ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 6, 2009
Minutes

REGULAR CITY COUNCIL MEETING Chico Municipal Center, Council Chamber January 6, 2009

1.1. SPECIAL CLOSED SESSION - 5:30 p.m.

1.2. CLOSED SESSION - 6:00 p.m. - see page 9

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

1.4. Call to Order - Mayor Schwab called the January 6, 2009 - Regular City Council meeting to order at 6:00 p.m.

1.5. Flag Salute

1.6. Invocation — Pastor David Leeper Moss, Chico Trinity Methodist Church

1.7. Roll Call

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

1.8. Closed Session Announcement - None

2. CONSENT AGENDA - All matters listed under the Consent Agenda are considered to be routine and enacted by one motion. Items 2.4. and 2.5. were removed from the Consent Agenda for further discussion by Council.

A motion was made by Flynn and seconded by Holcombe to approve the Consent Agenda, as read, with Items 2.4. and 2.5. removed for separate discussion and action.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2390 - AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32 OF THE CHICO MUNICIPAL CODE REGARDING THE REGULATION OF CARDROOMS - Final Reading and Adoption

Adopted - an ordinance to amend Chapter 5.32 of the Chico Municipal Code to allow cardrooms to operate 24 hours a day, seven days a week and to serve complimentary food and beverages. This ordinance was introduced by the City Council at its meeting of 12/16/08. The City Attorney recommended adoption of the ordinance by reading of the title only.

Item 2.1 Staff Report

2.2. ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 3.85 OF THE CHICO MUNICIPAL CODE REGARDING CREDITS AGAINST AND
EXEMPTIONS FROM THE ASSESSMENT OF CERTAIN DEVELOPMENT IMPACT FEES - Introductory Reading

Introduced - an ordinance which would amend Chapter 3.85 of the Chico Municipal Code to regulate credits and exemptions from the assessment of development impact fees. Currently this code section contains a statement limiting credits for demolished structures to three years which has caused many dilapidated structures to remain on existing lots. The Building & Development Services Director recommended introduction of the ordinance by reading of the title only.

Item 2.2 Staff Report

2.3. ADOPTION OF SEWER IN LIEU RESOLUTION - 1110 ARBUTUS AVENUE

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

RESOLUTION NO. 01-09 - 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 - 1110 ARBUTUS AVENUE / ASSESSOR’S PARCEL NO. 003-453-025 (petition from property owners John Daniel and Gail Sue Costello)

Item 2.3 Staff Report

2.4. ADOPTION OF A RESOLUTION AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 319 - PENALTIES FOR PARKING VIOLATIONS AND BUILDING FEES) - This item was removed from the Consent Agenda and acted upon separately.

Adopted - a resolution amending the City’s Fee Schedule to add State surcharges to penalties for parking violations and to building fees. State legislation adopted during the 2008 legislative year requires the City to collect the fees on behalf of the State. The Administrative Services Director recommended adoption of the resolution. Councilmember Wahl removed this item from the Consent Agenda to ask if the City had considered reducing the costs instead of implementing the fee increase. Administrative Services Director Pierce clarified that the implementation and collection of these fees were due to recent legislation with the monies to be forwarded to the State not the City.

RESOLUTION NO. 02-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 319 - PENALTIES FOR PARKING VIOLATIONS AND BUILDING FEES)

Item 2.4 Staff Report

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:

RESOLUTION NO. 02-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 319 - PENALTIES FOR PARKING VIOLATIONS AND BUILDING FEES)
The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Nickell, Schwab

NOES: Wahl

Item 2.5 Staff Report

2.5. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY LOCATED AT 2051 HUMBOLDT ROAD AND APPROVAL OF A SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS FOR THE ACQUISITION AND RELATED COSTS - This item was removed from the Consent Agenda for further discussion and acted upon separately.

Approved - a minute order authorizing the City Manager to: (1) execute an Agreement for the Sale of Real Property and related documents in connection with the opportunity acquisition of 1.10+ acres of property located at 2051 Humboldt Road for Little Chico Creek creekside greenway; and (2) solicit bids and negotiate the sale and relocation of the improvements, if feasible, and to execute any agreement, deed, or other document needed to provide the best general outcome to the City.

This item was removed from the Consent Agenda at the request of Councilmember Holcombe who wanted to highlight that this was an opportunity to acquire a piece of creekside property that, with its purchase, completes a major section thereby making a much larger creekside greenway more usable for our citizens.

Approved - a supplemental appropriation in the amount of $315,130 from the Linear Park / Creekside Greenway Fund (333) which represents the purchase price for the property and related costs. The approved supplemental appropriation will be formalized in the Q2 quarterly Supplemental Appropriation. The General Services Director and the Administrative Services Director recommended approval of the minute order and supplemental appropriation.

MINUTE ORDER NO 01-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF REAL PROPERTY LOCATED AT 2051 HUMBOLDT ROAD (HELEN M. BROWN - ASSESSOR'S PARCEL NO. 002-110-007)

SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2051 HUMBOLDT ROAD AND RELATED COSTS

A motion was made by Holcombe and seconded by Nickell to approve:

MINUTE ORDER NO 01-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF REAL PROPERTY LOCATED AT 2051 HUMBOLDT ROAD (HELEN M. BROWN - ASSESSOR'S PARCEL NO. 002-110-007)

SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2051 HUMBOLDT ROAD AND RELATED COSTS
The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Nickell, Schwab

NOES: Wahl

2.6. ACCEPTANCE OF ARTS COMMISSION RECOMMENDATION TO ACCEPT THE FINAL REPORT FOR ARTOBERFEST 2008

Accepted - the Final Report for Artoberfest 2008 as required by the Artoberfest Professional Services Agreement between the City and Upstate Community Foundation (Friends of the Arts). The Arts Commission recommended (6-0) that the City Council accept the Artoberfest 2008 report.

Item 2.6. Staff Report

2.7. ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION - AMENDMENT TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 27-4 (HOUSING REHABILITATION GRANT PROGRAM)

Accepted - the recommendation made by the Finance Committee at its meeting of 12/10/08 to increase the maximum limit of grant funds in AP&P 27-4 from $7,500 to $10,000 to owners of single family homes or mobile homes in need of repairs. The Finance Committee recommended (3-0) amending AP&P 27-4 to increase the Housing Rehabilitation Program grant limit to $10,000.

Item 2.7. Staff Report

ITEMS REMOVED FROM CONSENT - Please refer to Items 2.4. and 2.5. under the Consent Agenda for those separate actions.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY (SIERRA NEVADA BREWERY - FRANKLIN STREET)

Kenneth R. Grossman and Kathryn D. Gonser petitioned the City of Chico to abandon a remainder portion of an alley located west of Franklin Street. The abandonment of the alley will facilitate the use of the Sierra Nevada Brewery property to better serve its intended purpose. At its meeting of 12/16/08, the Council adopted Resolution No. 104-08, stating its intent to abandon the portion of alley and set the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

Councilmember Walker abstained on this item.

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

Item 3.1. Staff Report

A motion was made by Flynn and seconded by Nickell to adopt the following resolution:
RESOLUTION NO. 03-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA BREWERY - FRANKLIN STREET)

The motion carried by the following vote:

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

3.2. HEARING AND INTRODUCTORY READING OF AN ORDINANCE TO AMEND TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO PARKING REQUIREMENTS FOR CERTAIN DRUG STORES/PHARMACIES

Hearing to amend Section 19.70.040 of the Chico Municipal Code (Table 5-4D Parking Requirements - Retail Trade) to add a new land use of "Drug Stores/Pharmacies" with a parking ratio of one parking space for each 300 square feet of gross floor area vs. the one parking space for each 200 square feet of gross floor area currently required for retail stores.

This project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. (Report - Zach Thomas, Senior Planner)

Mayor Schwab opened the hearing to the public.

Item 3.2. Staff Report

Lance Evans addressed the Council in support of this item.

John Merz spoke in opposition. Mayor Schwab closed the hearing to the public.

A motion was made by Flynn and seconded by Nickell to introduce the following ordinance by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS FOR CERTAIN DRUG STORES/PHARMACIES - Introductory Reading

The motion carried by the following vote:

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

3.3. HEARING AND INTRODUCTORY READING OF AN ORDINANCE TO AMEND TITLE 19 OF THE CHICO MUNICIPAL CODE (CMC) IN REGARD TO PROHIBITED SIGNS

This was a proposal to amend Title 19 of the Chico Municipal Code to allow advertising signs on benches and bus shelters at designated public transit locations. A previous version of this ordinance was introduced on 9/02/08 and was
scheduled for final reading and adoption on 10/21/08, but was pulled from that meeting's agenda to allow time for the City, BCAG and the bus shelter sign contractor to resolve issues related to sign illumination. The revised version of the ordinance would allow internally illuminated signs in locations where the underlying zoning district allows internally illuminated signage. This project was determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. (Report - Greg Redeker, Associate Planner)

Councilmember Holcombe and Wahl were disqualified on this item due to owning property within the areas being discussed. They left the dias.

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

Item 3.3. Staff Report

A motion was made by Walker and seconded by Flynn to introduce the following ordinance by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO PROHIBITED SIGNS - Introductory Reading

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF ENGINEER'S REPORT AND RESOLUTIONS REGARDING THE FORMATION OF THE HUSA RANCH/NOB HILL NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08

At its 9/02/08 meeting, the City Council adopted Resolution No. 67-08 authorizing the preparation of an Engineer's Report and initiating proceedings for the formation of the Landscape and Lighting District (LLD) to build a new playground and other related improvements to the Husa Ranch/Nob Hill Neighborhood Park. The Council also approved allocating $70,000 from the Neighborhood Park Benefit Zone I - Fund 347 to pay for a portion of the construction costs of the improvements. The Landscaping and Lighting Act of 1972 (the Act) requires that the City Council approve two resolutions: (1) to preliminarily approve the Engineer's Report; and (2) declaring the Council's intention to conduct the property owner ballot process and to levy annual assessments, if approved. The Act also requires that the Council set a public hearing date in which the ballots are to be received and tabulated. (Report - Dennis Beardsley, General Services Director)

Addressing the Council in support of this item was Jeannine Michaird.

A motion was made by Gruendl and seconded by Wahl to approve the following staff
recommendations, including the adoption of two resolutions:

The motion carried by the following vote:

AYES: Flynn, Gruendi, Holcombe, Wahl, Walker, Nickell, Schwab

NOES: None

1. Adopt the resolution preliminarily approving the Engineer's Report for the Husa Ranch/Nob Hill Neighborhood Park LLD.


2. Adopt the following resolution declaring the Council’s intention to: (1) form the Husa Ranch/Nob Hill Neighborhood Park LLD 001-08; (2) conduct a property owner ballot process for the proposed District formation and assessment; (3) set the public hearing for Tuesday, March 3, 2009 at 6:30 p.m. or as soon thereafter as feasible in the Chico City Council Chambers located at 421 Main Street, Chico, California; and (4) levy and collect annual assessments on property owners within the District, if approved by property owners.

RESOLUTION NO. 05-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO DECLARING ITS INTENTION TO FORM THE HUSA RANCH/NOB HILL NEIGHBORHOOD PARK LANDSCAPE AND LIGHTING DISTRICT NO. LLD 001-08 FOR FISCAL YEAR 2009/2010; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN SUCH DISTRICT COMMENCING IN FISCAL YEAR 2009/2010; AND TO CONDUCT A PROPERTY OWNER BALLOT PROCEEDING ON THE MATTER OF THE PROPOSED ASSESSMENTS AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

Item 4.1, Staff Report

4.2. RECONSIDERATION OF THE CITY COUNCIL’S NOVEMBER 18, 2008 ACTION REGARDING DISC GOLF

At its meeting of 12/16/08, the City Council voted 7-0 to agendize Councilmember Holcombe’s request for reconsideration of the Council’s decision pertaining to the selection of the Restoration Option identified in the Draft EIR (existing disc golf course to be eliminated and the site to be restored) for SR 32 in Upper Bidwell Park.

Addressing the Council in support of this item were Bill Knudsen, Jim Mellem, Deni Whiting, Del Kalbach, Gregg Payne, Mary Schreiber, David Wood, Cathy Hodges, Lon Glazner, Ken Anderson, and Alan Chamberlain. Speaking in opposition were Eve Robida, Maria Phillips, Bob Woods, Phil Kuykendall, John Merz, Grace Marvin, and David St. Sure.

A motion was made by Wahl and seconded by Gruendi to direct the Internal Affairs Committee to pursue in the next 18 months a suitable replacement disc golf site for the Highway 32 short course. The final recommendation will be forwarded to the City Council for action. All interested stakeholders and representatives of CARD will be invited to participate in the selection. During this time, the current site off Highway 32 will be allowed
to continue in operation until a short course is located, acquired if necessary, and prepared for use. Further, that a 48 month review be conducted following the long course being realigned, repaired and maintained in its present general location to better protect trees, recover worn areas and protect the historic wagon wheel ruts. This process and the final courses are to be completed in consonance with the current BPMMP. Funding for any part of this action shall be brought to the City Council for consideration separately, as well as a separate consideration of a trailhead. Two friendly amendments were accepted which: (1) included a request that the disc golf community establish a nonprofit organization to take responsibility of and to possibly lease the course on Hwy. 32; and (2) prohibiting the use of the Hwy. 32 course during wet weather.

The motion carried by the following vote:

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

The Council took a ten minute break at 9:15 p.m. The meeting was reconvened and all members were present.

Item 4.2. Staff Report

4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR

Robert (no last name given) addressed his concerns about the City finances and the need for police officers. He also expressed concern about his handicapped son who keeps getting harassed by the police. He urged the Council to review the information that is being presented to them.

6. REPORTS AND COMMUNICATIONS The following reports and communication items were provided for the Council's information. No action was taken.

6.1. Letter dated 12/23/08 from Terry A. Moore, President Chico Police Officers' Association, forwarding statistical information to the City Council regarding the Chico Police Department.

Terry Moore, President of the Police Officers' Association addressed his concerns about staffing levels that are creating a dangerous working environment for the officers on duty. He encouraged Council to look to other departments for additional reductions.

Item 6.1. Staff Report

7. ADJOURNMENT - The meeting was adjourned at 9:38 p.m. to January 8, 2009 at 6:00 p.m., for an adjourned regular meeting in the Council Chamber.

Date Approved: February 17, 2009

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 6, 2009 CLOSED SESSION

1. CALL TO ORDER

1.1. Roll Call

Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab
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 acquisitions affecting the following: Property Owner, Street Address, Assessor’s Parcel No.

A. Sierra Entertainment Group, LLC, 2465 Carmichael Drive, 005-570-002/ 005-570-019
B. Sky:park Auto Wash Property LLC, 1020 Skyway Boulevard, 002-210-029
C. Chico Lodging, LLC, 2481 & 2485 Carmichael, 005-570-020

The City’s negotiator is City Manager David Burkland 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).

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54955.8)

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: See above “Announcement of Identification” for a list of property owners or designated negotiator(s)

2.2. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9: One case.

3. ADJOURNMENT  Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 8, 2009

Minutes

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
January 8, 2009 - 6:00 p.m.

CALL TO ORDER - Mayor Schwab called the January 8, 2009 Adjourned Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:00 p.m.

1. Roll Call

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

Absent: None

REGULAR AGENDA - The City Council convened to discuss criteria for appointment and to interview applicants for the City of Chico board or commissions.

Criteria Defined By Council for Appointment to a Board or Commission - During the discussion of the criteria for appointment to a board or commission, Council identified important ideas, traits, and experience that they would be considering when making their final appointments.

A summary of the criteria is listed below:

A. Looking for applicants with experience and substantive skills to the applicable board; history or interest to serve; issue awareness; a clear understanding of the approved board or commission’s workplan; understanding of the role and responsibility of the commission; individual’s background and experience; and all types of diversity.

B. The need for the appointees to have the time to serve; no conflicts of interest; and the applicant’s ability to work with staff as a team.

C. Applicants who, especially on the Architectural Review Board and Planning Commission, understand that economic development is critical to this community and that each commission should further that policy while meeting all legal requirements.

D. When looking at Planning Commission applicants, the Council stressed the need for balance and a broad representation of the whole community. With this commission also comes the need to have the expertise to read and understand the General Plan and apply the policies to the project in front of them. However, commissioners wishing to serve on the Planning Commission should clearly understand that it is Council’s perogative to change the zoning laws not the Commission’s.

E. Look for applicants who would bring experience and expertise to those areas.

F. Critical that there be a willingness by everyone who was appointed to serve to adhere to the approved work plans in place for each commission. Commissioners were not to try to take on the responsibilities of staff. Commissioners are representatives of the City Council and their main responsibility is to listen to the community, especially since not all issues are brought to the City Council.
G. It was important that our citizens should feel free to access their city government through the City's board and commissions.

H. Commissioners need to be open to new viewpoints and most importantly, be flexible.

I. Each appointee should have a willingness to learn, understanding that staff are trained in these fields and should be looked to as experts and that our City Attorneys represent the interests of the City.

J. The members of our boards and commissions need to recognize that they serve as community members and not as experts. Expertise is what staff is hired for and paid to provide.

