEN SUBDIVISION)

A condition of approval of the River Glen Subdivision required the establishment of a means for funding the annual costs of operating and maintaining storm water collection facilities, a masonry wall, and landscaping and irrigation of improvements that are of special benefit to the subdivision located off Nord Avenue between Glenwood and Lindo Channel. (Report - Fritz McKinley, Director of Engineering)

Mayor Gruendl 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 Schwab to adopt the following resolution:


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

4. REGULAR AGENDA

4.1. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION TO AMEND CHAPTER 5.28 OF THE CHICO MUNICIPAL CODE, ENTITLED "VEHICLES FOR HIRE"

At its meeting held 09/05/06, the City Council directed staff to prepare an ordinance to amend provisions of Chapter 5.28 of the Chico Municipal Code to revise the Vehicle for Hire process as recommended by the Internal Affairs Committee on 08/09/06. This ordinance would revise the appeal process and streamline the entire Vehicle for Hire process which would result in operational efficiencies by consolidating administration of the process within the Police Department. Councilmember Bertagna was disqualified on this item.

Addressing the Council in opposition to this item were Steve Johnson, Edward Ort, Kristin Flock, and Greg Bard.

A motion was made by Councilmember Herbert to not introduce the ordinance and send this item back to the Internal Affairs Committee for clarification. The motion was seconded by Councilmember Wahl.

Councilmember Herbert asked those that spoke in opposition to the ordinance to submit their comments to the City Clerk’s Office so that the comments could be forwarded to the Internal Affairs Committee.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
DISQ: Bertagna

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

5. BUSINESS FROM THE FLOOR - None

6. ADJOURNMENT

Adjourn to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: December 5, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** - Mayor Gruendl called the November 7, 2006 - Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: None

2. **CONSENT AGENDA** - The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Items 2.1. and 2.2. The motions are as follows:

   A motion to approve the Redevelopment Agency Consent Agenda items was made by Councilmember Herbert and seconded by Councilmember Schwab.

   A motion to approve the City Council Consent Agenda items was made by Councilmember Schwab and seconded by Vice Mayor Kirk.

2.1. **RDA RESOLUTION NO. 05-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO CAMINAR FOR DEVELOPMENT OF AFFORDABLE HOUSING AT 2505 ESPLANADE, CHICO, CALIFORNIA**

   RESOLUTION NO. 100-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ALLOCATING FIFTEEN UNITS OF EXISTING ARTICLE XXXIV AUTHORITY TO THE AVENIDA APARTMENTS AT 2505 ESPLANADE

   SUPPLEMENTAL APPROPRIATION ALLOCATING $425,000 FROM THE LOW AND MODERATE INCOME HOUSING FUND TO THE CAMINAR PROJECT AT 2505 ESPLANADE

   **Adopted** - a resolution providing a loan of $425,000 from the Agency's Low and Moderate Income Housing Fund to Caminar for costs related to the rehabilitation of the Avenida Apartments at 2505 Esplanade and a resolution allocating 15 units of Article 34 Authority because the project meets the definition of a "Low Income Housing Project" pursuant to Article 34 of the California Constitution.

   **Approved** - a supplemental appropriation to implement the loan of funds. The Finance Committee recommended (3-0) adoption of the resolutions and approval of the supplemental appropriation.

2.2. **RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS TO CATALYST DOMESTIC VIOLENCE SERVICES FOR DEVELOPMENT OF A TRANSITIONAL HOUSING COMPONENT TO ITS PROPOSED FACILITY AT 1321 IVY STREET, CHICO, CALIFORNIA, AND APPROVAL OF RELATED ACTIONS TO IMPLEMENT PREVIOUS APPROVALS BY THE CITY AND REDEVELOPMENT AGENCY REGARDING THE RELOCATION PROJECT**

   At its meeting of 10/03/06, the City Council, acting in its capacity as the City Council and the Redevelopment Agency (RDA), adopted the Finance Committee’s recommendation of 8/23/06 for the City to enter into an agreement with the RDA to place a long term affordability covenant on the City-owned property currently being leased to Catalyst Domestic Violence Services (Catalyst). That action provided the final funding for the Catalyst relocation project, which was a condition for the RDA providing financing from its Low and Moderate Income Housing Fund (LMIHF). The below resolution authorizes and sets forth the conditions for that funding, the supplemental appropriation formally allocates the LMIHF funds, and the minute orders authorize execution of the implementing agreements. The Housing Officer recommended adoption of the following resolution and approval of the supplemental appropriation and minute orders.
REDEVELOPMENT AGENCY ACTIONS

1) RDA RESOLUTION NO. 07-06 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO CATALYST DOMESTIC VIOLENCE SERVICES FOR DEVELOPMENT OF A TRANSITIONAL HOUSING COMPONENT TO ITS PROPOSED FACILITY AT 1321 IVY STREET, CHICO, CALIFORNIA

2) SUPPLEMENTAL APPROPRIATION FOR $1,810,000 FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND FOR THE CATALYST RELOCATION PROJECT ($1,150,000) AND ACQUISITION OF A 55 YEAR AFFORDABILITY COVENANT ($660,000)

3) MINUTE ORDER NO. 03-06 – MINUTE ORDER AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT TO PURCHASE A LONG TERM AFFORDABILITY COVENANT FROM THE CITY OF CHICO FOR THE PROPERTY CURRENTLY LEASED TO CATALYST DOMESTIC VIOLENCE SERVICES