K. Applicants and ultimately the appointees should have demonstrated expertise, articulate well with the public and should convince the Council that they have the best interests of the City at heart.

A. **Airport Commission**
   - Staff presentation and overview of Commission - Dave Burkland, City Manager
   - Council discussion on criteria for appointment
   - Individual applicant interviews

Airport Commission Applicants

B. **Architectural Review Board**
   - Staff presentation and overview of Board - Mark Wolfe, Principal Planner
   - Council discussion on criteria for appointment
   - Individual applicant interviews

ARB Applicants

C. **Arts Commission**
   - Staff presentation and overview of Commission - Mary Gardner, Art Projects Coordinator
   - Council discussion on criteria for appointment
   - Individual applicant Interviews

Art Commission Applicants

The Council recessed at 7:05 p.m. for a ten minute break. The meeting was reconvened and all members were present.

D. **Bidwell Park and Playground Commission**
   - Staff presentation and overview of Commission - Dennis Beardsley, General Services Director
   - Council discussion on criteria for appointment
   - Individual applicant interviews

Park Commission Applicants

E. **Human Resources Commission**
   - Staff presentation and overview of Commission - Teresa Campbell, Human Resources Director
   - Council discussion on criteria for appointment
- Individual applicant Interviews

Human Resources Commission Applicants

F. Planning Commission
   - Staff presentation and overview of Commission - Mark Wolfe, Principal Planner
   - Council discussion on criteria for appointment
   - Individual applicant Interviews

Planning Commission Applicants

A motion was made by Wahl to remove Randall Stone from the list of applicants for the Planning Commission based on his involvement with local development. The motion died for a lack of a second.

Wahl asked the City Attorney to provide an opinion on Mr. Stone’s eligibility to apply for this position.

2.1 CONSIDERATION AND APPROVAL OF A REVISED APPOINTMENT PROCESS

The City Council was provided with a revised appointment process which was created based on Council direction given at its meeting of 12/16/08. (Report - Debbie Presson, City Clerk)

Item 2.1. Staff Report

A motion was made by Gruendl and seconded by Holcombe to approve the revised appointment process and direct staff to incorporate the revised procedure into Administrative Procedure and Policy 10-1.

The motion carried by the following vote:

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

2.2 CONSIDERATION OF THE ARTS COMMISSION REQUEST FOR THE APPOINTMENT OF ALTERNATES

The Arts Commission requests the appointment of alternates to the Art Commission in the event of a mid-term vacancy.

A motion was made by Gruendl and seconded by Wahl to accept the City Clerk’s recommendation to not move forward with the creation and appointment of an Art Commission alternate.

The motion carried by the following vote:

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

3. ADJOURNMENT Adjourned at 8:52 p.m. to January 20, 2009 at 6:00 p.m., in Conference Room 2 for closed session, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.
REGULAR CHICO CITY COUNCIL MEETING - January 20, 2009

1.1. CLOSED SESSION - 6:00 p.m. - see page 4

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

1.3. Call to Order - Mayor Schwab called the January 20, 2009 - Adjourned Regular 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 D. Osborne, Seventh-day Adventist Church

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation — Proclaiming President Barack Obama as the first African-American President of the United States

2. CONSENT AGENDA

A motion was made by Gruendl and seconded by Holcombe to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2391 - AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 3.85 OF THE CHICO MUNICIPAL CODE REGARDING CREDITS AGAINST AND EXEMPTIONS FROM THE ASSESSMENT OF CERTAIN DEVELOPMENT IMPACT FEES - Final Reading and Adoption

Adopted - an ordinance which amends Chapter 3.85.325 of the Chico Municipal Code entitled "credits against transportation facility fees" to regulate credits and exemptions from the assessment of development impact fees. This ordinance was introduced by the City Council at its meeting of 1/06/09. The Building and Development Services Director recommended adoption of the ordinance by reading of the title only.

Item 2.1. Staff Report

2.2. ORDINANCE NO. 2392 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO PROHIBITED SIGNS - Final Reading and Adoption

Adopted - an ordinance which amends Title 19 of the CMC to allow advertising signs on benches and shelters at designated public transit locations, including internal illumination of the advertising in specified areas. This ordinance was introduced by the City Council at its meeting of 1/06/09. The Planning Services Director recommended adoption of the ordinance by reading of the title only.

It was noted that both Councilmember Holcombe and Councilmember Wahl were disqualified on this item and did not participate in the vote.

Item 2.2. Staff Report

2.3. ORDINANCE NO. 2393 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS FOR CERTAIN DRUG STORES/PHARMACIES - Final Reading and Adoption

Adopted - an ordinance which amends Title 19 of the Chico Municipal Code to add a new land use of "Drug Stores/Pharmacies" with a parking ratio of one parking space for each 300 square feet of gross floor area vs. one parking space for each 200 square feet of gross floor area. This ordinance was introduced by the City Council at its meeting of 1/06/09. The Planning Services Director recommended adoption of the ordinance by reading of the title only.

Item 2.3. Staff Report

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

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

3.1. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 588 - HARMONY PARK CIRCLE SUBDIVISION

A condition of approval of the Harmony Park Circle Subdivision requires the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities that are of special benefit to the subdivision located on Cactus Avenue, north of East Avenue. (Report - Fritz McKinley, Building & Development Services Director)

Item 3.1. Staff Report

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

A motion was made by Nickell and seconded by Walker to adopt the following resolution:

RESOLUTION NO. 06-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 588 - HARMONY PARK CIRCLE SUBDIVISION

The motion carried by the following vote:

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

3.2. HEARING ON ADOPTION OF A RESOLUTION PERTAINING TO THE CITY OF CHICO HISTORIC RESOURCES INVENTORY

At its 6/17/08 meeting, the City Council directed staff to return with the existing Historic Resources Inventory for formal adoption as the first step of the Historic Preservation Program. Although the Inventory is currently referenced in Title 19 as a necessary component to implement the Landmark Overlay zoning district and is referenced as a resource document in the General Plan, it had not been adopted since it was created by the Chico Heritage Association and verified by the State Office of Historic Preservation in 1983 and 1985. (Report - Bob Summerville, Senior Planner)

Item 3.2. Staff Report

Mayor Schwab opened the hearing to the public.

Addressing the Council were Doug Imhoff, Michael Reilley, Francis Farley, Thomas Batteron, John Gallardo, Lucy Sperlin, Dale Bennett, and Evelyn Smith.

Mayor Schwab closed the public hearing to further public testimony.

Councilmember Walker stated for the record that he was not opposed to approving a historic preservation program but felt that the concerns of the property owners should be considered.

Councilmember Holcombe indicated that this is just the beginning of the process and staff was assembling the pieces of this program and staff would be bringing back the pros and cons of the program.

Councilmember Flynn indicated that she would support approving the list as a whole with the property owners opposed to the program so noted.

Councilmember Wahl spoke in opposition to approving a program that affected the property rights of citizens without truly knowing what the impacts of the approval of the program would have on the community. He also was concerned that not all property owners have been notified and given an opportunity to express their views.

Councilmember Wahl made a motion to not move forward with approving a Historic Preservation Program. The motion died for a lack of a second.

Vice Mayor Nickell stated for the record that he wanted to ensure that the individuals who had spoken in opposition to this item at this meeting and who had provided letters of opposition be listed as such and that this information be part of future discussions concerning the Historic Preservation Program.
Mayor Schwab asked if staff could look at other cities which have similar inventories to see how exemptions are handled when requested by property owners not wanting to participate in the program.

A motion was made by Holcombe and seconded by Flynn to direct staff to adopt the following resolution adopting the current Historic Resources inventory including a notation identifying the individuals who have requested their properties be excluded from the list.

RESOLUTION NO. 07-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A HISTORIC RESOURCES INVENTORY

The motion carried by the following vote:

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

3.3. HEARING ON ADOPTION OF RESOLUTIONS - APPROVING A RELOCATION PLAN AND ADOPTION OF A REPLACEMENT HOUSING PLAN (871 EAST 19TH STREET)

On 11/18/08, the Chico Redevelopment Agency (Agency) authorized acquisition of the subject property, at which a tenant household currently resides. The property was to be acquired for the purpose of developing new homes for low to moderate income first time home buyers with Low and Moderate Income Housing Funds. In conformance with State law, the City of Chico must approve a Relocation Plan for this household, and the Agency must adopt a Replacement Housing Plan describing how the unit that housed the displaced household will be replaced. The City Council acted in its capacity as the City Council and the Chico Redevelopment Agency to consider this item. (Report - James Coles, Housing Manager)

Item 3.3. Staff Report

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

A motion was made by Holcombe and seconded by Flynn to approve adoption of the following resolutions:

RESOLUTION NO. 08-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING A RELOCATION PLAN FOR 871 EAST 19TH STREET FOR DEVELOPMENT OF NEW HOMES FOR LOW AND MODERATE INCOME FIRST TIME HOME BUYERS - City Council Action

RDA RESOLUTION NO. 01-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY, ADOPTING A REPLACEMENT HOUSING PLAN FOR 871 EAST 19TH STREET NECESSITATED BY THE DEVELOPMENT OF NEW HOMES FOR LOW AND MODERATE INCOME FIRST TIME HOME BUYERS - Redevelopment Agency Action

The motion carried by the following vote:

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

4.1. **CONSIDERATION OF RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING FOR THE CHICO POLICE OFFICERS' ASSOCIATION BARGAINING UNIT**

Consideration of a resolution which modifies the pay and benefit provision in the memorandum of understanding applicable to the Chico Police Officers' Association bargaining unit. (Report - Teresa Campbell, Human Resources Director)

Councilmember Wahl addressed several questions to staff regarding the numbers contained in the MOU. Human Resources Director Campbell provided clarification on some of the questions, with it noted that she would follow up with Council in writing on the questions that would require research. Councilmember Wahl indicated that he would withhold his vote on this matter until he had received the answers from the Human Resources Director.

Stephanie Taber addressed the Council on this item.

Item 4.1. Staff Report

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


The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Nickell, Schwab
NOES: None
ABSTAIN: Wahl

The City Council took a 10 minute break at 8:10 p.m. When the meeting was reconvened, all members of Council were present.

4.2. **CONSIDERATION OF APPOINTMENTS TO CITY BOARD AND COMMISSIONS** At its meeting of 1/08/09, the City Council held interviews for current vacancies on the City's Board and Commissions and was provided with nomination papers to complete for each vacancy. The City Clerk has compiled the nominations and provided the results to the Council so that final appointments can be made. (Report - Deborah Presson, City Clerk)

Item 4.2. Staff Report

Mike Trolinder addressed the Council on this item.

The Council appointed the following new board or commission members to a 4 year term unless otherwise noted:

**Airport Commission**

Charles Mueller
Kurt Nathan

**Architectural Review Board**
Marci Goulart  
Ken Husby  
David Kim

**Arts Commission**
Lucille Wanee - 2 year term  
Gary Baugh  
Ginny Crawford  
Carin Hilgeman  
TJ Glenn

**Park Commission**
Jane Tumey - 2 year term  
Mary Brentwood  
Aaron Skaggs  
Jamison Watts

**Human Resources Commission**
Miguel Alfaro  
Andrea Dunn  
Ann Schulte

**Planning Commission**
Kathy Barrett  
Dave Kelley  
Mark Sorensen

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

5. BUSINESS FROM THE FLOOR...

Jim Johnston addressed the Council regarding the proposed firefighter layoffs.

Kent Cavender addressed his concerns regarding the staffing levels of the Police Department.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information.

6.1. **Letter dated 12/17/08 from Maureen Kirk, Chair, Butte County Air Quality Management District, requesting the City Council’s position on the proposed Rule 208 (Mandatory Wood Burning Curtailment Periods). This item was referred by the City Manager to the Sustainability Task Force which will bring its recommendation forward to the City Council at its meeting of 2/03/09.**

Item 6.1. Staff Report

6.2. **Letter submitted 1/05/09 from James Bettencourt suggesting random public walkway sobriety police check points be held throughout the year in the downtown area in**
order to curb public drunkenness and drug/alcohol related deaths. The Mayor recommended this item be referred to the Town & Gown Committee.

Item 6.2. Staff Report

A motion was made by Gruendl and seconded by Wahl to approve referral of letter submitted 1/05/09 from James Bettencourt suggesting random public walkway sobriety police check points be held throughout the year in the downtown area in order to curb public drunkenness and drug/alcohol related deaths to the Town & Gown Committee for discussion.

The motion carried by the following vote:

AYES: Flynn, Gruenl, Holcombe, Wahl, Walker, Nickell, Schwab
NOES: None

6.3. Letter dated 1/13/09 from Steve Harrison, IAFF Local President, requesting to address the Council regarding the elimination of six firefighters.

Item 6.3. Staff Report

7. ADJOURNMENT - Adjourned at 9:20 p.m. to February 3, 2009 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: 3/03/09 - DRP

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

1.1. Roll Call

Present: Flynn, Gruehl, Holcombe, Wahl, Walker, Nickell, Schwab
Absent: None

Staff Present: City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Human Resources Director Campbell, Finance Director Hennessy

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6.)
Negotiator: Dave Burkland, City Manager and Teresa Campbell, HR Director
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).

3. ADJOURNMENT Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 3, 2009
Minutes

1.1. CLOSED SESSION - 6:00 p.m. - see page 10

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

1.3. Call to Order - Mayor Schwab called the February 3, 2009 - Adjourned Regular Chico City Council meeting to order at 6:00 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor David Leeper Moss, Chico Trinity United Methodist Church

1.6. Roll Call

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

Special Acknowledgement of 11 Students from Pakistan visiting the City of Chico as part of the Cultural Studies group with the University which is a seven week program called "Experience America."

1.7. Closed Session Announcement - None

Special Update Regarding the Recent Riot

A motion was made by Gruendl and seconded by Nickell to authorize an update regarding the recent riot which required a 2/3rds vote of the Council to agendize.

The motion carried by the following vote:

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

Acting Police Chief Maloney provided an overview of the riot and the resulting impact on the community.

Councilmember Nickell asked that Council be provided with the costs associated with the riot including damages, overtime costs, injuries and any other city costs.

Councilmember Gruendl asked that staff agendize a discussion regarding possible cost recovery from property owners where the parties took place and also those found to be perpetrating the offenses.

Mayor Schwab indicated that due to the length of the agenda that Item 4.4. regarding the Memorandum of Understanding for the City of Chico International Firefighters Association would be moved up and heard at the beginning of Regular Agenda.

2. CONSENT AGENDA

A motion was made by Flynn and seconded by Holcombe to approve the Consent Agenda,
as read.

The motion carried by the following vote:

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

2.1. ADOPTION OF SEWER IN LIEU RESOLUTION - 1014 MEIER DRIVE

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

RESOLUTION NO. 10-09 - 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 - 1014 MEIER DRIVE /ASSESSOR'S PARCEL NO. 042-390-037 (petition from property owners John Franklyn and Judith Kim Shields)

Item 2.1. Staff Report

2.2. MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS TO ACCEPT AND CONSENT TO THE ACQUISITION OF PROPERTY - SHR 99/EAST FIRST AVENUE INTERCHANGE PROJECT

Approved - a minute order authorizing execution of an agreement with Butte County Association of Governments (BCAG), according to the terms set out in the minute order. The agreement provided for the terms and conditions of BCAG acquisition of right of way adjacent to City right of way in connection with BCAG's regional project improving the SHR 99/East First Avenue Interchange. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 02-09 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS AND TO ACCEPT AND CONSENT TO THE ACQUISITION OF PROPERTY IN CONNECTION WITH THE SHR 99/EAST AVENUE INTERCHANGE PROJECT

Item 2.2. Staff Report

2.3. MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (2465 CARMICHAEL DRIVE)

Approved - a minute order authorizing acquisition of fee title from Sierra Entertainment Group to a portion of Assessor's Parcel No. 005-570-002 and relinquishment of abutter's rights for Assessor's Parcel No. 005-570-019 in connection with the SHR 99/Skyway Interchange Project according to the negotiated terms set out in the minute order. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 03-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE

Item 2.3. Staff Report

2.4. ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2007-08

Accepted the Annual Report of the Chico Redevelopment Agency for Fiscal Year 2007-08, which has been prepared pursuant to Community Redevelopment Law and was provided to Council prior to the end of 2008. The Economic Development/Redevelopment Manager recommended acceptance of the report.

Item 2.4. Staff Report

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE STATE HIGHWAY ROUTE 99/SKYWAY IMPROVEMENT PROJECT - SKYPARK AUTO WASH PROPERTY, LLC - 1020 SKYWAY - This item was removed from the agenda and not considered.

4. REGULAR AGENDA

4.4. CONSIDERATION OF RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING FOR THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS BARGAINING UNIT - This item was moved up to the beginning of Regular Business.

Consideration of a resolution which modified the pay and benefit provisions in the memorandum of understanding applicable to the International Association of Fire Fighters bargaining unit. (Report - Teresa Campbell, Human Resources & Risk Management Director and David Burkland, City Manager)

Steve Harrison and Stephanie Taber addressed the Council regarding this item.

A motion was made by Nickell and seconded by Flynn to adopt RESOLUTION NO. 11-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR JANUARY 1, 2007 THROUGH DECEMBER 31, 2012 (2007 MOU - IAFF RESTATED VERSION 2)"

The motion carried by the following vote:

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

The Council recessed for a ten minute break at 7:35 p.m. The meeting was reconvened and all members were present.
4.1. CONSIDERATION OF RECOMMENDATIONS FROM THE SUSTAINABILITY TASK FORCE REGARDING BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT'S AIR QUALITY PRIORITIES AND THE PROPOSED RULE 208

As requested by the City Council on 6/17/08, the Sustainability Task Force reviewed information regarding Butte County air quality issues and related health concerns presented by the Butte County Air Quality Management District (BCAQMD) and Dr. Gary Incaudo. The Task Force also reviewed the letter dated 12/17/08 from the BCAQMD Board Chair requesting that the City Council review and state its position on the proposed Rule 208, which proposes mandatory wood burning curtailment periods on poor air quality days. (Report - Linda Herman, Management Analyst)

Addressing the Council on this item were Alan Gair, Richard McLees, Tanha Luvaas, Julian Zener, Tony Ray, Quentin Colgan, Marnie Bass, Emily Jane Williams, Jay Gallagher, Stan Lund, Dr. Mark Lundberg, Peter Straus, Ken Fleming, Jon Luvaas, Lane Brazil, Emily Alma, Tami Ritter, Luke Anderson, Juanita Sumner, and Kent Cavender.

The Council discussed this item in detail. Councilmember Wahl made a motion to delay in forwarding the recommendations until costs to the citizens were determined. The motion failed due to a lack of a second.

Councilmember Gruendl asked for a friendly amendment that would include a time frame of five years for determining if EPA certified stoves should be phased into the prohibition and to also require registration of wood stoves in order to provide more accurate information regarding the location of air stations. Councilmember Holcombe did not accept the friendly amendment.

A motion was made by Holcombe and seconded by Walker to approve the Sustainability Task Force recommendations with the following additions or changes (bolded, underlined, and italicized):

Item 1: That the BCAQMD Board approve the proposed Rule 208 mandatory wood burning curtailment periods with the following additional provisions:

a. That U.S. Environmental Protection Agency (EPA) Phase II certified wood and pellet stoves be exempt from the Rule.

b. That the designation of a "no wood burning curtailment period" be based on a PM 2.5 (i.e., fine particulate matter of a diameter size of 2.5 microns or less) maximum limit of 30 micrograms per cubic meter (µg/m³) on average within a 24-hour period instead of the 41 µg/m³ limit currently used by the BCAQMD. The EPA PM 2.5 standard is 35 µg/m³, amended to reduce "30" parts to "25":

c. That the Rule be expanded to include more of Butte County than just the Chico Urbanized Area, such as basing the area of concern on population densities, amended to include "County pockets that are contiguous to the Chico Urban Area or the Chico Sphere of Influence";

d. That the Rule include a sunset date for review and evaluation to determine whether EPA certified stoves should be phased into the prohibition. Council requested that in 2010, the Air Quality District provide a report to the City Council that provides the results from the 2009 season.
e. That the BCAQMD consider incorporating a visible emission limit prohibition into Rule 208, such as a 20% opacity limit, to help ensure proper use of all wood stoves, including EPA certified ones.

2. That the General Plan team consider incorporating the BCAQMD's Model Air Quality Element and "Smart Growth Checklist" into the General Plan and CEQA process, but that the checklist be modified to potentially reward well-planned projects.

3. That the General Plan team consider implementing the other air quality priority projects suggested by the BCAQMD staff and detailed below.

4. That the BCAQMD Board is encouraged to take the lead in establishing a regional Air Quality Mitigation Fee Program for the entire sub-basin, in which the funds generated would be used for incentives to businesses and residents to replace existing non-EPA certified wood stoves and implement other air quality mitigation efforts.

5. *Additional request of Council to direct staff to study other cities such as as Truckee and Reno on phase-out programs and the possible registration of wood stoves not as an enforcement tool but in order to provide critical information in determining possible impacts on the community.*

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Nickell, Schwab

NOES: Wahl

The Council recessed for a ten minute break at 9:25 p.m. The meeting was reconvened and all members were present.

Item 4.1. Staff Report

4.2. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS RELATED TO SPRAYING AND FOGGING BY BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

At this meeting, the City Council will consider the recommendations of the Internal Affairs Committee related to spraying and/or fogging by the Butte County Mosquito and Vector Control District (the District) and Councilmember Gruendl's request that the Council consider agreeing to partner with the Butte County Department of Public Health and the District to develop a long term public education campaign.

Addressing the Council on this item were Amy Miller, Dr. Albert Beck, Matthew Ball, Anna Caul, Peter Bonkude, Tim Howard, Karen Laslo, Jim Carny, and Tami Ritter.

A motion was made by Councilmember Wahl to table this item and that Council take no action on it. The motion died for a lack of a second.
A motion was made by Wahl and seconded by Walker to table this item and not move forward on any of the suggestions due to the fact that this is a science which VECTOR Control knows with an overall benefit to be disease reduction which has been accomplished.

The motion failed by the following vote:

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

A motion was made by Gruendl and seconded by Nickell to approve the following recommendations and also directed the City Attorney to look at removal of the appointed citizen representative and to have instead an elected official serve as the City's representative to the District.

The motion carried by the following vote:

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

1. Review its procedure for appointments to the District and consider whether the appointee should be a citizen or a member of the Council;

2. Request the District to provide a copy of the District minutes after every board meeting for distribution to the Council, for posting on the City's website, and for making it available for public review in the City Clerk's Office;

3. Request the District to submit a plan to the City outlining: (a) the efforts being made to outreach to the community; and (b) the District's current and future outreach goals; and

4. Request the District to submit a report to respond to the following: (a) citizen concerns that safety data sheets are not available; (b) the estimated cost of postcard notifications; (c) its current newspaper notification process; (d) its current e-mail notification process and any plans to address citizen concerns regarding missing information; and (e) the suggestion that warning signals be installed on the fogging trucks.

Item 4.2. Staff Report

4.3. CONSIDERATION OF DOWNTOWN ISSUES

At its meeting of 9/23/08, the Internal Affairs Committee held a roundtable discussion of the following issues pertaining to downtown: (1) pedestrian safety; and (2) the homeless/transient population. Possible actions to these issues will be addressed by the Assistant City Manager. (Report - John Rucker, Assistant City Manager) - This item was not heard and continued to a future meeting.

Item 4.3. Staff Report

4.5. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None
5. **BUSINESS FROM THE FLOOR**

Kent Cavender addressed Council regarding the consideration of an increase of police officers for public safety.

Michael Reilley addressed the Council regarding the value of CSUC and the impact of the students on the City. He proposed perhaps a $25.00 per semester per student charge to help defray the impacts.

Alan Gair addressed his concerns regarding the amount of pesticides being used on approximately 80,000 acres of rice being grown.

6. **ADJOURNMENT**

The meeting adjourned at 12:04 a.m. to February 17, 2009 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: 3/17/09

Deborah R. Presson, City Clerk
2/03/09 Council Meeting

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 3, 2009
CLOSED SESSION Chico Municipal Center, Conference Room #2, 421 Main Street

1. CALL TO ORDER - Mayor Schwab called the February 3, 2009 Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Administrative Services Director Pierce

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

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

Property Owner, Street Address, Assessor’s Parcel No., Chico Lodging, LLC, 2481 & 2485 Carmichael, 005-570-020

The City’s negotiator was City Manager David Burkland and the party with whom negotiations are proposed to be conducted is the property owner (or such persons designated as the owner’s agent for the purpose of negotiations).

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

Negotiator: David Burkland, City Manager
Under Negotiation: Price and terms of payment for proposed acquisition
Negotiating Parties: Chico Lodging, LLC and/or its designated negotiator(s)

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

Negotiator: Dave Burkland, City Manager and Teresa Campbell, 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),

3. ADJOURNMENT

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
Date Approved: 3/17/09

Deborah R. Presson, City Clerk
1.1. **REGULAR CITY COUNCIL MEETING - 6:30 p.m. in the Council Chamber, 421 Main Street**

1.2. **Call to Order - Mayor Schwab called the February 17, 2009 - Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:00 p.m.**

1.3. **Flag Salute**

1.4. **Invocation — James Sprague, Chico Baha’i Community**

1.5. **Roll Call**

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

   Absent: None

1.6. **Closed Session Announcement - No Closed Session was held.**

2. **CONSENT AGENDA - Items 2.2. and 2.5. were removed from the Consent Agenda for further discussion.**

   A motion was made by Nickell and seconded by Walker to approve the Consent Agenda, as read, with Items 2.2. and 2.5. removed for further discussion.

   The motion carried by the following vote:

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

2.1. **ADOPTION OF A RESOLUTION DESIGNATING AND APPOINTING ALTERNATES TO SERVE AS MEMBERS OF THE CITY COUNCIL IN THE EVENT OF AN EMERGENCY**

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

   RESOLUTION NO. 12-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DESIGNATING AND APPOINTING ALTERNATES TO SERVE AS MEMBERS OF THE CITY COUNCIL IN THE EVENT OF AN EMERGENCY

   **Item 2.1. Staff Report**

2.2. **ADOPTION OF A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED ON THE SOUTH SIDE OF EAST LINDO AVENUE - This item was removed from the Consent Agenda for further discussion.**

   Adopted - a resolution authorizing the conveyance of real property located along East Lindo Avenue. At its meeting of 5/22/08, the Map Advisory Committee approved
the Steffen Condominium Conversion Tentative Subdivision Map (S 07-13),
conditioning the project to convey certain real property owned by the City in fee title
to the developer since it was determined the property was no longer needed for
additional public improvements. This resolution authorized the conveyance of
excess City property to the developer at no cost to either party. Pursuant to City
Charter Section 614, adoption of this resolution required the affirmative vote of at
least five members of the City Council. The Building & Development Services
Director recommended adoption of the resolution.

RESOLUTION NO. 13-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED
ON THE SOUTH SIDE OF EAST LINDO AVENUE (STEFFEN - APN NO. 045-560-046)

Item 2.2. Staff Report

Councilmember Wahl removed this item from the Consent Agenda for clarification on why
the City was giving away land when it needed land. Building & Development Services
Director McKinley explained that the land was being given back to the original owners
because it was not needed by the City.

A motion was made by Wahl and seconded by Nickell to adopt RESOLUTION NO. 13-09 -
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE
CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED ON THE SOUTH SIDE OF
EAST LINDO AVENUE (STEFFEN - APN NO. 045-560-046)

The motion carried by the following vote:

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

2.3. APPROVAL OF PROPERTY TRANSACTIONS IN CONNECTION WITH THE
RECONSTRUCTION OF THE STATE HIGHWAY ROUTE 99/SKYWAY INTERCHANGE
(CAPITAL PROJECT 16036)

Adopted - a resolution authorizing the conveyance of 1.61+ acres of real property to
the State of California as required by the provisions of the Cooperative Agreement
between the City and Caltrans dated 8/21/08 in connection with the SHR 99/Skyway
Interchange project. The property will become part of the State highway system.
Approved - a minute order authorizing the acquisition of a right of way easement for
Assessor's Parcel No. 002-210-029 and the relinquishment of abutter's rights for
Assessor's Parcel No. 005-570-020 in connection with the SHR 99/Skyway
Interchange Project according to the negotiated terms set forth in the minute order.
Pursuant to City Charter Section 614, adoption of the resolution required the
affirmative vote of at least five members of the City Council. The Administrative
Services Director recommended adoption of the resolution and approval of the
minute order.

RESOLUTION NO. 14-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED WEST OF
THE SHR 99 OFF-RAMP AT THE SKYWAY INTERCHANGE - ASSESSOR'S PARCEL
NOS. 005-570-017, 005-570-018, AND A PORTION OF 005-570-002 (STATE OF
CALIFORNIA).

MINUTE ORDER NO. 04-09 - AUTHORIZATION FOR THE CITY MANAGER TO
EXECUTE AGREEMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS AND THE RELINQUISHMENT OF ABUTTER’S RIGHTS FOR THE RECONSTRUCTION OF THE SHR 99/SKYWAY INTERCHANGE

Item 2.3. Staff Report

2.4. ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION - AUTHORIZATION TO AMEND AN EXISTING HOME GRANT AGREEMENT AND ADOPTION OF A RESOLUTION AUTHORIZING A GRANT FROM THE LOW AND MODERATE INCOME HOUSING FUND TO HABITAT FOR HUMANITY

Accepted - the recommendation of the Finance Committee from its meeting of 1/27/09 to approve a minute order authorizing amendments to the HOME Grant Agreement between the City of Chico and Habitat for Humanity of Chico (Habitat), and adopt a resolution authorizing a Low and Moderate Income Housing Fund Grant Agreement between the Chico Redevelopment Agency and Habitat. The City Council acted in its capacity as the City Council and the Chico Redevelopment Agency to consider this item. The Finance Committee recommended (2-0, Flynn absent) approval of the minute order and adoption of the resolution.

MINUTE ORDER NO. 05-09 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO THE "GRANT AGREEMENT CITY OF CHICO HOME PROGRAM LOW INCOME HOUSING PROJECT EAST 16TH STREET. CHICO, CALIFORNIA (City of Chico/Habitat for Humanity of Chico)" - City Council Action.

RDA RESOLUTION NO. 02-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING $458,000 FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND AND AUTHORIZING EXECUTION OF A GRANT FOR $480,000 TO HABITAT FOR HUMANITY FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED AT EAST 16TH STREET AND D STREET - Redevelopment Agency Action

Item 2.4. Staff Report

2.5. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR SYCAMORE CREEK SEDIMENT REMOVAL - This item was removed from the Consent Agenda at the request of Councilmember Wahl for further clarification on costs associated with this agreement which he didn’t see in the information that was provided.

Approved - a minute order authorizing the City Manager to execute a spoil agreement with the Department of Water Resources (DWR) to allow DWR’s officers, employees, agents, and persons under contract to remove spoil material from Sycamore Creek onto City-owned property as required for the Sycamore Creek Sediment Removal project. The Building & Development Services Director responded to Councilmember Wahl’s questions regarding costs.

MINUTE ORDER NO. 06-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A SPOIL AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR SYCAMORE CREEK SEDIMENT REMOVAL.

Item 2.5. Staff Report
A motion was made by Wahl and seconded by Holcombe to approve MINUTE ORDER NO. 06-09 - AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR SYCAMORE CREEK SEDIMENT REMOVAL

The motion carried by the following vote:

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

2.6. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved - minutes of the City Council meetings held on 12/16/08, 1/06/09, and 1/08/08.

Item 2.6. Staff Report

ITEMS REMOVED FROM CONSENT - Items 2.2, and 2.5, were removed from the Consent Agenda for further clarification.

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1. QUARTERLY UPDATE ON THE FINANCIAL STATUS OF THE CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY AND THE APPROVAL OF QUARTERLY SUPPLEMENTAL APPROPRIATION NO. 08-09 11/RDA NO. 08-09 09

As part of the strategy to balance the Ten Year Financial Plan, staff presented a financial update for the 2nd quarter of fiscal year 2008-09. In addition, the Council was asked to approve Supplemental Appropriation No. 08-09 11/RDA No. 08-09 09 to reflect budgetary requests and adjustments that have surfaced during the 2nd quarter.

Item 4.1. Staff Report

Stephanie Taber asked for clarification on some of the information presented by the Finance Director.

A motion was made by Holcombe and seconded by Flynn to table this item at the request of the Finance Director who wanted to review the numbers prior to Council approving the supplemental.

The motion carried by the following vote:

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

The City Council recessed for a ten minute break at 7:40 p.m. The meeting was reconvened and all members were present.
4.2 CONSIDERATION OF DOWNTOWN ISSUES

At its meeting of 9/23/08, the Internal Affairs Committee held a roundtable discussion of the following issues pertaining to downtown: (1) pedestrian safety; and (2) the homeless/transient population. Possible actions to these issues was addressed by the Assistant City Manager. Mayor Schwab and Councilmember Wahl were disqualified on this item and left the dias.

Item 4.2. Staff Report

Stephanie Taber, Katrina Davis-Woodcox, Alan Chamberlain, Eric Willadsen, and Dale Bennett addressed the Council regarding this item.

A motion was made by Gruendl and seconded by Nickell to approve the list of proposed initiatives to be implemented in a measured, phased approach as referenced in the staff report; with signage to include the cost of the fines for the prohibited activities; and to direct staff to work with the University Police to assist the City on those items listed under Recommendation No. 4.

The motion carried by the following vote:

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

4.3 DOWNTOWN ACCESS PLAN IMPLEMENTATION UPDATE, REQUEST TO TEMPORARILY SUSPEND THE DOWNTOWN "IN-LIEU PARKING FEE" AND ADOPTION OF A FEE SCHEDULE RESOLUTION

At its 1/13/09 meeting, the Internal Affairs Committee directed staff to collaborate with the Downtown Chico Business Association (DCBA) to develop a downtown loading and unloading education campaign, to prioritize the selection of a private enforcement firm and a "smart meter" vendor to improve downtown parking management, and to ensure the aggressive enforcement of downtown parking regulations. Mayor Schwab and Councilmember Wahl were disqualified on this item and left the dias.