CITY COUNCIL ACTIONS

1) MINUTE ORDER NO. 29-06 – AUTHORIZING CITY MANAGER TO: (1) EXECUTE AN AGREEMENT WITH THE CHICO REDEVELOPMENT AGENCY (AGENCY) WHEREBY THE AGENCY PURCHASES AN AFFORDABILITY COVENANT ON CITY OWNED PROPERTY; AND (2) EXECUTE A COVENANT REQUIRED PURSUANT TO THAT AGREEMENT

2) MINUTE ORDER NO. 30-06 – AUTHORIZING THE REDEVELOPMENT AGENCY TO RECORD A REGULATORY AGREEMENT ON CITY PROPERTY AT 1321 IVY STREET AS SECURITY FOR AGENCY’S LOAN TO CATALYST DOMESTIC VIOLENCE SERVICES TO DEVELOP A FACILITY ON THE CITY’S PROPERTY

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

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

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

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA - None

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. ADJOURNMENT

Adjourned at 9:20 p.m. to November 21, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: December 5, 2006

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – The Council recessed to Closed Session at 6:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

   Present: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
   Absent: Bertagna

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

2. **CLOSED SESSION MATTERS**

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

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

3. **ADJOURNMENT**

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — November 21, 2006
Minutes

1.1. CLOSED SESSION - 6:00 p.m. - see page 7

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

1.3. Call to Order – Mayor Gruendl called the November 21, 2006 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Invocation — Dr. Tom Shifflet, Pastor, First Christian Church

1.6. Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
Absent: Kirk

1.7. Closed Session Announcement — None

1.8. Presentation — An appreciation plaque was presented to Mike Williams, retiring Supervising Inspector for 15 years of City service.

1.9. Presentation — State Route 32/Nord Avenue Corridor Community Plan Study – organized by the Local Government Commission and Glatting Jackson under the direction of the Butte County Association of Governments on behalf of Butte County and the City of Chico.

2. CONSENT AGENDA – Item 2.5. was removed from the Consent Agenda for further discussion. A motion was made by Councilmember Bertagna and seconded by Councilmember Schwab to approve the remaining Consent Agenda items:

2.1. RESOLUTION NO. 101-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1132 ARBUTUS AVENUE / A.P. NO. 003-453-029 (petition from property owners Richard and Evelyn Bryson)

RESOLUTION NO. 102-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1663 HOOKER OAK AVENUE / A.P. NO. 045-420-004 (petition from property owner Randy S. Kilpatrick)

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll as set forth in the Director of Engineering report attached to each resolution. These assessments were in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Engineering recommended adoption of these resolutions.


Adopted - a resolution initiating the annexation of 469 parcels in the area bounded by East Avenue, Mariposa Avenue, Manzanita Avenue and Cohasset Road. The area has been developed with institutional, commercial and office uses and a range of residential densities. The Assistant Community Services Director recommended adoption of the resolution.

Adopted - a resolution initiating the annexation of 21 parcels located at 2304, 2312, 2318 and 2320 Floral Avenue; 2335 and 2339 Mariposa Avenue; and 1276, 1277, 1280, 1281, 1282, 1283, 1286, 1287, 1289, 1290, 1292, 1293, 1294, 1295 and 1297 Parque Drive. The area was developed with single family residential uses. The Assistant Community Services Director recommended adoption of the resolution.

2.4. RESOLUTION NO. 105-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO ACCEPT AND EXECUTE A PROPOSITION 40 INTEGRATED WATERSHED MANAGEMENT PROGRAM GRANT AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE VERBENA FIELDS AND BIG CHICO CREEK/BIDWELL AVENUE RESTORATION PROJECTS

Adopted - a resolution which authorized the City Manager to accept and execute a Proposition 40 Grant for the Verbena Fields Restoration Project to be located on E. 1st and Verbena Avenues in northeast Chico and another restoration project on Big Chico Creek along Bidwell Avenue. The SWRCB approved and awarded a $1,307,419 grant for these projects, with the California State University Research Foundation as the lead agency and grant recipient. However, due to conflicting Foundation accounting procedures and SWRCB grant requirements, the Foundation requested that the City become the grant recipient. The Foundation will remain as a subcontractor for grant administration, and project management of the Big Chico Creek/Bidwell Avenue project. The General Services Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 106-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE BIDWELL PARK AND PLAYGROUND COMMISSION’S APPROVAL OF USE PERMIT 04-41 (MOUNTAIN UNION) TO ALLOW TWO NEW 110’ TALL STANDARDS AT THE HOOKER OAK RECREATION AREA WHICH WILL ALSO ALLOW THE PLACEMENT OF UP TO SIX ANTENNA ARRAYS (THREE ARRAYS PER POLE) FOR WIRELESS TELECOMMUNICATIONS SERVICES – This item was removed from the Consent Agenda for further discussion at the request of a citizen and Councilmember Schwab.

2.6. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 9/19/06 and 10/03/06.