Addressing the Council on this item were Katrina Davis-Woodcox and Alan Chamberlain.

A motion was made by Gruendl and seconded by Holcombe to postpone consideration of the conversion of parallel parking to diagonal parking and the associated three-to two-lane reduction along the Broadway/Main couplet until after the privatized enforcement and smart meter technology have been in effect for a reasonable period of time to determine if parking conversion is still warranted and (2) temporarily suspend the "In-Lieu parking Fee" of $18,148 per parking space that is currently required as a condition of approval of those downtown commercial development projects that do not meet minimum parking requirements until adoption of the 2030 General Plan, by adopting the following fee schedule resolution:

RESOLUTION NO. 15-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 318 - ENGINEERING FEES)
The motion carried by the following vote:

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

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

Item 4.3. Staff Report

4.4. CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING RELOCATING THE DISC GOLF SHORT COURSE

At its 1/06/09 meeting, the City Council voted unanimously to allow a disc golf long course to be developed in Upper Bidwell Park adjacent to Hwy. 32 and to work on relocating the short disc golf course to a new location(s) to be determined closer to Chico. The Council directed staff to work with the Internal Affairs Committee, CARD, and stakeholders on identifying potential sites for the short disc golf course. Mayor Schwab and Vice Mayor Nickell were disqualified on this item and left the dias.

Item 4.4. Staff Report

A motion was made by Holcombe and seconded by Walker to refer the consideration of sites to relocate the short disc golf course to the Bidwell Park and Playground Commission, with the Commission to provide its recommendations to the Council within 60 days and to report back at the April 21st meeting of the Council regarding the selection of sites and the criteria used to determine locations. It was also requested that CARD be formally invited to enter into the discussions regarding locating a site for the short course.

The motion carried by the following vote:

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

Vice Mayor Nickell and Mayor Schwab rejoined the meeting at 10:05 p.m.

4.5. CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING AMENDMENTS TO THE CHICO MUNICIPAL CODE REGARDING TREE PRESERVATION AND LANDSCAPING

At its 1/13/09 meeting, the Internal Affairs Committee (IAC) approved, with minor adjustments, staff’s recommendations regarding the scope and order for reviewing and approving amendments to the Chico Municipal Code regarding the City’s tree preservation and landscaping regulations. Because the IAC cannot directly refer items to other boards and commissions for review, the IAC requested that the Council refer the proposed amendments to the Bidwell Playground and Park Commission and the Planning Commission for final discussion, review, and recommendation to the City Council.

The IAC recommended that the City Council direct staff to: (1) complete Phase 1 (Heritage Tree Program and zoning approval amendments) including B1 through B6.
and Phase 2 (reducing half-acre threshold and reducing tree diameter) recommendations by 7/01/09; (2) research extending the City’s regulations to the City’s Sphere of Influence, and bring information forward to City Council with the Phase 1 recommendations; (3) direct staff to research compliance and consequences of non-compliance in regards to the 50 percent shading requirement in parking lots and the possibility of 5 and 10-year reviews during the 15 year time frame to meet those requirements and return to the IAC for recommendation; and (4) bring forward Phase 3 nexus study (fees and replacement tree program) recommendations by December 2009.

Item 4.5. Staff Report

Alan Gair, Jason Bougie, and Francine Gair addressed the Council on this item.

A motion was made by Gruendl and seconded by Holcombe to refer the Internal Affairs Committee recommendations to the BPPC for review and comment and additional time for public input.

The IAC recommendations were to: (1) complete Phase 1 (Heritage Tree Program and zoning approval amendments) including B 1 through B6, and Phase 2 (reducing half-acre threshold and reducing tree diameter) recommendations by 7/01/09; (2) research extending the City’s regulations to the City’s Sphere of Influence, and bring information forward to City Council with the Phase 1 recommendations; (3) direct staff to research compliance and consequences of non-compliance in regards to the 50 percent shading requirement in parking lots and the possibility of 5 and 10-year reviews during the 15 year time frame to meet those requirements and return to the IAC for recommendation; and (4) bring forward Phase 3 nexus study (fees and replacement tree program) recommendations by December 2009.

The motion carried by the following vote:

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

4.6. FUTURE MEETINGS

Staff had requested that the City Council schedule two additional day-time workshops with the Planning Commission to discuss General Plan Policy. The Council scheduled 4/28/09 from 1:00 p.m. - 6:00 p.m. and 5/13/09 from 2:00 - 7:00 p.m.

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

5. BUSINESS FROM THE FLOOR

Jason Bougie addressed the Council regarding the requirement to turn in speaker cards following the conclusion of staff reports. He asked the Council to consider this request.

6. ADJOURNMENT

Adjourned at 10:50 p.m. to March 3, 2009 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: 4/21/09

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 3, 2009
Minutes

1.1. REGULAR CITY COUNCIL MEETING - 6:30 p.m. in the Council Chamber, 421 Main Street

1.2. Call to Order - Mayor Schwab called the March 3, 2009 Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:00 p.m.

1.3. Flag Salute

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

1.5. Roll Call

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

1.6. Closed Session Announcement - None

1.7. Proclamation - Proclaiming March 2009 as Professional Social Work Month

1.8. Proclamation - Proclaiming March 5th through March 14th, 2009 as California's Arbor Day week and acknowledgment of the "Tree City USA" award

2. CONSENT AGENDA - Items 2.2. and 2.3. were removed from the Consent Agenda for further discussion.

A motion was made by Walker and seconded by Gruendl to approve the Consent Agenda, as read, with Item 2.2. and 2.3. removed for further discussion.

The motion carried by the following vote:

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

2.1. ADOPTION OF SEWER IN LIEU RESOLUTION - 616 RANCHERIA DRIVE

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


Item 2.1. Staff Report
2.2. **ACCEPTANCE OF THE ANNUAL REPORT ON THE STATUS OF THE MERIAM PARK DEVELOPMENT AGREEMENT (DA 05-02)**

Accepted - the annual report from Meriam Park detailing compliance with the Development Agreement. The Development Agreement, dated 8/06/07, is a 25-year agreement between the City and Meriam Park, LLC (Meriam) which established standards, conditions, and regulations governing the project’s expansion. Based on ongoing project monitoring, as well as a review of the annual report, staff is satisfied that Meriam is in good faith compliance with the terms of the Development Agreement. The Principal Planner recommended acceptance of the Meriam Park Development Agreement Annual Report. This item was removed from the Consent Agenda at the request of Councilmember Wahl for a verbal update on the status of the project.

**Item 2.2. Staff Report**

Tom DiGiovanni addressed Councilmember Wahl’s questions regarding this project.

A motion was made by Holcombe and seconded by Nickell to accept the ANNUAL REPORT ON THE STATUS OF THE MERIAM PARK DEVELOPMENT AGREEMENT (DA 05-02).

The motion carried by the following vote:

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

2.3. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 08-09 11/RDA NO. 08-09 09**

Approved- Supplemental Appropriation No. 08-09 11/RDA No. 08-09 09 to reflect budgetary requests and adjustments that have surfaced during the 2nd quarter. The Finance Director recommends approval of the Supplemental Appropriation.

**SUPPLEMENTAL APPROPRIATION NO. 08-09 11/RDA NO. 08-09 09 - QUARTERLY SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION REQUEST - Q2'08-09**

**Item 2.3. Staff Report**

Michael Reilley and Vice Mayor Nickell asked that this item be pulled for further discussion. Vice Mayor Nickell wanted it noted that this item was coming back for approval from the meeting of 2/17/09 due to the Finance Director wanting to verify numbers prior to action being taken. After further review, it was found that the numbers were correct. Vice Mayor Nickell wanted to thank staff for their diligence in making sure that the numbers were correct. Michael Reilley also commented that he appreciated staff wanting to make sure that the item was correct before Council took action.

Councilmember Wahl noted for the record that he would be voting against the supplemental appropriation due to the $315,130 allocated for the purchase of creekside property. Mayor Schwab noted that the funding to be used was set aside for these types of purchases. Councilmember Wahl said that despite that, he was opposed because the house that is currently on this property is still usable and shouldn’t be removed.

A motion was made by Nickell and seconded by Walker to approve SUPPLEMENTAL
APPROPRIATION NO. 08-09 11/RDA NO. 08-09 09 - QUARTERLY SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION REQUEST - Q2'08-09 to reflect budgetary requests and adjustments that surfaced during the 2nd quarter.

The motion carried by the following vote:

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

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 1/20/09.

Item 2.4. Staff Report

ITEMS REMOVED FROM CONSENT - Items 2.2. and 2.3. were removed and handled separately from the Consent Agenda.

3. NOTICED PUBLIC HEARINGS

3.1. PUBLIC HEARING REGARDING THE FORMATION OF THE HUSA RANCH/NOB HILL NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08

At its 1/06/09 meeting, the City Council adopted resolutions to approve the preliminary Engineer's Report and to declare Council's intention to form the Husa Ranch/Nob Hill Neighborhood Park Landscape and Lighting District No. LLD 001-08 (District). Pursuant to California Constitution, Article XIIIC and XIIID (Proposition 218), the Council also authorized a property owner election for the District and scheduled a hearing for this meeting to consider public comments. (Report-Dennis Beardsley, General Services Director)

Mayor Schwab opened the hearing to the public. Addressing the Council in opposition to the formation of the district was Scott McReynolds and speaking in favor was Matt Meuter. The Mayor closed the hearing to the public.

At 7:10 p.m. the Mayor recessed the meeting for a 15 minute break and directed the City Clerk to publicly open and tabulate the ballots received in Conference Room No. 1, located in the City Council Chamber Building at 421 Main Street, Chico. The meeting was reconvened and all members were present.

Following the break, the City Clerk announced that the formation of the Husa Ranch/Nob Hill Neighborhood Park Landscaping and Lighting District No. LLD 001-08 passed by the valuation of $5,641.28 in favor compared to the $3,604.00 valuation of those opposed.

A motion was made by Flynn and seconded by Gruendl to adopt

RESOLUTION NO. 17-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR THE HUSA RANCH/NOB HILL NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08 AND APPROVING CERTAIN RELATED ACTIONS

RESOLUTION NO. 19-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONFIRMING THE FORMATION OF THE HUSA RANCH/NOB HILL NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08; ASSESSMENT DIAGRAM AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS

The motion carried by the following vote:

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

Item 3.1. Staff Report

3.2. ORDINANCE AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE RELATED TO PARKING REQUIREMENTS IN THE IN-LIEU PARKING BENEFIT AREA

In 2007, the City Council approved a Downtown Access Plan and implementation strategy to improve circulation, parking management, and economic vitality in Downtown Chico. Among the recommended measures were reductions in parking requirements in the Downtown area, which was based upon the Plan’s conclusion that existing parking standards were excessive for the downtown area and that they may in some cases be discouraging new development and business expansions. On 2/05/09, the Planning Commission recommended approval of code amendments to reduce downtown parking requirements by 50% with specified parking maximums and other incentives. (Report - Steve Peterson, Planning Services Director)

Item 3.2. Staff Report

Mayor Schwab and Councilmember Wahl were disqualified on this item.

Vice Mayor Nickell opened the hearing to the public.

Addressing the Council on this item were Frank Riley, Steve Depa, and TJ Glenn.

Vice Mayor Nickell closed the hearing to further public input.

A motion was made by Gruendl and seconded by Holcombe to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS WITHIN THE DOWNTOWN IN-LIEU PARKING BENEFIT AREA - Introductory Reading

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

4. REGULAR AGENDA

4.1. ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING THE LEAF PICK UP PROGRAM AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION 8.12.120 OF THE CHICO MUNICIPAL CODE (CMC)

At its 10/14/08 meeting, the Internal Affairs Committee considered additional information and an analysis of alternatives to General Services Department staff's original proposal to prohibit commercial yard waste generators from dumping leaves in the City's rights-of-way. The alternatives included a shortened collection period, collection efficiency measures, and extra green waste recycling cans. After discussions with stakeholders, staff recommended modifications to the Leaf Pickup Program to include providing commercial users designated leaf drop-off sites, and free and discounted disposal options at the compost facility on a voluntary basis for this year. Staff was directed to report back to the City Council on this voluntary program. The Internal Affairs Committee recommended (3-0) amending CMC Section 8.12.120. (Report Dennis Beardsley General Services Director, and Ruben Martinez, Director of Operations and Maintenance)

Item 4.1. Staff Report

Addressing the Council on this item were Bruce Burton, Mark Carlson, Steve Depa, Cathy Gurney, Ted Sandrowski, Emie Cox, and Randy Coy.

Councilmember Flynn suggested Internal Affairs look at other areas that could be identified for drop off sites that are not in the right of way and would not create hazards in the roadway. She also noted that the City is a business and is facing difficult times as well so perhaps there could be an opportunity for a partnership between the City and the haulers.

It was noted by staff that other cities were looked at for similar programs and what came out of the research was that the City of Chico is one of the last cities in the State that still provides this service. It was also noted that there could be another wave of cuts in the future due to the downturn in the economy.

The Council continued to discuss the various alternatives that would allow the program to continue with direction to staff to look at the possibility of attaching an additional fee to the business licenses for landscapers to help offset the costs of the service; consider more drop off sites on the north side of the City keeping in mind the goal of keeping the roadways safe; and directed the Internal Affairs Committee to look for ways to increase the number of sites with the haulers.

A motion was made by Wahl and seconded by Holcombe to refer this item back to the Internal Affairs Committee in order to allow participation by some of the other haulers; identify additional potential drop off sites; review the concept of a separate business license fee for landscapers only; and that this program be implemented before the next leaf season.

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

4.2. CONSIDERATION OF CHICO URBAN AREA FIRE AND RESCUE SERVICES

A. Chico Urban Area Fire and Rescue Agreement Annual Report - the current Chico Urban Area Fire and Rescue Agreement requires the City and County Fire Chiefs to submit a report on the Agreement by March 1 of each year.

Steve Harrison addressed the Council regarding IAFF’s lack of participation in this process. Council asked Chief Beery to explain the process and it was noted that the Union representatives were informed of all the meetings and the proceedings that took place during those discussions. Steve Harrison acknowledged that yes that was true, however, Union representatives were not included in the discussions. Supervisor Maureen Kirk addressed the Council regarding the County’s support of the agreement and indicated the County looked forward to working with the City.

A motion was made by Wahl and seconded by Nickell to accept the annual Chico Urban Area Fire and Rescue Agreement Annual Report and directed that the report be prepared biannually rather than annually.

The motion carried by the following vote:

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

B. Amended and Restated Chico Urban Area Fire and Rescue Agreement - The Fire Chiefs reviewed the recommendation of the Local Government Committee to execute an amended and restated agreement. The amended and restated agreement would supersede the 1999 Chico Urban Area Fire and Rescue Agreement, as previously amended, and terminate the 1999 Chico Urban Area Fire and Rescue Plan.

MINUTE ORDER NO. 07-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AMENDED AND RESTATED CHICO URBAN AREA FIRE AND RESCUE AGREEMENT WITH BUTTE COUNTY

Item 4.2. Staff Report

A motion was made by Wahl and seconded by Nickell to approve MINUTE ORDER NO. 07-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AMENDED AND RESTATED CHICO URBAN AREA FIRE AND RESCUE AGREEMENT WITH BUTTE COUNTY

The motion carried by the following vote:

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

The Council recessed for a 15 minute break at 9:32 p.m. The meeting was reconvened and all members were present.

4.3. CHICO 2030 GENERAL PLAN UPDATE - PROJECT STATUS
The General Plan Update is approximately halfway through the process. Staff provided Council with a status of the Update, identified future opportunities for Council and public input, and provided a schedule for project completion. (Report - Brendan Vieg, Principal Planner)

Item 4.3. Staff Report

Jason Bougie addressed the Council on this item.

A motion was made by Gruendl and seconded by Flynn to accept the Chico 2030 General Plan project status.

The motion carried by the following vote:

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

4.4. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None

5. BUSINESS FROM THE FLOOR

Vincent Quaresima, a resident of the Forest Ranch, voiced a complaint about a lack of police response on the 29th of January when his church called the police to help get the power back on. Apparently the police could not take any action on a PG&E related activity and mass had to be canceled.

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

Item 6.1. Staff Report

6.1. E-mail dated 2/04/09 from Tami Ritter requesting that the Council recommend that a presentation by S.W.A.T. and Vector Control be given to the Sustainability Task Force (STF). The City Clerk recommended that no formal action be taken on this item because: (1) the Council has provided direction to Vector Control at its meeting of 2/03/09; and (2) this item is not included in the current STF Workplan formally approved by Council. The STF can consider this request when developing their 2009/2010 workplan. Councilmember Gruendl noted that when discussing things with Vector Control it was requested that a partnership be formed for educating citizens regarding landscaping alternatives, which would impact sustainability issues as well as the conservation of water. The City Clerk noted that direction had been provided regarding the education component.

7. ADJOURNMENT - Adjourned at 10:23 p.m. to March 17, 2009 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: 4/21/09

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 17, 2009

Minutes

1.1. CLOSED SESSION - 6:00 p.m.

1.2. REGULAR CITY COUNCIL MEETING

1.3. Call to Order - Mayor Schwab called the March 17, 2009 - Adjourned Regular Chico City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Invocation — Pastor Jim Peck, Congregational Church of Chico, United Church of Christ

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation — Proclaiming March 22 - 28, 2009 as Boys & Girls Club Week

2. CONSENT AGENDA

A motion was made by Gruendl and seconded by Nickell to approve Consent Agenda, as read, with Councilmember Wahl and Mayor Schwab disqualified on item 2.1.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2394 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS WITHIN THE DOWNTOWN IN LIEU PARKING BENEFIT AREA - Final Reading and Adoption

Adopted - an ordinance which will reduce downtown parking requirements by 50% with specified parking maximums and other incentives. This ordinance was introduced by the Council at its meeting of 3/03/09. The Planning Services Director recommended adoption of the ordinance. Councilmember Wahl and Mayor Schwab were disqualified on this item.

Item 2.1. Staff Report

2.2. APPROVAL OF THE TRANSFER OF A RESTRICTED SOLID WASTE COLLECTOR PERMIT TO NORTHERN RECYCLING & WASTE SYSTEMS, LLC

Approved - the transfer of a restricted solid waste collector permit from Crowder
Rubbish Service to the new owners, Northern Recycling & Waste Services, LLC as provided by Section 5.16.070 of the Chico Municipal Code. Management Analyst Herman recommended approval of this permit transfer.

Item 2.2. Staff Report

2.3. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 2/03/09.

Item 2.3. Staff Report

ITEMS REMOVED FROM CONSENT - None

JOINT CITY COUNCIL/PLANNING COMMISSION MEETING - 6:45 p.m. in the Council Chamber

3. NOTICED PUBLIC HEARINGS

3.1. Planning Commission Roll Call

Commissioners Brownell, Luvaas, Merz, Minasian, Sorensen, and Chair Kelley were present. Commissioner Barrett was absent.

3.2. GENERAL PLAN UPDATE - DRAFT HOUSING ELEMENT

Based on State-mandated timelines, a new Housing Element must be adopted by the City and certified by the California Department of Housing and Community Development (HCD) by 8/30/09. Prior to adopting the Housing Element, the City must forward a public review draft of the document to HCD for a 60-day review period. The Housing Element is considered the primary policy document to guide the development, rehabilitation, and preservation of housing for all economic segments of the City’s population. Informed by a comprehensive public outreach effort, a Draft Housing Element has been prepared. At this meeting, the Council and Commission conducted a public hearing, provided comments on the Draft Element, and gave direction to staff to forward the Draft Housing Element to HCD. No formal action was taken at the meeting to adopt the Housing Element. (Report - Brendan Vieg, Principal Planner and James Coles, Housing Manager)

Councilmember Wahl raised a point of order regarding Councilmember Holcombe’s participation in the Homeless Task Force and as a signee of the letter from that group regarding comments about the Draft Housing Element. Councilmember Wahl felt that there was a conflict.

City Attorney Barker stated for the record that there was not a conflict of interest due to no financial interest being involved.

The Consultant provided an overview of the proposed Draft Housing Element.

1) Mayor Schwab opened the hearing on the Draft Housing Element for public input.

Addressing the Council on this item were Michael Reiley, Dave Ferrier, Emily Fisher,
Mayor Schwab closed the hearing to further public comment.

2) **Review the Draft Housing Element, direct revisions as appropriate, and authorize staff to submit the Draft Housing Element to the State Department of Housing and Community Development for review and comment.**

**Item 3.2. Staff Report**

Comments received from the Planning Commissioners and City Councilmembers that were discussion points are as follows:

1. Next staff report, would like to see the number of units produced that were the result of a density bonus. (Councilmember Gruendl)
2. For affordable projects at risk of converting to market rate, could staff work with the owners and provide a density bonus for a rehab, if this would help to keep the project affordable. (Commissioner Brownell)
3. Consider increasing the TBRA time period (Councilmember Gruendl)
4. What is the cost of the housing element? (Councilmember Wahl)
5. Include new homeless count numbers when received (Councilmember Wahl)
6. Consider re-zone and re-use of underutilized commercial/industrial properties (Commissioner Minasian)
7. Could City-sponsored projects be required to install solar street lights? (Mayor Schwab)
8. Include street addresses in Table A-30 (Planning Commissioner Chair Kelley)
9. Address the FEMA Flood Zone issue (Vice Mayor Nickell)
10. Target the supply of 1-2 bedroom units, in response to changing demographics (Commissioner Luvaas)
11. Impact fees should be modified to incentivize infill, de-incentivize sprawl (Commissioner Luvaas)
12. Developers should be required to incorporate smaller square footage homes in their developments (Commissioner Luvaas)

The Council and Commission recessed at 8:10 p.m. for a ten minute break. The meeting was reconvened and all members were present. All Commissioners were present except for Commissioner Merz, who left the meeting and Commissioner Barrett who was absent from the meeting.

A motion was made by Holcombe and seconded by Gruendl to approve forwarding the Draft Housing Element with the following additions:

1) Replace Action H.2.5.2 as follows: The City will develop a Mixed income and Inclusionary Zoning program that is responsive to the local political and economic environment. The City will consider the following topics:

- Target specific future growth areas
- Minimum number of units threshold
- Feasible affordable set-aside requirements
- Alternatives to building on-site
- Type of effective incentives
• Recommend applicable best practices with focus on results

Responsible party: Housing & Neighborhood Services/Planning Services  
Funding Source: LMIHF  
Time Frame: Present an ordinance to the City Council for adoption by 2012.

2) Add Action H.2.5.4, as follows: At the time of entitlement applications, the City will negotiate with developers within newly developing Special Planning Areas (SPA) for the provision of affordable housing units within the SPA.

Responsible Party: Planning Services/Housing & Neighborhood Services  
Funding Source: General Fund/LMIHF  
Time Frame: 2009-2014

3) Add a new Action H.7.1.2 (existing action to be re-numbered to H.7.1.3) as follows: Explore financing options through State and Federal grants for the installation of energy-efficiency measures in all new residential projects.

Responsible Party: Planning Services/Housing & Neighborhood Services  
Funding Source: General Fund  
Time Frame: 2009-2014

4) Add Action H.3.3.4: Implement mechanisms that promote and facilitate mixed residential-commercial development along target strip commercial corridors served by transit. Such mechanisms should be directed to:

• Allow horizontal and vertical residential-commercial uses  
• Enable separate ownership of ground-level commercial and above-ground residential uses  
• Include development standards that act as an incentive for mixed use, including reduced off-site parking and open space standards  
• To achieve a better balance of jobs and workforce housing, target appropriate mixed-use residential/commercial areas for a minimum ratio of residential to commercial  
• Concentrate higher density housing near transit routes and shopping centers

The motion carried by the following vote:

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

4. REGULAR AGENDA

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

5. BUSINESS FROM THE FLOOR - None

6. Adjourned at 9:50 p.m. to April 7, 2009 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: 4/21/09

Deborah R. Presson, City Clerk
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — March 17, 2009
CLOSED SESSION - Chico Municipal Center, Conference Room #2, 421 Main Street

1. CALL TO ORDER

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Capital Project Services Director Varga, Senior Civil Engineer Vonderhaar

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:
Property Owner - California Newspaper Partnership
Street Address - 400 E. Park Avenue Chico, CA 95928
Assessor's Parcel No. - 005-500-030

The City's negotiator was City Manager David Burkland and the party with whom negotiations are proposed to be conducted is the property owner (or such persons designated as the owner's agent for the purpose of negotiations).

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8)
Negotiator: David Burkland, City Manager
Under Negotiation: Price and terms of payment for proposed acquisition
Negotiating Parties: California Newspaper Partnership and/or its designated negotiator(s)

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

2.3. THREAT TO PUBLIC SERVICES OR FACILITIES: Consultation with: Assistant City Manager (Gov. Code Sec. 54957.) - This item was tabled and not heard.

3. Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

Date Approved: 4/21/09

Deborah R. Presson, City Clerk
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — April 7, 2009
Minutes

1.1. SPECIAL CLOSED SESSION - 5:30 p.m.; REGULAR CLOSED SESSION - 6:00 p.m.

1.2. REGULAR CITY COUNCIL MEETING - 6:30 p.m. in the Council Chamber, 421 Main Street

1.3. Call to Order - Mayor Schwab called the April 7, 2009 Regular City Council meeting to order at 6:30 p.m.

1.4. Flag Salute

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

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation - Proclaiming April 12th - April 18th as National Public Safety Telecommunicator's Week

1.9. Proclamation - Proclaiming April as Child Abuse Prevention Month

1.10 Acknowledgment of receipt of the 2009 California Redevelopment Association (CRA) Award of Excellence for the City Plaza Redevelopment Project

2. CONSENT AGENDA

A motion was made by Walker and seconded by Gruendl to approve the Consent Agenda - as read, with it noted that Councilmember Flynn and Councilmember Holcombe were disqualified on Item 2.3 due to their residence being within 500 feet of the area being discussed.

The motion carried by the following vote:

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

2.1. ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION - AMENDMENTS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 27-4 AND 27-5 (HOUSING REHABILITATION PROGRAM)

Accepted the (3-0) recommendation of the Finance Committee at its meeting of 2/24/09, to approve the amending of AP&P 27-4 and 27-5 to: (1) require that borrowers are the owners and principal occupants of the property receiving assistance; (2) require an estimated maximum after-rehabilitation value of 95% of the median area purchase price for single family housing; (3) establish a standardized
policy and procedure which allows City staff to respond to requests from HRP recipients who no longer occupy the property as their principal place of residence; and (4) increase the threshold for loans requiring Finance Committee approval from $30,000 to $50,000.

4-7-09 Item 2.1

2.2. ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION - AMENDMENTS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 27-10 (MORTGAGE SUBSIDY PROGRAM)

Accepted the (2-1, with Flynn voting no) recommendation of the Finance Committee at its meeting of 2/24/09, to approve the revisions to AP&P 27-10 to allow Mortgage Subsidy Program recipients to rent their property with the following stipulations: (1) all requests for rental be presented to the Finance Committee for its approval; and (2) AP&P 27-10 be reviewed in two years for continued allowance of this amendment.

4-7-09 Item 2.2

2.3. ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATION AND ADOPTION OF A RESOLUTION - TRAFFIC REGULATION AMENDMENT NO. 814

Accepted the (2-0-1, Holcombe disqualified) recommendation of the Internal Affairs Committee from its meeting of 2/10/09: (1) the installation of temporary corner bulbings at the W. First/Magnolia Avenue intersection; (2) the installation of temporary corner bulbings at the E. First/Oleander Avenue intersection and adoption of a supporting traffic regulation establishing "Prohibit Left Turns on Weekdays from 6 a.m. to 6 p.m."; (3) that City staff monitor the bulbings for a six-month period and provide the Committee with a report detailing the results at that time; and (4) adoption of a resolution adopting Traffic Regulation Amendment No. 814.

RESOLUTION NO. 20-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION (AMENDMENT NO. 814)

4-7-09 Item 2.3

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON DRAFT ANNUAL PLAN FOR THE CITY'S 2009-10 CDBG AND HOME PROGRAMS

The City receives an annual award of community development and housing funds from the Federal Department of Housing and Urban Development (HUD), which requires the City to submit an annual "Action Plan" describing the City's plans for using these funds in the upcoming year. (Report-Sherry Morgado, Housing & Neighborhood Services Director)

Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.
A motion was made by Holcombe and seconded by Flynn to direct staff to: (1) publish the draft Plan, (2) provide for a 30-day public comment period and (3) schedule a second hearing for adoption of the Final Annual Plan at its meeting of 5/19/09.

The motion carried by the following vote:

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

4-7-09 Item 3.1

4. REGULAR AGENDA

4.1. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTERS 3.32, 5.40, AND 10.30 OF THE CHICO MUNICIPAL CODE REGARDING BUSINESS LICENSES, ALARM PERMITS AND PREFERENTIAL PARKING PERMITS

At its meeting of 12/18/07, the City Council adopted the Strategy to Balance the City’s Ten-Year Financial Plan. As part of the strategy, a number of immediate expenditure/revenue measures were approved, including the issuance of multi-year business licenses. Staff recommended that the multi-year option be available for business licenses, alarm permits and preferential parking permits to streamline these processes for both citizens and staff. (Report - Frank Fields, Accountant)

4-7-09 Item 4.1

A motion was made by Councilmember Gruendl and seconded by Councilmember Walker to introduce the ordinance by reading of title only.

Councilmember Wahl asked for an amendment to the motion to include a discount for businesses who pay for two or three years in advance.

Councilmember Gruendl withdrew his motion.

A motion was made by Councilmember Wahl to include a 20% discount for two-years and a 40% discount for 3-years. The motion died for a lack of a second.

A motion was made by Gruendl and seconded by Nickell to introduce: (1) the following ordinance by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTERS 3.32, 5.40 AND 10.30 OF THE CHICO MUNICIPAL CODE REGARDING BUSINESS LICENSES, ALARM PERMITS AND PREFERENTIAL PARKING PERMITS; and

(2) refer Councilmember Wahl’s request to provide discounts for businesses that pay their business licenses in advance to the Finance Committee for consideration and also have staff provide Councilmember Wahl with a clarification on the value of business licenses.

The motion carried by the following vote:

AYES: Gruendl, Holcombe, Wahl, Walker, Nickell
NOES: Flynn, Schwab
4.2. OVERVIEW OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND CONSIDERATION OF AUTHORIZATION TO SUBMIT APPLICATIONS AND EXECUTE AGREEMENTS FOR FEDERAL ECONOMIC STIMULUS FUNDING

The City Manager presented an overview of the American Recovery and Reinvestment Act of 2009 (ARRA) which was signed into law by President Obama on 2/17/09. The overview identified projects that potentially could be funded with economic stimulus funds. In addition, the City Council adopted a resolution authorizing the City Manager to submit applications and execute agreements for funding opportunities offered through the ARRA and future economic stimulus programs. (Report - Dave Burkland, City Manager)

Donna Cook addressed the Council regarding transit funding issues.

A motion was made by Flynn and seconded by Nickell to adopt RESOLUTION NO. 21-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT APPLICATIONS AND TO EXECUTE AGREEMENTS FOR FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND OTHER ECONOMIC STIMULUS PROGRAMS

The motion carried by the following vote:

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

The Council recessed for a 15 minute break at 7:55 p.m. The meeting reconvened and all members were present.

4-7-09 Item 4.2

4.3. UPDATE ON FEMA LEVEE ISSUE

The Federal Emergency Management Administration (FEMA) is in the process of reviewing and revising the Flood Insurance Rate Maps for the Chico Urban Area. Because FEMA is changing the criteria they use to analyze the potential for flooding, the results could be that many areas within the Urban Area will be required to purchase flood insurance. Staff has recently met with FEMA representatives and provided a verbal update to Council at this meeting.

Maureen Kirk, Mike Jensen, Michael Reilley, Ray Murdoch, Jason Bougie, and Jim Stevens addressed the Council regarding this item.

Council directed (7-0) that letters seeking relief be written to all our legislators, in addition to the Mayor and the City Manager meeting with Congressman Herger.

4.4. 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.

6.1. E-mail dated 2/24/09 from Michele Cooper requesting that the City Council adopt a
Public Nuisance Ordinance to prevent the outdoor growing of marijuana.

Councilmember Holcombe recommended that this issue be referred to the Internal Affairs Committee for discussion regarding the regulation of outdoor cultivation of marijuana and also the possibility of allowing medical marijuana dispensaries within the City limits. He stated that this could be an opportunity to tax the sale of medicinal marijuana which could benefit the City. Councilmember Nickell felt that there was a definite need to hear from the public regarding this item. Councilmember Wahl felt that the discussion should be held at the Council level rather than Internal Affairs Committee as suggested.

Addressing the Council in support of the allowance of medical marijuana dispensaries was Tim Skytte. Addressing the Council in support of stricter regulations for outdoor cultivation was Amanda Cowen.

A motion was made by Gruendl and seconded by Holcombe to refer the possible regulation of outdoor cultivation of medicinal marijuana including the allowance of dispensaries in the City of Chico to the Internal Affairs Committee for consideration.