The motion to approve the Consent Agenda, as read, with Item 2.5. removed for further discussion, carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

ITEMS REMOVED FROM CONSENT

2.5. RESOLUTION NO. 106-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE BIDWELL PARK AND PLAYGROUND COMMISSION’S APPROVAL OF USE PERMIT 04-41 (MOUNTAIN UNION) TO ALLOW TWO NEW 110’ TALL STANDARDS AT THE HOOKER OAK RECREATION AREA WHICH WILL ALSO ALLOW THE PLACEMENT OF UP TO SIX ANTENNA ARRAYS (THREE ARRAYS PER POLE) FOR WIRELESS TELECOMMUNICATIONS SERVICES – This item was removed from the Consent Agenda for further discussion at the request of Harold Carlson and Councilmember Schwab.
Adopted - a resolution which memorialized Council's action on the appeal of the Bidwell Park and Playground Commission (BP&PC) approval of Use Permit 04-41, which authorized the construction of a wireless telecommunications facility within the Hooker Oak Recreation Area located at 1928 Manzanita Avenue. A public hearing was held on this appeal on 11/07/06 prior to Council’s decision. The Planning Director recommended adoption of the resolution. The Council was provided with a copy of a faxed letter received from Richard Harriman. Harold Carlson addressed the Council on this item. Councilmember Schwab indicated that she could not support the usage being requested for the park.

A motion was made by Councilmember Schwab and seconded by Mayor Gruendl to not adopt the resolution.

The motion failed due to the following vote:

AYES: Schwab, Gruendl
NOES: Herbert, Holcombe, Wahl
ABSENT: Kirk
DISQ: Bertagna

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to adopt the resolution denying the appeal and upholding the approval of Use Permit 04-41 to allow two new 110' tall standards at the Hooker Oak Recreation area which would allow the placement of up to six antenna arrays (three arrays per pole) for wireless telecommunications services.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Wahl
NOES: Schwab, Gruendl
ABSENT: Kirk
DISQ: Bertagna

The Council recessed at 7:50 p.m. for a ten minute break. The meeting was reconvened and all members were present.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 570 (MCKINNEY RANCH SUBDIVISION)

A hearing was held in order to consider ordering the formation of a maintenance assessment district for the McKinney Ranch Subdivision due to a condition of approval of the McKinney Ranch subdivision, requiring the means for funding the annual costs of operating and maintaining landscaping and irrigation facilities and storm drain trenches that were of special benefit to the subdivision located off Eaton Road. (Report - Fritz McKinley, Director of Engineering)

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

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

RESOLUTION NO. 107-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 570 (MCKINNEY RANCH SUBDIVISION)
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 571 (SYMM CITY SUBDIVISION)

A hearing was held to consider ordering the formation of a maintenance assessment district for the Symm City Subdivision. A condition of approval of the Symm City Subdivision required the means for funding the annual costs of operating and maintaining storm water collection facilities that were of special benefit to the subdivision located off Cactus Avenue. (Report - Fritz McKinley, Director of Engineering)

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

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


The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

3.3. HEARING ON THE APPEAL OF THE ARCHITECTURAL REVIEW BOARD’S ACTION REGARDING DEVELOPMENT OF PROPERTY AT EATON ROAD AND THE ESPLANADE; ARB 05-30 (JOSHI)

A hearing was held on the appeal of two conditions of approval required by the Architectural Review Board (ARB) for a proposed commercial/office development at the northwest corner of Eaton Road and the Esplanade. The Council heard testimony and considered evidence on the following issues: (1) requiring a specified setback of the proposed building facing the Esplanade; and (2) elimination of a proposed drive aisle adjacent to another building. Both conditions were included as part of the larger project approval by the ARB on 8/03/06, and were subsequently reconsidered and modified by the ARB on 9/06/06. A mitigated negative declaration is proposed for the project pursuant to the California Environmental Quality Act. (Report - Patrick Murphy, Senior Planner)

The Mayor opened the hearing to the public. Addressing the Council in support of the appeal were Susan Woolley, Tim Ferris, Rakesh Joshi, and Gregory Peitz.

Councilmember Bertagna announced his ex-parte communication with Rakesh Joshi.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to adopt an amended resolution reversing the action taken by the Architectural Review Board thereby: (1) allowing a one way drive aisle; (2) confirming the exclusion of a kiosk in the one way drive aisle; and (3) confirming the 7-ft setback requirement on the Esplanade.

RESOLUTION NO. 109-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING THE ARCHITECTURAL REVIEW BOARD’S ACTION REGARDING DEVELOPMENT OF PROPERTY AT EATON ROAD AND ESPLANADE; ARB 05-30 (JOSHI)
The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Kirk

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF THE LOCATION OF FIRE STATION NO. 6**

At its meeting of 9/19/06, the Council tabled this item until after the completion of the Highway 32 corridor study and directed staff to look at availability of alternative sites. All previous information that was provided to Council was forwarded for Council consideration including information on an alternate location provided by Councilmember Wahl. The Council was also provided with copies of email correspondence from Kevin Hunn, representing the Firefighters at Fire Station 6.

Addressing the Council in opposition to the proposed location were Mary Brownell and Jane Dolan.

A motion was made by Councilmember Schwab and seconded by Councilmember Herbert to move forward with the proposed location for Fire Station No. 6.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Schwab, Gruendl
NOES: Holcombe, Wahl
ABSENT: Kirk

4.2. **CONSIDERATION OF COUNCILMEMBER HERBERT’S REQUEST TO AGENDIZE THE ISSUE OF A BCAG BUS STOP CHANGE AT SYCAMORE GLEN**

Councilmember Herbert requested that the City Council consider sending a letter to the BCAG Board of Directors requesting reconsideration of a bus stop change at Sycamore Glen that went into effect on 11/05/06. Pursuant to City Council rules of procedure, the Council voted (6-0-1, with Kirk absent) to consider this item at this meeting.