The motion carried by the following vote:

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

4-7-09 Item 6.1

7. ADJOURNMENT

The meeting adjourned at 9:07 p.m. to the Adjourned Regular City Council meeting of April 21, 2009 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: 4/21/09

Deborah R. Presson, City Clerk
1. CALL TO ORDER - Mayor Schwab called the April 7, 2009 Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 5:30 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, City Clerk Presson, Administrative Services Director Pierce, Capital Project Services Director Varga, Senior Civil Engineer Vonderhaar, Associate Civil Engineer Murray

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:

A. Peter R. and Julie D. Carr, 2090 Hooker Oak Avenue, 045-690-040
B. Dan and Nell Cook, 2096 Vallombrosa Avenue, 045-412-082
C. The Elks Hall Association of Chico, 1705 Manzanita Avenue, 015-520-062
D. Starnes Family Living Trust & Christopher J. Starnes, 1795 Manzanita Avenue, 015-520-093
E. California Newspaper Partnership, 400 E. Park Avenue, 005-500-030

The City's negotiator was City Manager David Burkland and the parties with whom negotiations were 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 LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Borge Development, Inc. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:06-CV-02228-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8)
Negotiator: David Burkland, City Manager
Under Negotiation: Price and terms of payment for proposed acquisitions
Negotiating Parties: See the names listed above for property owners or designated negotiators

3. ADJOURNMENT - Adjourned at 6:15 p.m. to a City Council meeting in the Council Chamber.
Date Approved: 4/21/09
Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 21, 2009

Minutes

1.1. CLOSED SESSION - 6:00 p.m. - see page 5

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

1.3. Call to Order - Mayor Schwab called the April 21, 2009 - Adjourned Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Invocation — Pastor Scott Dowell, Sonrise Christian Center

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation — Proclaiming the month of April as Sexual Assault Awareness Month

1.9. Proclamation — Proclaiming the week of April 19 - 25, 2009 as National Volunteer Appreciation Week

2. CONSENT AGENDA - Item 2.1. was removed from the Consent Agenda for further clarification.

A motion was made by Gruendl and seconded by Walker to approve the Consent Agenda, as read, with Item 2.1. removed for further clarification.

The motion carried by the following vote:

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

2.1. WEED ABATEMENT PROGRAM FOR 2009

Adopted - a resolution which: (1) requires the abatement of weeds, rubbish, refuse and/or debris; (2) set a public hearing for 5/05/09; and (3) directed the City Clerk to mail notices of the public hearing to all owners of affected parcels. The weed abatement program is conducted each year under the provisions of the California Government Code. The Code Enforcement Supervisor recommended adoption of the resolution.

RESOLUTION NO. 22-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING PUBLIC NUISIBLE AND SETTING TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS

A motion was made by Flynn and seconded by Nickell to adopt a resolution which (1)
requires the abatement of weeds, rubbish, refuse and/or debris; (2) sets a public hearing for 5/05/09; and (3) directs the City Clerk to mail notices of the public hearing to all owners of affected parcels.

RESOLUTION NO. 22-09 - 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

The motion carried by the following vote:

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

2.2. APPROVAL OF A MINUTE ORDER NO. 08-09 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE: (1) AMENDMENT TO AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FISCAL YEAR 2008-09); AND (2) AGREEMENTS FOR FUTURE FISCAL YEARS

Approved - a minute order authorizing the City Manager to execute an amendment to the Fiscal Year 2008-09 agreement with Butte County by which the City provides supplemental funding from the City's General Fund to increase the hours of operation at the Chico branch of the Butte County Library. The amendment would revise the agreement to reduce the County-funded hours of operation from 35 to 30 hours per week for the remainder of Fiscal Year 2008-09. The minute order also authorizes the City Manager to execute future funding agreements with Butte County for additional hours of operation if funding is allocated in the budget by the City Council. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 08-09 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE: (1) AMENDMENT TO AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FISCAL YEAR 2008-09); AND (2) AGREEMENTS FOR FUTURE FISCAL YEARS

2.3. APPROVAL OF ADMINISTRATIVE PROCEDURE AND POLICY NO. 11-62 (IDENTITY THEFT PREVENTION PROGRAM)Approved - Administrative Procedure and Policy No. 11-62 to comply with the requirements of the Federal Trade Commission that the City develop and implement a written identity theft prevention program. The program must provide for the identification, detection, and response to patterns, practices, or specific activities - known as "red flags" - that could indicate identity theft. The Assistant City Manager recommended approval of the Administrative Procedure and Policy.

2.4. ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - COMMUNITY ORGANIZATION PROGRAM COMPLIANCE AUDITS FOR FISCAL YEAR 2007-08

Accepted - the Finance Committee recommendation from its meeting of 3/24/09 to accept the Fiscal Year 2007-2008 Community Organization Program compliance audits and staff's recommendations regarding additional remediation measures relating to the audit findings for VECTORS, Chico Cabaret and North Valley Parent...
Education Network. The Finance Committee recommended (2-0, Flynn absent) acceptance of the 2007-08 Community Organization Program compliance audits and staff's recommendations regarding additional remediation measures relating to the audit findings.

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved - minutes of the City Council meetings held on 2/17/09, 3/03/09, 3/17/09 and 4/07/09.

ITEMS REMOVED FROM CONSENT - Item 2.1. was removed for clarification and acted upon separately.

3. NOTICED PUBLIC HEARINGS

3.1. TEXT AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE - A-ZON-19A (CITY OF CHICO)

Public hearing and introductory reading of an ordinance which would amend Title 19 of the Chico Municipal Code to: (1) resolve minor inconsistencies in the Code; (2) codify interpretations made by the Planning Services Director; (3) clarify terms and definitions; (4) correct typographic errors; (5) make modifications to certain development standards; (6) implement previous Council direction; and (7) make other minor changes.

On 3/19/09, the Planning Commission recommended approval of the code amendments with modifications. The project was determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. (Report - Greg Redeker, Associate Planner)

Addressing the Council in opposition to the proposed changes to the set back requirements for second dwelling units were Karen Zinniel, Melinda Vasquez, Ken Fleming, and Betty Nopel.

The Council discussed the proposed changes to Title 19.

A motion was made by Wahl and seconded by Nickell to approve - Introductory reading of the following ordinance: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT, with provision 19.7.6. regarding setbacks to remain in effect as is written.

Holcombe asked for a friendly amendment to the motion to include a use permit process to be utilized in order to allow for a reduction of rear yard setbacks to 10 ft., if special factors can be made for it. Councilmember Holcombe encouraged the Council to study the impacts in general in allowing second dwelling units.

The friendly amendment was not accepted by Councilmember Wahl. He amended his original motion to include the direction that the setback issue for second dwelling units be referred to Internal Affairs Committee for consideration along with the discussion regarding alley improvements.
The motion failed by the following vote:

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

A motion was made by Wahl and seconded by Holcombe to approve - Introductory reading of the following ordinance: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT, with Section 19.7.6. to be be revised by the City Attorney to include a reduction of rear yard setbacks to 10 ft. with the approval of a use permit.

The motion carried by the following vote:

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

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF APPOINTMENTS TO THE ARTS COMMISSION AND HUMAN RESOURCES COMMISSION

Pursuant to AP&P 10-1 the City Clerk's Office held a recruitment to fill the vacant position on the Arts Commission and the two vacant positions on the Human Resources Commission. The Council was provided with a list of qualified applicants. Staff also provided information on a possible change in composition of these two commissions for referral to the Council Procedures Committee. (Report - Deborah Presson, City Clerk)

Monica McDaniel-Berg and Patricia Perry addressed the Council regarding the Arts Commission vacancy.

Lee Lyon and Thor Vue addressed the Council regarding the two Human Resources Commission positions.

Monica McDaniel-Berg was appointed to the Arts Commission.

Regarding the two vacancies on the Human Resources Commission, Lee Lyon was appointed to a two-year term and Thor Vue appointed to a four-year term.

4.2. CONSIDERATION OF BIDWELL PARK AND PLAYGROUND COMMISSION'S RECOMMENDATIONS FOR RELOCATING THE DISC GOLF SHORT COURSE FROM THE HWY. 32 SITE

At its 2/17/09 meeting, the City Council approved the Internal Affairs Committee recommendation to refer discussions concerning the relocation of the Hwy 32 short disc golf course to the Bidwell Park and Playground Commission for a 60-day review and to report back to the City Council. Over several public meetings, the
Commission reviewed twelve potential sites for the new short course. The Commission provided its recommendations on a preferred site, and offering three alternate sites for City Council consideration. (Report - Dennis Boardesley, General Services Director)

Councilmember Holcombe stated for the record that the Highway 32 location is not part of the discussion before Council this evening.

Councilmember Walker indicated that he felt that the Highway 32 site could be considered as part of this discussion.

Councilmember Holcombe indicated that he felt that the discussion regarding reconsideration of the original motion would need to be considered at a future meeting.

City Attorney Barker indicated that what was agendized and before the Council this evening was the Park Commission’s recommendation.

Councilmember Flynn encouraged everyone to be open to the proposals and that the original direction of Council did not include the direction that the new locations was to replicate the 18-hole site.

Bob Kromer addressed the Council in support of not taking any action on the course and expend the $60,000 for another study as he felt that there were more important issues facing this community such as economic development.

Addressing the Council in support of Caper Acres location was Lisa Emmerich.

Jan Sneed, speaking as a representative of CARD, recommended leaving the course at its current location.

Phil Johnson spoke in favor of the Park Commission’s recommendation.

Todd Cathers spoke in favor of the current Highway 32 site and in opposition to the Caper Acres site because it is too small and will require the need to remove a lot of vegetation. In addition, parking would become an issue if the course was relocated to this site.

Gloria Bettencourt spoke in opposition to the Caper Acres site and stated that even the disc golfers do not like this particular location.

Mark Hoover stated he was appalled at throwing more of his tax dollars at this issue. He asked Council to leave the short course at its current location.

Jarrod Stein spoke in favor of leaving the short course at its current site. However, if the Council does move it, a golf course site would be acceptable.

Jim Mellem spoke in favor of leaving the short course at its current site.

Susan Strachan spoke in favor of the Park Commission’s recommendation for Caper Acres.

Matt Meuter is on the board for the non profit. Supports the Caper Acres site but doesn’t believe it accomplishes a true replacement.

Jennifer Nelsen addressed the Council in opposition to the Caper Acres site due to size,
and bordered by a couple of paths. As a runner on those paths, she is worried about running with inexperienced disc golfers.

Jessica Murgia addressed the Council in opposition to the Caper Acres site and in support of the Highway 32 course.

Lon Glazner stated he was opposed to Caper Acres and encouraged Council to reconsider the Highway 32 course.

Andrew Bostrom thought that Caper Acres site would work but likes CARD's decision to reconsider the Highway 32 site.

Josh Cutler spoke in support of the current location at Highway 32.

Gregg Payne spoke in opposition to the Park Commission's recommendation and encouraged Council to continue to allow the use of the short course at Highway 32.

David Brobst just wanted Council to put the issue to bed and encouraged the Council to accept the prior Commission's recommendations.

Josephine Guardino spoke of the destruction that is going on at the current Highway 32 site. She spoke in favor of possibly locating up to three nine-hole courses throughout the town.

Jane Turney spoke in favor of the airport site and encouraged the Council to still consider that location.

John Merz spoke in favor of the Caper Acres site.

Deni Whiting addressed the Council regarding the equestrian group that leases land for the horses. They are in favor of the Caper Acre site and/or leaving it at the Highway 32 site where it currently is located.

Tom Haithcock commended the Park Commission for taking on and dealing with the issue. He noted that not a lot of disc golfers were present at the Commission meetings.

Grace Marvin spoke in favor of the Park Commission’s recommendation. She encouraged the Council to vote on the sites that were selected by the Park Commission.

Juanita Sumner stated for the record that she didn't like the Caper Acres site as disc golf is not a sport that is safe around pedestrians.

The Council discussed the Park Commission’s recommendations.

A motion was made by Wahl to not accept the Bidwell Park and Playground Commission's recommendation and leave the course where it is currently located at the Highway 32 site.

Holcombe raised a point of order on the validity of the motion.

The motion died for a lack of a second.

A motion was made by Holcombe and seconded by Flynn to accept - The Bidwell Park and Playground Commission's (7-0) recommendation that the City Council relocate the short disc golf course to an 11-acre site located behind Caper Acres in Lower Bidwell Park.
The motion carried by the following vote:

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

A motion was made by Walker and seconded by Nickell to hear the reconsideration of the original Council action directing that an alternative site be found for the location of the disc golf short course currently situated on Highway 32. This item is to be scheduled for the May 19, 2009 meeting.

The motion carried by the following vote:

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

The Council took a five minute break at 10:36 p.m. The meeting reconvened and all members were present.

4.3. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROVISIONALLY ACCREDITED LEVEE DESIGNATION AND AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO EXTEND THE DEADLINE FOR ACCREDITATION OF CERTAIN LEVEES WITHIN BUTTE COUNTY UNTIL JANUARY 2011

The Federal Emergency Management Agency (FEMA) is currently in the process of revising its Flood Insurance Rate Maps for Butte County, and is requiring that the levees within the Chico Sphere of Influence be accredited. If the levees are not accredited, FEMA will produce maps that assume the levees do not exist, resulting in a requirement that many property owners in Chico must purchase flood insurance. Council consent to enter into a Provisionally Accredited Levee (PAL) Designation and Agreement with FEMA will extend the time frame for submitting the necessary documentation for levee accreditation until January 2011. If the PAL Agreement is not executed, the revised flood plain maps showing Chico as flood prone will be released as early as May 2010. A representative from FEMA was present at this meeting to provide information to Council regarding this process. (Report - Fritz McKinley, Building & Development Services Director)

Maureen Kirk, Mike Jensen, Ray Murdoch, Juanita Sumner, and Michael Reilley addressed the Council regarding this item.

A motion was made by Gruendl and seconded by Nickell to adopt following resolution:

RESOLUTION NO. 23-09 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROVISIONALLY ACCREDITED LEVEE DESIGNATION AND AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO EXTEND THE DEADLINE FOR ACCREDITATION OF LEVEES WITHIN THE CHICO SPHERE OF INFLUENCE

The motion carried by the following vote:

AYES: Nickell, Schwab, Walker, Flynn, Gruendl, Wahl, Holcombe
NOES: None
4.4. 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 other than what was noted.

6.1. Councilmember Holcombe submitted a letter from California Health Collaborative asking the City Council to endorse a smoke-free policy for the Silver Dollar Fair.

Councilmember Holcombe thought that this item should be agendized for discussion and asked that staff consider this request in conjunction with the review of a city-wide policy for its smoke free events, such as playgrounds, events at the City Plaza and the Farmers Market. The Council acknowledged that the City had no jurisdictional oversight of the Silver Dollar Fair but could endorse the proposed policy. Councilmember Holcombe stated that he wouldn't want to ask another jurisdiction to do something that the City, itself, was not willing to do.

The Council referred the discussion of this request to the Internal Affairs Committee to be considered when discussion takes place regarding a city-wide policy for smoke-free events held in the community.

6.2. E-mail request dated 4/13/09 from Vice-Mayor Nickell regarding a public safety and liability issue at the Saturday Farmers Market. The Council referred this request to the Internal Affairs Committee for consideration.

7. Adjournment - The meeting was adjourned at 11:40 p.m. to an adjourned regular meeting for a joint session of the City Council and the Planning Commission on April 28, 2009, at 1:00 p.m. in the Council Chamber.

Date Approved: 5/05/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 21, 2009
CLOSED SESSION Chico Municipal Center, Conference Room #2, 421 Main Street

1. CALL TO ORDER - Mayor Schwab called the April 21, 2009 - Adjourned Regular City Council Closed Session in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Interim Police Chief Maloney

2. CLOSED SESSION MATTERS

2.1. THREAT TO PUBLIC SERVICES OR FACILITIES: Consultation with: Acting Police Chief (Gov. Code Sec. 54957.)

3. ADJOURNMENT - Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

Date Approved: 5/05/09 - DRP

Deborah R. Presson, City Clerk
1.1. **Flag Salute**

1.2. **Roll Call**

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

Planning Commission

   Present: Barrett, Brownell, Luvaas, Merz, Sorensen, Kelly
   Absent: Minasian

2. **REGULAR AGENDA**

   2.1. Chico 2030 General Plan Update - Key Policy Direction.

   The General Plan Update is now over halfway complete. This meeting focused on key land use and circulation policy issues for the 2030 General Plan Update that warrant early input and direction from the Planning Commission and City Council. This meeting was the first in a series of two meetings, with the subsequent meeting scheduled for Wednesday, May 13th, from 2 p.m. to 7 p.m. to discuss sustainability and economic development policies.

   Council and Commission direction is critical to the Project Team in preparing draft Goals, Policies and Actions for the 2030 General Plan. At this work session, the Project Team presented seven policy issues by documenting how each relates to the 2030 Vision and previous Council direction, summarizing the public feedback received during recent meetings and workshops, and providing staff options and recommendations to address each issue. The topics discussed were infill, mixed use, agricultural buffers/transitions, complete streets, the inner ring transportation corridor, alternative level of service standards, and planned roadways to improve circulation. Following Council and Commission direction on the key policy issues, the Project Team will continue to work on the draft policy document, environmental analysis, and Public Facilities Finance Plan, including a fiscal analysis of the Preferred Land Use Alternative. (Report - Brendan Vieg, Principal Planner)

I. Project Update/Meeting Purpose

II. Land Use Policies

   a. Infill Policy

      1. Presentation/Initial Q&A

      2. Public Comment

         Bob Kromer, Bill Brouhard, Tammy Waller-Aviles and Bob Evans addressed the Council regarding infill.

   3. Council/Commission Discussion and Direction
The following policy direction was given to staff and the General Plan consultants:

Midpoint Density for Infill Within Opportunity Sites

Facilitate infill development through active leadership and the provision of infrastructure and services to provide for future housing and jobs growth. Infill sites that are strategically located within designated Opportunity Sites shall be developed at or above the midpoint of the allowable density range or floor area ratio equivalent unless one or more of the following findings are made:

- The proposed project does not include residential development because the land use designation does not require (but rather allows) residential development.