Addressing the Council regarding this item were Brian Vittiar, Dolly Skinner, and Jon Clark, representing BCAG.

Council requested that BCAG reconsider the relocation of the transit stop and in the interim, provide some type of shelter at the new location. Jon Clark indicated that BCAG staff would reevaluate this site for possible solutions.

4.3. **CONSIDERATION OF MAYOR GRUENDL’S REQUEST TO AGENDIZE THE FORMATION OF THE TASK FORCE ESTABLISHED UNDER THE AUTHORITY TO SIGN THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AGREEMENT**

Mayor Gruendl had requested guidance from the City Council in the formation of a task force pertaining to the Mayors Climate Protection Agreement. Pursuant to City Council rules of procedure, the Council agreed to consider this matter at the 12/19/06 City Council meeting.

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

5. **BUSINESS FROM THE FLOOR**

An unidentified man addressed the Council regarding his concerns for the census that is proposed in January 2007 regarding the homeless.

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.
ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — November 21, 2006
Minutes

1. CALL TO ORDER – Mayor Gruendl called the November 21, 2006 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
Absent: Kirk

2. CONSENT AGENDA – A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to not approve the following Consent Agenda item:

2.1. A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE ACQUISITION OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET EAST OF BOUCHER STREET- PORTION OF ASSESSOR’S PARCEL NO. 005-391-004, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SALES AGREEMENT WITH THE PROPERTY OWNERS, AND TO ACCEPT AND CONSENT TO CONVEYANCE OF THE VACANT PARCEL

Considered - a resolution which would have corrected the title of Resolution No. RDA 05-06 to reflect the actions authorized by the body of the resolution. This resolution was originally adopted by the Redevelopment Agency at its meeting of 8/15/06 and pertains to the purchase of a vacant parcel located between little Chico Creek and Wisconsin Street east of Boucher Street, for the development of single family housing affordable to lower income households. The Housing Officer recommended adoption of the resolution.

The motion to not adopt the resolution carried by the following vote:

AYES: Bertagna, Herbert, Schwab, Wahl
NOES: Holcombe, Gruendl
ABSENT: Maureen Kirk

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA – None

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. ADJOURNMENT

Adjourned at 10:40 p.m. to December 5, 2006 for a regularly scheduled meeting in the Council Chamber at 7:30 p.m.

Date Approved: December 5, 2006

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Deborah R. Presson, City Clerk
CALL TO ORDER – Mayor Gruendl called the November 21, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

   Present: Bertagna, Herbert, Holcombe, Schwab, Wahl, Gruendl
   Absent: Kirk

   Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, and City Clerk Presson

2. CLOSED SESSION MATTERS

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

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

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

3. ADJOURNMENT

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
REGULAR CHICO CITY COUNCIL MEETING — December 5, 2006
Minutes

1. REGULAR CITY COUNCIL MEETING - 7:30 p.m.

1.1. Call to Order – Mayor Gruendl called the December 5, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.

1.2. Presentation of Colors and Pledge of Allegiance – Boy Scouts of America – Troop 31

1.3. National Anthem and America the Beautiful - Bidwell Generals

1.4. Invocation – Pastor Reg Schultz-Akerson, Faith Lutheran Church

1.5. Roll Call

Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

1.6. Presentation – Appreciation plaques presented to Clif Sellers, retiring Assistant Community Services Director and Tony Baptiste, retiring Community Services Director both with 25 years of City service.

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


Pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code, this resolution declared the results of the General Municipal Election held on 11/07/06 in the City of Chico. The official election results received from the Butte County Clerk were certified by the City Clerk and are attached to the resolution as Exhibit A. The City Clerk recommended adoption of the resolution.

2.2. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approve – minutes of the City Council meetings held on 10/17/06, 11/07/06 and 11/21/06, as amended for clerical corrections only.

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

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

RECOGNITION OF OUTGOING COUNCILMEMBER HERBERT AND VICE MAYOR KIRK
Mayor Scott Gruendl

SWEARING-IN OF COUNCILMEMBERS FLYNN, GRUENDL, NICKELL
Retired Judge Darrell Stevens
SELECTION OF MAYOR AND VICE MAYOR
City Clerk Deborah Presson

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Council unanimously appointed Mayor Holcombe and Vice Mayor Schwab to serve for the term of 2006-2008

RECOGNITION OF OUTGOING MAYOR SCOTT GRUENDL
Presented by: Mayor Holcombe

3  ADJOURNMENT

3.1. The City Council recessed for a break at 8:10 p.m. for a twenty-five minute break and reconvened at 8:35 p.m. for a regular meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Holcombe called the December 5, 2006 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:35 p.m.

1.1. **Roll Call**

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

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

2.1. **RESOLUTION NO. 110-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SHALLOW SPRINGS TERRACE - FAHEY/ APN 018-120-001)**

   Adopted - a resolution of intention to abandon and vacate a portion of a public utility easement located on Lot 115 on Shallow Springs Terrace in the Canyon Oaks subdivision to facilitate the construction of retaining walls and a stairway. The Director of Engineering recommended adoption of the resolution which scheduled a public hearing for 1/02/07.

2.2. **RESOLUTION NO. 112-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090**

   Adopted - a resolution to destroy certain City Clerk Office records over five years of age. The City Clerk recommended adoption of the resolution.

2.3. **APPROVAL OF RECOMMENDATIONS REGARDING RESCISSION OF COMMUNITY ORGANIZATION FUNDING (FISCAL YEAR 2006-07)**

   Approved - the Administrative Services Director’s recommendations, pursuant to City Council policy, on rescission of Council allocations of City funding for individual artists or nonprofit organizations which had not yet submitted all documents required by the City to release the funds.

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

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

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 569 (SKY CREEK PARK SUBDIVISION)**

   A condition of approval of the Sky Creek Park Subdivision required establishing a funding mechanism to cover the annual costs of operating and maintaining a parking lot, pathway, and an open space remainder area that are of special benefit to the subdivision located within the Chico Municipal Airport Industrial Park.  *(Report - Fritz McKinley, Director of Engineering)*

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

RESOLUTION NO. 113-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 569 (SKY CREEK PARK SUBDIVISION)

The motion carried by the following vote:

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

3.2. HEARING ON THE ABANDONMENT OF EXCESS RIGHT OF WAY (AUSTIN'S HOME FURNISHERS)

Austin's petitioned the City of Chico to abandon excess right-of-way located along the Skyway at Notre Dame Boulevard to allow for future development of the property. In conjunction with the right of way abandonment, the City will also abandon a one-foot wide strip of land identified as APN 002-190-018 to the current property owner. The property owner will dedicate 4,675 square feet of right of way along Notre Dame and the Skyway to the City and has agreed to landscape, irrigate and maintain 10,015 square feet of the public right of way at its sole cost and expense. At its meeting of 11/7/06, the Council adopted Resolution No. 97-06 which scheduled this public hearing. (Report - Fritz McKinley, Director of Engineering)

The Director of Engineering determined that the City has no future need of the excess right of way and abandonment would relieve the City of maintenance and weed control obligations and has recommended adoption of the resolution ordering the abandonment.

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

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

RESOLUTION NO. 114-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF PUBLIC RIGHT OF WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (AUSTIN'S HOME FURNISHERS / ASSESSOR'S PARCEL NO. 002-190-018 AND 028)

The motion carried by the following vote:

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

3.3. HEARING ON AMENDMENT TO CHAPTER 19.52 OF TITLE 19 OF THE CHICO MUNICIPAL CODE TO PROVIDE FOR AMORTIZATION OF NONCONFORMING COMMERCIAL AND INDUSTRIAL USES IN THE SD-6 CHAPMAN/MULBERRY NEIGHBORHOOD OVERLAY ZONE (CITY OF CHICO)

Pursuant to the City-adopted Chapman Mulberry Neighborhood Plan, the proposed ordinance would amend Chapter 19.52 of the Chico Municipal Code to amortize nonconforming commercial and industrial uses in the SD-6 Chapman/Mulberry Neighborhood Overlay Zone. The amortization ordinance represents an implementation component of the Neighborhood Plan, and would not result in any new environmental impacts not previously identified as part of the environmental review prepared for the Neighborhood Plan. Therefore, pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no further environmental review is required. The Council was provided with copies of letters from Carl B. Leverenz and Assistant City Attorney Barker. (Report - Brendan Vieg, Senior Planner)
Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

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

**ORDINANCE AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO REQUIRE THE AMORTIZATION OF NONCONFORMING COMMERCIAL AND INDUSTRIAL USES IN THE SD-6 CHAPMAN/MULBERRY NEIGHBORHOOD OVERLAY ZONE (City of Chico)**

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

4.1. **INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL)**

Initial consideration of an appeal of the Planning Commission's decision to approve a use permit for a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue; Assessor's Parcel Nos. 015-520-051 and -062. The use permit, as conditioned, approved the installation of a stealth monopine (a monopole telecommunications tower modified to resemble a pine tree) with a useful structural height of 84 feet; total project height would be 93 feet due to the stealth treatment. The tower and associated ground-mounted equipment, including air conditioners and a backup generator, will be located in a 33-by 48-foot ground lease area. *(Report - Greg Redeker, Assistant Planner)*

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

Addressing the Council in support of hearing the appeal were Alan Gair, Harold Carlson, Linnea Hanson, and Anna Caul. Speaking in opposition to the appeal being heard were Rick Fortie, Wade Thorpe, Frank Schabarum, Terry Moore, and Chip Kent.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to call up the record and schedule the appeal to be heard on 1/16/07.

The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR**

James Husband addressed his concerns to the Council regarding: (1) the traffic signalization at intersection of East Avenue and Connors Avenue by the McDonald's restaurant; (2) the problem with the Fair View School students littering in the neighborhood when walking home from school; and (3) impacts of drug usage in his neighborhood.
6. **REPORTS AND COMMUNICATIONS** – The following report and communication item were provided for the Council’s information.

6.1. Letter dated 11/15/06 from David Meraz asking the Council to review his rehabilitation housing project. The Council was also provided with a copy of a memorandum dated 12/05/06 from Housing Officer Morgado addressing Mr. Meraz’ letter. Council referred this item to the Finance Committee for discussion following the resolution of Mr. Meraz’s matter in mediation.

6. **ADJOURNMENT**

Adjourned at 9:37 p.m. to December 19, 2006 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: January 16, 2007

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Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - Mayor Holcombe convened the December 19, 2006 – Closed Session in Conference Room 2, Chico Municipal Center, 421 Main Street at 6:00 p.m.