- Site considerations such as parcel size, configuration, landscape (e.g., protected trees) or existing protected resources make the density midpoint impossible or impractical to achieve.

- Utility or infrastructure constraints make the density midpoint impossible or impractical to achieve.

Neighborhood Classification and Planning

Chico’s community building blocks include four general categories of neighborhoods: traditional/historic neighborhoods, urban neighborhoods, suburban neighborhoods, and new neighborhoods. These neighborhood classifications share some common characteristics as well as some unique development patterns, attributes, and issues. The City recognizes the existence of individual neighborhoods with general boundaries and will continue to facilitate the development of neighborhood strategies in partnership with residents and property owners to develop support for infill development.

Education about the Benefits of Infill vs. Sprawl

Given the paradigm shift in this plan to a more sustainable development pattern with a smaller growth footprint, the City will underscore the benefits of infill vs. sprawl in the analysis, recommendations, and findings for future infill development projects and capital expenditures.

Complete Neighborhoods/Enhancement

Reinforce and enhance the character of existing residential neighborhoods and districts by promoting infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively (e.g., architectural design, circulation) to complete neighborhoods and surrounding areas. Positive contributions include, but are not limited to, uses that address missing neighborhood elements (e.g. neighborhood retail), architectural design quality, context sensitive site design, circulation improvements for pedestrians, bicycles, and vehicles, and reinvestment in local infrastructure and amenities.

Residential Infill Projects

Create residential infill criteria and guidelines to address project impacts and design compatibility with surrounding properties. Special consideration will be given to those issues unique to infill development (e.g., visual intrusion, massing within transition zone).
and illustrate compatibility between new and existing development. Residential infill projects that comply with the checklist will go through a streamlined Administrative Review process at the staff level. Projects that do not comply with the checklist will be subject to Discretionary Design Review.

b. **Mixed-Use Policy**

1. **Presentation/Initial Q&A**
2. **Public Comment - None**
3. **Council/Commission Discussion and Direction**

   The following policy direction was provided to staff and the General Plan consultants:

   **Non-Residential and Mixed Use Infill Projects**

   Create infill criteria and guidelines for non-residential and mixed use projects to establish clear expectations about infill development form and function that is context sensitive. Prior to formal submittal of an infill project application, the applicant shall meet with City Staff (pre-proposal meeting) and interested parties in the respective neighborhood (neighborhood meeting) to hear issues and consider input. Once an infill development application is formally submitted, the City will appoint a staff liaison to expedite the project review process.

   **Mandatory Ground Floor Use in DRMU**

   Within the Downtown Retail Mixed Use (DRMU) land use designation, require ground floor retail or other active use.

   **Special Mixed Use Provisions**

   Encourage horizontal and/or vertical mixed use in areas with the Special Mixed Use, and Mixed Use Neighborhood Core land use designations. The Special Planning Areas (with the exception of the Bell-Muir SPA) will be encouraged to incorporate both vertical and horizontal mixed use components into the master planning of those new growth areas.

   **Mixed Use Incentives**

   Strengthen the City’s commitment to use development incentives to encourage mixed use projects along major transit corridors, the inner-ring transit corridor loop, and major regional destinations (e.g., North Valley Plaza, Chico Mall). Incentives will include, but not be limited to, graduated density zoning to encourage voluntary land assembly for infill redevelopment, support for infrastructure upgrades in targeted areas, streamlined development processing or reduced (or deferred) development fees or standards (e.g., parking, setback, and landscaping requirements).

   **Density Bonus for Mixed Use with Residential**

   Provide density bonuses for mixed use projects that include a residential component.
Allow for increased flexibility in the sizing of sites designated with the MUNC land use designation. New MUNC sites will generally be sized between 2 and 10 acres and will focus on the development of smaller commercial or mixed-use nodes that may also include a combination of office, public and residential uses.

The Council and Planning Commission recessed for a break at 3:15 p.m. and reconvened at 3:30 p.m. All members were present, except for Councilmember Flynn who had to leave for another meeting, Councilmember Gruendl and Commissioner Minasian who were absent from the meeting.

c. Ag Buffer/Urban Edge Treatment Policy

1. Presentation/Initial Q&A

2. Public Comment

Bob Kromer and Jason Bougie addressed the Council on this item.

3. Council/Commission Discussion and Direction

The following policy direction was provided to staff and the General Plan consultants:

Ag Buffers and Edge Treatments

Require buffering for new urban uses adjacent to agricultural uses. Design criteria for buffers are as follows:

- Buffers shall consist of a minimum 100-foot-wide physical separation, including roadways and creeks;

- A double row of evergreen trees shall be planted at the urban/ag transition to provide a visual, noise, and air quality buffer; and

- Permitted uses within the buffer include landscaping, trails, community gardens, organic farming, and open space. Buffer zones should be credited to the proposed development as open space.

III. Transportation/Circulation Policies

a. Complete Streets Policy

1. Presentation/Initial Q&A

2. Public Comment

Bob Kromer indicated that he likes the concept of complete streets but feels that bike locks and racks would need to be added. He also stated he wasn't sure who would be paying for these types of improvements.

Ken Fleming wasn't sure how he felt about complete streets and whether it was a good idea that all uses occur on all streets. He felt that there should be an emphasis on the bike trail that starts at Lindo Channel and the bike path that is located on Oleander. He did agree that the City should do all that it could in making the streets safer for cyclists.
Carlton Lowen, representing Sierra Nevada Brewery commented that for quite some time citizens have been meeting with staff, Council, and Commissions regarding the ability to efficiently move traffic. He also stated that the City should know its competition (Oroville and Redding) which both have enterprise zones which are attractive to businesses when looking to relocate.

Jason Bougie stated that because of the direction changes proposed for the new General Plan, developers will be going elsewhere to build. However, people will still be coming to Chico for services which will have an impact on the City's infrastructure without the benefit of any property tax revenue.

Councilmember Flynn rejoined the meeting at 4:35 p.m.

3. **Council/Commission Discussion and Direction**

   The following policy direction was provided to staff and the General Plan consultants:

   **New Streets as Complete Streets.** Consistent with their role and function, new streets shall be designed as complete streets. They shall accommodate all modes of travel including automobiles and parking; transit, commercial vehicles, bicycles, and pedestrians.

   **Improve Existing Streets with Connectivity Goal**

   Retrofitting existing streets to meet complete street guidelines shall be conducted on a case-by-case basis, with the goal to provide a connected network of bicycle and pedestrians facilities to efficiently and safely move people through the community.

   b. **Inner Ring Transportation Corridor Policy**

   1. Presentation/Initial Q&A
   2. Public Comment

   Joe Chiapella addressed the Council and Commission regarding the need to work with BCAG on developing bus routes to best address medical needs.

   3. **Council/Commission Discussion and Direction**

   The following policy direction was provided to staff and the General Plan consultants:

   **Inner Ring Corridor**

   Direction to carry over the Inner Ring Corridor concept with refinements based on GPAC guidance and coordination between City, BCAG, and CSU, Chico regarding transit service for the inner ring corridor.

   c. **Alternative LOS Policy**

   1. Presentation/Initial Q & A
   2. Public Comment
Emily Alma, Robert Evans, Kirk Monfort, and Jolene Francis addressed the Council regarding this item.

3. Council/Commission Discussion and Direction

**Alternative Level of Service (LOS)**

Direction to explore alternative multi-modal approach for measuring traffic impacts. As such, any modifications to the existing LOS standards will be deferred until modeling and analysis are complete.

d. **Draft Circulation Plan and Connection Policies**

Councilmember Gruendl arrived at the meeting at 6:10 p.m.

1. **Presentation/Initial Q&A**

2. **Public Comment**

   Addressing the Council and Commission on this item were Jeff Cullin, Matt Galloway, Paul Lieberum, Jolene Francis, Bob Leckinger, Michael Pike, and Emily Alma.

3. **Council/Commission Discussion and Direction**

   The following policy direction was provided to staff and the General Plan consultants:

   **Overall Connectivity**

   Create a multi-modal system of roadways for the safe and efficient movement of people and goods consistent with the City's adopted Circulation Plan. Prioritize changes to the roadway system that improve access, connectivity and mobility to homes, jobs, and services throughout the City.

3. **ADJOURNMENT**

   The meeting adjourned at 6:57 p.m. to May 5, 2009 at 6:00 p.m., in conference Room 2 for closed session, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: 6/02/09

[Signature]

Deborah R. Presson, City Clerk
1.1. REGULAR CITY COUNCIL MEETING - 6:30 p.m.

1.2. Call to Order - Mayor Schwab called the May 5, 2009 - Regular Chico City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.3. Flag Salute

1.4. Invocation — Pastor Dave D. Osborne, Seventh-day Adventist Church

1.5. Roll Call

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

Absent: Walker

1.6. Proclamation - Proclaiming May as Motorcycle Awareness Month

1.7. Proclamation - Proclaiming May as National Preservation Month

1.8. Proclamation - Proclaiming May 10th - 17th as Bike Chico Week

2. CONSENT AGENDA - Items 2.1. and 2.5. were removed from the Consent Agenda for further discussion.

A motion was made by Holcombe and seconded by Nickell to approve the Consent Agenda, as read, with Items 2.1. and 2.5. removed for further discussion.

The motion carried by the following vote:

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

NOES: None

ABSENT: Walker

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTERS 3.32, 5.40 AND 10.30 OF THE CHICO MUNICIPAL CODE REGARDING BUSINESS LICENSES, ALARM PERMITS AND PREFERENTIAL PARKING PERMITS - Final Reading and Adoption

Adopted - an ordinance which would allow a multi-year option for business licenses, alarm permits and preferential parking permits to streamline processes for both citizens and staff. This ordinance was introduced by the Council at its meeting of 4/07/09.

Adopted - a resolution amending the City’s Fee Schedule to allow for multi-year licensing. The Finance Director recommends adoption of the ordinance by reading of the title only and adoption of the resolution.

RESOLUTION OF THE CITY COUNCIL OF CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 320 PREFERENTIAL PARKING PERMITS AND ALARM SYSTEM FEES)
Councilmember Wahl asked that this item be pulled from the Consent Agenda and tabled until a reduced business license fee be considered such as what is currently in place for dog licenses.

Councilmember Gruendl indicated that the Finance Committee would be considering the reduced fee request at a future meeting and in the meantime, because of timing issues, the ordinance needed to be adopted at this meeting.

A motion was made by Flynn and seconded by Holcombe to adopt:

ORDINANCE NO. 2395 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTERS 3.32, 5.40 AND 10.30 OF THE CHICO MUNICIPAL CODE REGARDING BUSINESS LICENSES, ALARM PERMITS AND PREFERENTIAL PARKING PERMITS - Final Reading and Adoption

RESOLUTION NO. 24-09 - A RESOLUTION OF THE CITY COUNCIL OF CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 320 PREFERENTIAL PARKING PERMITS AND ALARM SYSTEM FEES)

The motion carried by the following vote:

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

2.2. ADOPTION OF SEWER IN LIEU RESOLUTION - 677 EAST SEVENTH AVENUE

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

RESOLUTION NO. 25-09 - 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 - 677 EAST SEVENTH AVENUE / ASSESSOR'S PARCEL NO. 003-421-002

2.3. ADOPTION OF A RESOLUTION APPROVING THE CITY OF CHICO TO PARTICIPATE IN PRE-TAX PAYROLL DEDUCTION PLAN FOR CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM (CalPERS) SERVICE CREDIT PURCHASES

Adopted - a resolution authorizing the City of Chico to participate in the pre-tax payroll deduction plan for California Employees' Retirement System (CalPERS) Service Credit Purchases. The Human Resources & Risk Management Director recommended adoption of the resolution.

RESOLUTION NO. 26-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO (EMPLOYER CODE 0533) ELECTING TO PARTICIPATE IN PRE-TAX PAYROLL DEDUCTION PLAN FOR CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM SERVICE CREDIT PURCHASES (CONTRIBUTION CODE 14)

2.4. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE
ACQUISITION OF PROPERTY RIGHTS FOR THE MANZANITA CORRIDOR RECONSTRUCTION PROJECT

Approved - a minute order authorizing acquisition of right of way in fee and a temporary construction easement needed for the Manzanita Corridor Reconstruction Project from Elks Hall Association of Chico, 1705 Manzanita, according to the negotiated terms set out in the minute order. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 09-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE MANZANITA CORRIDOR RECONSTRUCTION PROJECT (ELKS HALL ASSOCIATION OF CHICO - ASSESSOR'S PARCEL NO. 015-520-062)

2.5. DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - FAIR STREET MARKET (455 EAST 20TH STREET, SUITE 10, CHICO)

Accepted - the recommendation for a determination of public convenience or necessity for Fair Street Market. The Department of Alcoholic Beverage Control has determined that Fair Street Market, a proposed convenience market which is to be located at 455 East 20th Street, Suite 10, is in an area with an undue concentration of alcoholic beverage licenses. Pursuant to Business and Professions Code Sections 23958.4, the requested Type 21 license required a Council determination that public convenience or necessity would be served by its issuance. The Housing and Neighborhood Services Director recommended a determination of public convenience or necessity.

Councilmember Holcombe removed this item from the Consent Agenda for further clarification on how the approval process works when determining a public necessity and the standards to be used, if any, when there is no opposition to an application. Neighborhood and Housing Services Director Morgado addressed the Council regarding the process which is driven and controlled by the Department of Alcoholic Beverage Control.

Mike Trolinder addressed the Council regarding his concerns about this location.

A motion was made by Holcombe and seconded by Nickell to approve:

DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - FAIR STREET MARKET (455 EAST 20TH STREET, SUITE 10, CHICO)

The motion carried by the following vote:

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

2.6. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 4/21/09.
ITEMS REMOVED FROM CONSENT - Items 2.1. and 2.5.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE, AND DEBRIS TO BE A PUBLIC NUISANCE - ORDERING ABATEMENT AND REMOVAL, SETTING A DEADLINE FOR ABATEMENT, AND PROVIDING ASSESSMENT OF THE COST OF ABATEMENT

Hearing to consider all objections to a resolution adopted 4/21/09, which declared a public nuisance relating to the abatement of weeds, rubbish, refuse and/or debris. (Report - Scott Armstrong, Code Enforcement Supervisor)

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

A motion was made by Flynn and seconded by Nickell to adopt the following resolution which will: (1) overrule any objections to the previously adopted resolution; (2) establish 6/01/09 as the last day for voluntary abatement; and direct the Housing and Neighborhood Services Director to: (3) abate any item(s) not voluntarily removed; (4) maintain an accounting of costs associated with the abatement; and (5) provide the Council with a report of the costs to be recovered from property owners.

RESOLUTION NO. 27-09 - 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: Nickell, Schwab, Flynn, Gruendl, Wahl, Holcombe
NOES: None
ABSENT: Walker

3.2. HEARING AND INTRODUCTORY READING OF AN ORDINANCE TO REZONE A .33 ACRE SITE FROM LIGHT MANUFACTURING TO COMMUNITY COMMERCIAL AND ADOPTION OF A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 08-07 (GPA/RZ 08-07 - 1331 West 8th Avenue)

A proposal to change the General Plan designation of a .33-acre site from Manufacturing and Warehousing to Community Commercial and to change its zoning from ML-Light Manufacturing to CC-Community Commercial. No development of the subject site is proposed at this time. This project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. (Report - Zach Thomas, Senior Planner)

Introductory reading of the following ordinance by reading of the title only and adoption of the resolution.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 043-190-002 FROM ML-
LIGHT MANUFACTURING TO CC-COMMUNITY COMMERCIAL REZONE 08-07
(DEBBIE PIERCE) - Introductory Reading

RESOLUTION NO. 28-09 - A RESOLUTION OF THE CITY COUNCIL APPROVING
GENERAL PLAN AMENDMENT 08-07 (DEBBIE PIERCE)

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

A motion was made by Nickell and seconded by Holcombe to introduce:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Chico REZONING
PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 043-190-002 FROM ML-LIGHT
MANUFACTURING TO CC-COMMUNITY COMMERCIAL REZONE 08-07 (DEBBIE
PIERCE) - Introductory Reading

And adopt:

RESOLUTION NO. 28-09 - A RESOLUTION OF THE CITY COUNCIL APPROVING
GENERAL PLAN AMENDMENT 08-07 (DEBBIE PIERCE)

The motion carried by the following vote:

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

3.3. HEARING TO CONSIDER AN AMENDMENT TO THE 2008-2009 ANNUAL PLAN FOR
THE RECEIPT OF SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS DUE TO THE PASSAGE OF THE AMERICAN RECOVERY AND
REINVESTMENT ACT

The City was notified by the Department of Housing & Urban Development (HUD) that it will receive $236,620 in supplemental CDBG funds due to the passage of American Recovery and Reinvestment Act. HUD has further notified the City that in order to receive these funds, the City must amend its 2008-2009 Annual Plan to describe the proposed use of these supplemental funds. The amendment process includes publishing a public notice regarding the amendment, allowing for a 30-day public comment period and holding a public hearing. (Report - Sherry Morgado, Housing & Neighborhood Services Director)

The Housing & Neighborhood Services Director recommended that the City Council, after holding a public hearing and considering public comment, approve the amendment to the 2008-2009 Annual Plan and authorize staff to submit the amended plan to HUD.