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

1.3. Call to Order – Mayor Holcombe called the December 19, 2006 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Dr. Tom Shifflet, Pastor, First Christian Church


1.6. Roll Call

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

Absent: None

1.7. Closed Session Announcement - None

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

2.1. **ORDINANCE NO. 2346 – AN ORDINANCE AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO REQUIRE THE AMORTIZATION OF NONCONFORMING COMMERCIAL AND INDUSTRIAL USES IN THE SD-6 CHAPMAN/MULBERRY NEIGHBORHOOD OVERLAY ZONE (City of Chico)** - Final Reading and Adoption

Adopted - an ordinance to amend Chapter 19.52 of the Chico Municipal Code to amortize nonconforming commercial and industrial uses in the SD-6 Chapman/Mulberry Neighborhood Overlay Zone. At its meeting of 12/05/06, the City Council introduced the ordinance. The Planning Director recommended adoption of this ordinance by the reading of the title only.


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

2.3. **RESOLUTION NO. 116-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2640 CACTUS AVENUE / A.P. NO. 016-160-007** (petition from property owners Steven Wayne and Rhonda Jean Marsh)

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building and Development Services Director’s report. These assessments were in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Building and Development Services Director recommended adoption of the resolution.
2.4. **RESOLUTION NO. 117-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1304 ARBUTUS AVENUE / A.P. NO. 003-432-015** (petition from property owner Linda L. Detling)

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

2.5. **RESOLUTION NO. 118-06 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2690 CACTUS AVENUE / A.P. NO. 016-160-026** (petition from property owner Donald D. Mitchell)

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

2.6. **RESOLUTION NO. 119-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (ORANGE STREET / APN 004-033-003)** – This item was removed from the Consent Agenda for further discussion at the request of Councilmember Bertagna.

2.7. **RESOLUTION NO. 120-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING STANDARDS PLANS ADOPTED BY CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS"**

*Adopted* - a resolution amending Chapter 18R.12 of the Chico Municipal Code which updated several of the City’s improvement standards to comply with State and Federal standards. At its meeting of 8/09/06, the Internal Affairs Committee recommended Council adoption of the resolution. The Internal Affairs Committee recommended (3-0) adoption of the resolution.

2.8. **RESOLUTION NO. 121-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 114 00-01 TO DESIGNATE CHRISTMAS EVE AS A FULL HOLIDAY AND NEW YEAR’S EVE AS A FULL WORK DAY (AMENDMENT NO. 16-2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)**

**RESOLUTION NO. 122-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 47 04-05 TO DESIGNATE CHRISTMAS EVE AS A FULL HOLIDAY AND NEW YEAR’S EVE AS A FULL WORK DAY (AMENDMENT NO. 5-2004 PUBLIC SAFETY MANAGEMENT PAY AND BENEFITS RESOLUTION)**

**RESOLUTION NO. 123-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO SUPERCEDING CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION NO. 02-06 TO DESIGNATE CHRISTMAS EVE AS A FULL HOLIDAY AND NEW YEAR’S EVE AS A FULL WORK DAY (CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)**

*Adopted* - resolutions amending the Pay and Benefits Resolutions for Management, Public Safety Management and Confidentials which authorized the closure of City offices on Christmas Eve, by deleting the half day holiday on New Year’s Eve and combining it with the half day holiday on Christmas Eve. The Director of Human Resources recommended adoption of the resolutions.

2.9. **MINUTE ORDER NO. 31-06 – AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY AGREEMENTS WITH THE COUNTY OF BUTTE TO ACCEPT A GRANT OF $250,933**
IN COUNTY CDBG FUNDS TO CONSTRUCT OFF-SITE IMPROVEMENTS (19th STREET RECONSTRUCTION AND SEWER EXTENSION PROJECT) RELATED TO THE HABITAT FOR HUMANITY LOW-INCOME HOUSING PROJECT ON EAST 16TH STREET

APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION AUTHORIZING BUDGET ADJUSTMENTS TO PROVIDE FUNDING TO CONSTRUCT OFF-SITE IMPROVEMENTS (19th STREET RECONSTRUCTION AND SEWER EXTENSION PROJECT) RELATED TO THE HABITAT FOR HUMANITY LOW-INCOME HOUSING PROJECT ON EAST 16TH STREET

Approved - a minute order authorizing the City Manager to execute agreements to accept a grant of $250,933 in Community Development Block Grant (CDBG) funds from Butte County.

Approved - a supplemental appropriation/budget modification to budget the grant revenue and allocate it for the construction of off-site improvements related to the Habitat for Humanity Housing project (65702), and to transfer $120,000 in CDBG funds from the North Campus Neighborhood Improvements project (10115) to the 19th Street Reconstruction and Sewer Extension Project. The Housing and Neighborhood Services Director recommended approval of the minute order, supplemental appropriation, and budget modification.

2.10. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS

Confirmed - appointments of Councilmembers to Committees and other agencies and organizations as recommended by the Mayor.

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

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

ITEMS REMOVED FROM CONSENT

2.6. RESOLUTION NO. 119-06 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (ORANGE STREET / APN 004-033-003)

Adopted - a resolution of intention to abandon and vacate a portion of public right-of-way located on Orange Street between West First and West Second Streets to facilitate the construction of the CSUC Wildcat Activity Center. The Building and Development Services Director recommended adoption of the resolution which scheduled a public hearing for 1/16/07. This item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion. Vice Mayor Schwab was disqualified on this item due to her employer having a financial interest in this action.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to adopt the resolution.

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS
3.1. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 572 (LASSEN GLEN SUBDIVISION)**

A condition of approval of the Lassen Glen Subdivision required the establishment of a means for funding the annual costs of operating and maintaining landscaping and irrigation along back of fence and storm water collection facilities that are of special benefit to the subdivision located on West Lassen Avenue. *(Report - Fritz McKinley, Building and Development Services Director)*

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

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


The motion carried by the following vote:

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

**NOES:** None

3.2. **HEARING ON APPEAL OF THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF THE TWIN CREEKS VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-02 (RILEY)**

Hearing on the appeal of the Planning Commission decision to approve Twin Creeks Vesting Tentative Subdivision Map and Planned Development Permit (PDP) located in the Canyon Oaks Subdivision, south of the eastern terminus of Shadow Tree Lane, APN 018-500-107. The approved project subdivides a 68-acre parcel to create 12 single-family residential lots on approximately 30 acres with the remaining 38 acres to be preserved as permanent open space. The PDP authorizes reduced lot sizes and architectural concepts. The applicant appealed three conditions of approval that would implement restrictions on the roof height and location of new homes on Lots 1 and 12 for purposes of minimizing potential viewshed impacts to Upper Bidwell Park and within the Canyon Oaks Subdivision. The Council was provided with a copy of a letter from Judy DeMarois and Gary Taylor.

**Announcement of Ex-Parte Communications** – Councilmembers Bertagna, Flynn, Gruendl, Vice Mayor Schwab, and Mayor Holcombe indicated that they spoke with Kevin Riley, either in person or over the phone. Mayor Holcombe also spoke with Michael Galli.

Addressing the Council in support of the appeal were Frank Riley, Kevin Riley, and Jon Fine. Addressing the Council in opposition of the appeal were John Merz and Michael Galli.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to deny the appeal thereby upholding the Planning Commission’s decision, as amended to reflect the following changes to Lot 12: (1) that a story pole is not required; (2) the home will not exceed the 650 foot elevation mark; and (3) the house footprint must not encroach into the vegetative area.

The motion carried by the following vote:

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

**NOES:** Bertagna, Gruendl, Wahl
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF RECOMMENDED CHANGES TO CITY’S BOARD, COMMISSIONS AND COMMITTEES FROM THE INTERNAL AFFAIRS COMMITTEE MEETING HELD ON 12/13/06**

The Internal Affairs Committee met on 12/13/06 and considered a comprehensive report regarding the City’s boards, commissions, and committees which included: (1) an overview of the purpose and mission of each board, commission, or Council committee; and (2) evaluated how staff delivers support; the amount of time expended in order to do so, and to develop recommendations regarding the viability. *(Report - Debbie Presson, City Clerk)*

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to accept the following recommendations from the Internal Affairs Committee:

1. Requirement of an outcome based biennial work plan to be developed by each board and commission that will be presented to Council for approval. At the end of the plan, each board and commission will present an overview of the work accomplished to the Council.

2. Creation of subcommittees requiring staff support to be a function of the biennial work plan.

3. Require quarterly Airport Commission meetings only.

4. Continuation of the Human Resources Commission with its biennial work plan to include an evaluation of its purpose, define ways that the Human Resources Commission can be of service, and determine the number of meetings needed per year.

5. Discontinuation of the Parking Place Commission with the forwarding of future related items to the Internal Affairs Committee. Members of this Commission will be invited to apply for positions on the other Board and Commissions.

6. Discontinuation of the Solid Waste Committee with the forwarding of future related items to either the Finance or Internal Affairs Committee as appropriate.

7. Discontinuation of the Redevelopment Agency Citizen’s Committee *(IAC Meeting of 10/11/06 Recommended 3-0)*

8. Continuation of the Ad Hoc Bicycle Advisory Committee as currently structured with the added requirement of a biennial work plan as referenced in item #1 above and to have regularly scheduled quarterly meetings.

The motion carried by the following vote:

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

The Council recessed at 8:40 p.m. for a 15 minute break.  
The meeting was reconvened and all members were present.

4.2. **CONSIDERATION OF APPOINTMENT OF AN AD HOC COMMITTEE FOR A FIELD TRIP TO THE CITY OF HERCULES**

City staff coordinated a full day visit to Hercules on 01/24/07 to observe and discuss form-based development on the ground. The field trip will provide an opportunity to discuss the draft Traditional Neighborhood Development (TND) Code (parallel code) currently under review by City staff, as well as the proposed Meriam Park project, in the context of real form-based development that is underway in Hercules.
The trip is intended to be a fact-finding mission to inform Chico’s decision makers, staff, and citizens about what goes into administering a form-based code and what gets built. (Report - Brendan Vieg, Senior Planner)

Staff requested that the Council identify up to three members to join select Planning Commission and ARB members, City staff, the Meriam Park applicant, and interested members of the public for this visit to the City of Hercules. Councilmembers Bertagna, Nickell and Mayor Holcombe will attend. In the event one of the designated Councilmembers can’t make it, then Vice Mayor Schwab will attend.

4.3. CONSIDERATION OF THE FORMATION OF THE TASK FORCE ESTABLISHED UNDER THE AUTHORITY TO SIGN THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AGREEMENT

Councilmember Gruendl requested guidance from the City Council in the formation of a task force pertaining to the Mayors Climate Protection Agreement. Pursuant to City Council rules of procedure, the Council agreed to consider this matter at this meeting.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to approve the structure of the Sustainability Task Force as follows:

15 Member Task Force
- Councilmembers to select one member each;
- Mayor to select the remaining eight members with two members each, to represent the University, business community, environmental groups, and two members-at-large, and affirmed by Council;
- The group’s mission will be to work on the 12 points contained in the climate protection agreement and then make recommendations for implementation.

The motion carried by the following vote:

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

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

5. BUSINESS FROM THE FLOOR

James Husband addressed the Council about his concerns over the traffic signalization at the intersection of East Avenue and Conners Avenue.

6. REPORTS AND COMMUNICATIONS

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

6.1. As required by California Government Code §66006(b), the City Council was provided with a copy of the 2005-06 City of Chico Development Impact Fee Report for the fiscal year ended 6/30/06. The statute required the City Council to review the report, but no particular findings or actions were required.

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: January 16, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called December 19, 2006 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

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

2.1. **APPROVAL OF RECOMMENDATION FROM ECONOMIC DEVELOPMENT COMMITTEE REGARDING OPTION EXTENSION TO PURCHASE CHICO REDEVELOPMENT AGENCY-OWNED PROPERTY AT CHICO MUNICIPAL AIRPORT TO DAVID BOCTOR AND CHRISTIAN FRIEDLAND OF IMPROVEMENT DIRECT**

In October 2004 the Chico Redevelopment Agency entered into an Agreement with Christian Friedland and David Boctor of Improvement Direct. The agreement included the sale of property at the Chico Municipal Airport and two options to purchase additional property. Mr. Friedland and Mr. Boctor requested an extension on the three year option to purchase three additional acres. The Economic Development Committee recommended (2-0) approval of a request for a two year option extension on a three acre parcel of Agency-owned property.

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

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

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE MID PLAN REVIEWS OF THE HOUSING AND NON-HOUSING COMPONENTS OF THE CHICO REDEVELOPMENT AGENCY FIVE YEAR IMPLEMENTATION PLANS FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT**

The Agency received testimony on the Mid-Plan Reviews of the Housing and Non-Housing Components of the Five Year Implementation Plans (2004-05 through 2008-09) for the Chico Amended and Merged Redevelopment Project as required by Section 33490 of the California Health and Safety Code. No Agency action was required. (Report - Cindy Pierce, Administrative Services Director and Sherry Morgado, Housing and Neighborhood Services Director)

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF VICE-MAYOR SCHWAB’S REQUEST FOR RECONSIDERATION OF AGENCY ACTION TAKEN ON NOVEMBER 21, 2006, PERTAINING TO A TECHNICAL CORRECTION TO THE TITLE OF RESOLUTION NO. RDA 05-06 WHICH AUTHORIZES THE ACQUISITION OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET EAST OF BOUCHER STREET (PORTION OF A.P. NO. 005-391-004)**

Vice-Mayor Schwab requested reconsideration of an action taken by the Agency on 11/21/06 pertaining to a resolution which, if adopted, would have corrected the title of Resolution No. RDA 05-06 previously adopted on 8/15/06. This resolution pertained to the purchase of a vacant parcel located between Little Chico Creek and Wisconsin Street east of Boucher Street, for the development of single family housing affordable to lower income households. (Report - Sherry Morgado, Housing and Neighborhood Services Director)

The Agency members were provided with a letter received 12/14/06 from Mark Hooper and at the meeting were handed a letter from the Butte County Board of Supervisors.
The Council voted unanimously to extend the meeting to 10:30 p.m.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to reconsider the Agencies prior action.

The motion carried by the following vote:

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

Bruce Alpert and Jane Dolan expressed concern over the purchase of this property and both stated that they felt that the City had not complied with the letter agreement between the County of Butte, City of Chico, and the Chico Redevelopment Agency dated 8/04/04 regarding the use of redevelopment agency funds to support project financing for installing public sewer facilities in the Chico Urban Area. Speaking in support of reconsidering this action and moving forward with the purchase were Mark Hooper, Dave Ferrier, Donny Lieberman, and Bill Carter.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to agendize this matter at the meeting of January 16, 2007 in order to allow time for the City and County staff to meet and for the neighborhood to provide input on the project.

The motion carried by the following vote:

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

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. ADJOURNMENT

Adjourned at 10:30 p.m. to January 2, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: January 16, 2007

Deborah R. Presson, City Clerk
CLOSED SESSION

1. CALL TO ORDER – Mayor Holcombe called the December 19, 2006 – Adjourned Regular Chico City Council meeting to order in Conference Room 2, Chico Municipal Center, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

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

2. CLOSED SESSION MATTERS

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

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A &amp; L of Chico, LLC</td>
<td>2080 East 20th Street</td>
<td>002-370-072</td>
</tr>
</tbody>
</table>

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

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF REAL PROPERTY

Pursuant to Government Code Section 54956.8, the item of business discussed was a conference with the real property negotiator. The items under discussion were instructions to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator was City Manager Greg Jones and the parties with whom negotiations were proposed to be conducted were the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

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</tbody>
</table>

2.2. CONFERENCE WITH LABOR NEGOTIATOR

(Gov. Code Sec. 54957.6.)

Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources
Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit), Confidential Employees, Management Employees, and Public Safety Management Employees.

3. ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.