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

A motion was made by Gruendl and seconded by Holcombe to approve the amendment to the 2008-2009 Annual Plan and authorize staff to submit the amended plan to HUD.

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF COUNCILMEMBER GRUENDL'S REQUEST THAT THE CITY COUNCIL DIRECT THE CITY ATTORNEY TO PROVIDE AN OPINION CONCERNING THE AIRPORT COMMISSION

Councilmember Gruendl requested that the City Council direct the City Attorney to provide an opinion concerning the Airport Commission regarding two issues: (1) how Sections 1000 and 1007.1 of the City Charter interrelate and (2) clarification of the City Manager's and Airport Commission's contracting authority.

Council concurred 6-0-1, with Walker absent to consider this request at this meeting.

Councilmember Gruendl asked the Council to support him in requesting an opinion from the City Attorney's office clarifying the two Charter sections cited in his original request. For the past two years, Councilmember Gruendl has either attending or watching the Airport Commission meetings and believes that Council's clarification on the roles and responsibilities of the Airport Commission is needed. On April 28, 2009, the Airport Commission voted (3-1-1, with Koch opposed and Nathan abstaining) to form a subcommittee to formulate the question regarding the two Charter sections that the Airport Commission believes are in conflict with each other. Councilmember Gruendl stated that he believed this issue was distracting from the real work of the commission.

Councilmember Holcombe stated that he supported Councilmember Gruendl's request.

Mayor Schwab indicated that she respected Councilmember Gruendl's request and his approach.

Councilmember Flynn remarked that based on what she has seen, it appears that some members do not understand that commission meetings are not the place to advance their own personal agendas.

Councilmember Nickell agreed and also stated that he was concerned about the amount of time being spent by staff on these types of issues during a very difficult fiscal time. He also stated for the record that he had the utmost faith in the City Manager/Airport Manager Dave Burklund and the rest of staff and that there should not be a situation where the commission creates a hostile environment for staff.

Chris Rock, representing Northgate Aviation, addressed the Council about his concerns regarding the actions of the Airport Commission.

A motion was made by Holcombe and seconded by Nickell to direct the City Attorney to provide a legal opinion concerning the Airport Commission regarding two issues: (1) how Sections 1000 and 1007.1 of the City Charter interrelate; and (2) clarification of the City Manager's and Airport Commission's contracting authority. The Council asked that the City Attorney provide the requested opinion at the time when the Airport Commission's 2009-2010 Work Plan is presented to Council for approval. Further, that along with the City Attorney's opinion, the Council will also provide the commission with direction regarding its...
ability to set policy, the level of involvement of some commissioners in the normal operations of the airport; protocol of meetings where public comment is excluded; and the appropriateness of including a commissioners' comments section on the agenda that allows discussions that may not be in the best interest of citizens or the City.

The motion carried by the following vote:

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

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

5. BUSINESS FROM THE FLOOR - None

6. ADJOURNMENT

Adjourned at 7:34 p.m. to May 13, 2009 at 2:00 p.m., in the City Council Chamber for a joint meeting with the Planning Commission.

Date Approved: 6/02/09 - DRP

Deborah R. Presson, City Clerk
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — May 13, 2009
Minutes

1.1. Flag Salute

1.2. Roll Call

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

Planning Commission Roll Call

Present: Barrett, Brownell, Luvaas, Merz, Minasian, Sorensen, Kelly
Absent: None

2. REGULAR AGENDA

2.1. Chico 2030 General Plan Update - Key Policy Direction. This meeting focused on key Downtown, Economic Development and Sustainability policy issues for the 2030 General Plan Update that warrant early input and direction from the Planning Commission and City Council. Council and Commission direction is critical to the Project Team in preparing draft Goals, Policies and Actions for the 2030 General Plan. The Project Team presented the key policy issues by documenting how each relates to the 2030 Vision and previous Council direction, summarizing the public feedback received during recent meetings and workshops, and providing staff recommendations or options on each issue. Following Council and Commission direction, the Project Team will continue work on the draft policy document, environmental analysis, and Public Facilities Finance Plan. (Report - Brendan Vieg, Principal Planner)

Estimated Meeting Time: 2:00 p.m. to 7:00 p.m.

I. Project Update/Meeting Purpose

II. Downtown Policies

The Council and Planning Commission provided direction to the consultants and staff regarding the proposed downtown policies. Specifically, the discussion was directed at whether a mandatory mixed use in the downtown area should be implemented. Councilmember Holcombe indicated that he was in favor of such a policy. Others felt that instead of mixed use becoming mandatory that incentives be defined that would encourage mixed use in this area. Should incentives be created, Councilmember Wahl wanted to know how the City was going to pay for them.

a. South Downtown Policies

1. Presentation/Initial Q&A

2. Public Comment

Addressing the Council and Commission on this item were Bob Kromer and Katrina Davis-Woodcox.
3. Council/Commission Discussion and Direction

Direction provided to staff and the consultants included:

South Downtown Vision - The long term vision for South Downtown is a higher density, multi-story, mixed use district, with parking on the interior of lots ringed with storefronts and architecture that is designed to complement the surrounding structures. South Downtown will complement and extend the pedestrian-oriented character of North Downtown. Commercial service and auto oriented uses will be carefully managed to minimize potential impacts on adjacent pedestrian oriented uses.

South Downtown Improvements - Prioritize the improvement of pedestrian facilities throughout South Downtown, including the extension of bulb outs and other improvements at intersections with Main and Broadway.

b. Downtown Circulation Policies

The Council and Commissioners discussed the advantages and disadvantages of narrowing streets and reducing travel lanes and noted that the loading issues for downtown businesses would have to be addressed prior to any action as such. They also expressed the need to slow down the traffic traveling through the downtown area so people could enjoy being out on the sidewalks and the possible need for the downtown businesses to form their own business improvement district. It was noted by both Engineering and Planning staff that the ideas that were being worked on at this time for the downtown area are being incorporated into the new General Plan and that the discussion being held reinforces what staff has already identified. Other questions that came up were regarding the smart meters and how soon staff would know if they would work and one Commissioner asked if the transit needs might better be addressed with a more centrally located transit center. Councilmember Gruendl noted that while the downtown area is set aside as one area, that we need to keep in mind that the downtown area should be more accurately reflected as "everyone's" neighborhood. One suggestion was to have the Downtown Committee continue on as a more official commission. Councilmember Flynn indicated that she felt that the formation of the committee had been effective in reaching out to the downtown businesses and other interested parties. As the sponsor of that committee, she also felt that it's effectiveness was due in part to the current structure and recommended that it be kept "as is."

1. Presentation/Initial Q&A

2. Public Comment

Bob Kromer and Katrina Davis-Woodcox addressed the Council and Commission regarding the proposed Downtown Circulation Policies.

3. Council/Commission Discussion and Direction

The Council and Commission provided staff and the consultants with the following direction:

Pedestrian First - Prioritize the pedestrian mode of travel within the Downtown by directing public investment in pedestrian facilities such as wide sidewalks, bulb-out corners, street furniture. This priority will serve as a guide for future decisions related to Downtown and will foster the continued transition of Downtown from its past as an auto-
oriented business district along SR 99 to the vital, walkable heart of the community.

**Reduce Vehicle Travel Lanes Downtown** - Giving consideration to north-south City circulation, continue to study options to reduce the number of travel lanes on Downtown streets in order to accommodate additional diagonal parking or an enhanced pedestrian environment (e.g., bicycle facilities, increased sidewalk width, street furniture) while recognizing the goods movement needs of downtown businesses.

**City as Facilitator for Downtown Success** - Increase the City's role as a liaison with the Downtown merchants, property owners, and the community at large in addressing current and future issues in the Downtown (e.g., safety, commercial deliveries, sidewalk cleanliness) through the dedication of staff resources.

The Council and Commission recessed at 3:15 p.m. for a fifteen minute break. The meeting was reconvened and all members were present.

### III. Economic Development Policies

#### a. Shovel Ready Policies

The Council and Commission discussed the specifics of a shovel ready site and what that actually means in terms of implementation. It was noted that in order for a policy like this to work, the County would definitely need to be a partner especially when considering the edges of the community. Councilmember Nickell asked if the fairgrounds could be added in as a potential site for a convention center. Others asked if historical buildings and creekside greenways should also be included. It was discussed at length about the City's surplus inventory list of properties and whether or not the City should actively seek out new opportunities in order to foster development. General discussion centered around the need to provide an easier process for businesses wanting to locate to Chico or existing businesses to expand and the need for the City to help with the streamlining of the permit process and possible certification of shovel ready sites.

1. **Presentation/Initial Q&A**
2. **Public Comment**

Addressing the Council on this item was Bob Kromer.

3. **Council/Commission Discussion and Direction**

The Council and Commission provided the following direction regarding shovel ready sites to staff and the consultants:

**Target Public Infrastructure to Priority Areas/Industries** - Phase and prioritize investment in public infrastructure to existing infill areas and planned new growth areas that have the highest potential to retain and add jobs and attract new private investment based on factors/criteria such as access, location, synergy, etc. Priority should be given to industries and businesses that provide high-quality good-paying jobs, and that contribute to the City’s economic base.

**Certify Shovel Ready Sites** - Work with landowners of undeveloped or underdeveloped land to solicit, certify and market shovel ready sites. This would involve determination of landowner willingness to sell or ready sites for different types of business development, providing assistance in organizing/assembling
multiple properties under different ownership into larger parcels or coordinated project areas to maximize business opportunities, and pro-actively marketing those shovel ready sites.

Fast Track Project Entitlement and Permitting for Key Opportunities - Support the development of a streamlined project review and permit process for key economic development projects. Explore options to establish an interdisciplinary staff team, or Quick Response Team for key business opportunities.

Identify Surplus Sites Owned by the City - Continue to inventory and evaluate City and other publicly owned lands to identify their potential for sale or a use other than municipal operations or safety services and make them shovel ready through the provision of infrastructure and completion of environmental review (e.g., areas adjacent to the airport).

Foster Strategic Partnerships - Partner with SCU, Chico, Butte College, businesses and private developers to create opportunities for public-private partnerships to create shovel ready sites throughout the community (e.g., new faculty or student housing opportunities with private developers).

b. Infill, Reuse and Redevelopment Incentive Policies

1. Presentation/Initial Q&A

Council and Commission discussed the policies pertaining to Infill, Reuse and Redevelopment Incentives.

Councilmember Holcombe stressed the need to live within our means by maintaining and protecting our existing roadways. Commissioners suggested an incentive toolbox that would allow the level of fees to coincide with the core infill areas being developed which wouldn't just apply to developers. Other items discussed were landbanking, research into an industrial park preferred land use, a suggestion to re-look at the Estes property as a reserve, and the need for clarification on how a neighborhood plan comes into play when a project comes forward in that area. Staff indicated that the General Plan would always trump a neighborhood plan which is a visionary document not a policy.

2. Public Comment

Jason Bougie and Bob Kromer addressed the Council on this item.

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Industrial Preserve - Identify areas where manufacturing and light industrial uses will be retained and expanded with minimum potential for compatibility issues. These areas would include, but not be limited to, the Southwest Industrial Region and the Chico Municipal Airport areas. Address potential compatibility issues by creating land use regulations that limit expansion of incompatible uses surrounding these industrial preserve areas.

Reuse/ Redevelopment - Facilitate reuse and redevelopment through land banking and land assembly assistance, parking reductions and other development
incentives.

Maintain and Upgrade Existing Infrastructure - Create a focused public investment strategy to promote infill and redevelopment by improving antiquated infrastructure. Update the Capital Improvement Program to prioritize regular maintenance and upgrading of existing infrastructure, including the commitment of public dollars.

Modify Fee Structure for Reuse and Redevelopment - Establish a development fee program which provides credits for existing uses and reduces fees to serve infill and redevelopment in developed areas of the City.

Create an Incentive Toolbox - Develop an incentive program that supports business investment at infill locations. Incentives may include the following: (1) fee waivers or deferrals (e.g., hookup fees); (2) fee credits or discounts (e.g., permit fees); (3) agency sponsorship of assistance grants or loans; (4) property assembly assistance; (5) flexible development standards; and (6) car management strategies for mixed use projects.

The Council and Commission recessed at 4:45 p.m. for a 15 minute break. The meeting was reconvened and all members were present.

IV. Sustainability Policies

The Council and Commission discussed the proposed sustainability policies. The Council acknowledged the tremendous efforts of the Sustainability Task Force which was formed after the signing of the Mayor’s Climate Action Agreement. Because of the efforts of this committee, and including partnerships with many other agencies and community members, Chico is becoming known for its “Chico Method” and sets the standards used in other communities. It was suggested by Commissioners that the policies in the new General Plan should build in mid-term adjustments. Review of the policies with the approved projects should occur throughout the life of the plan in order to adapt to additional changes that might need to be implemented based on indicators and new policies developed at the state and federal levels.

a. Whole Systems Approach Policy

1. Presentation/Initial Q&A

2. Public Comment - None

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Whole Systems Approach to Sustainability - Establish and implement a Whole Systems Approach for General Plan policies, subsequent decision making and implementation intended to equally evaluate the City’s economic system, environmental system, and social system. Details of the approach include: (1) graphic tools to identify sustainability policies throughout all Elements of the General Plan; (2) Sustainability Element houses policies to organize, direct, and balance the City’s efforts toward sustainability; (3) use of indicators and targets (e.g., jobs to housing ratios greater than 1 to 1) for each major topic area within the Sustainability Element, limited to a maximum of five measurements for each; (4)
focused sustainability assessment using broad indicators and targets performed as part of the General Plan Annual Report and individual project review; and (5) establish programs to implement greenhouse gas emission reduction actions as set forth by the City’s Greenhouse Gas Emissions Inventory and Climate Action Plan.

b. Green Government Policies

The Council and Commission discussed green "government" policies. Concerns were expressed about the water issues and how to make sure that this issue is addressed in the General Plan. It was noted by Mayor Schwab that the City needs to be a leader in promoting green policies and others indicated that partnerships regarding this issue with the University and Butte College should be cultivated.

1. Presentation/Initial Q&A
2. Public Comment - None
3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Green City Vehicles - New fleet vehicles and landscaping equipment will use renewable fuels and/or hybrid energy when available.

Green Purchasing Program - Create an environmentally preferable purchasing program, which requires consideration of environmental factors such as energy efficiency, resource conservation, waste minimization, recycled content, packaging, durability, reusability and toxicity when selecting vendors and products for its operations.

Waste Reduction Plan - Develop a Waste Reduction Plan for local operations, with a goal of zero waste produced by municipal government.

Green Building for City Facilities - Utilize a high standard of green building when constructing new municipal facilities and infill projects utilizing City funds.

Partnerships for Sustainability - Establish programs to work with other local agencies and utilities, including the County, school districts, and energy, water, and air quality management districts to improve coordination in achieving shared sustainability goals.

c. Green Development Policies

1. Presentation/Initial Q&A

The Council and Commission discussed the policies pertaining to "green development." Councilmember Walker wanted to know how would we know if a policy was voluntary or mandatory and what criteria would be used to determine the difference. Mayor Schwab indicated that the State was aggressively addressing this issue and was becoming stricter in this area. It was noted that it was critical to have indicators in order to see if the City was meeting its goals. Councilmember Nickell felt that the City should help provide the developers with assistance such as incentives to meet their sustainability building codes. Councilmember Gruendl and
Councilmember Holcombe both indicated that they felt it should be a mix of mandatory policies and incentives. Further discussion centered on the development of an incentive check list which would aid in predictability for the developers.

2. Public Comment

Michael Reilley addressed the Council regarding this item.

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Incentive and Mandatory Based Strategy - This strategy would create the same goals as the first but would take a stronger stance through the use of a "hybrid" policy approach using a combination of incentivized and mandatory provisions. This approach would involve a combination of mandatory and incentivized code requirements and would make aspects of green development a standard part of the building plan check process. Different requirements would be applied to residential and commercial development. The local green development standards would be updated to respond to State laws when deemed appropriate and necessary. Policies would be included to create incentive programs for any green development standards that the City chooses not to mandate and to provide educational materials and advice on green development to applicants for building and development permits.

Closing and Next Steps

3. ADJOURNMENT

Adjourned at 6:30 p.m. to May 19, 2009 at 6:00 p.m., in Conference Room 2 for closed session, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: 6/16/09 - DRP

Deborah R. Presson, City Clerk
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — May 19, 2009

Minutes

1.1. CLOSED SESSION - 6:00 p.m.

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

1.3. Call to Order - Mayor Schwab called the May 19, 2009 - Adjourned Regular City Council meeting at 6:30 p.m. in the 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: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab
Absent: None

1.7. Closed Session Announcement - None

1.8. Proclamation - 2010 Census Partner Proclamation

2. CONSENT AGENDA

A motion was made by Flynn and seconded by Nickell to approve the Consent Agenda as read.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2396 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 043-190-002 FROM ML-LIGHT MANUFACTURING TO CC-COMMUNITY COMMERCIAL REZONE 09-07 (DEBBIE PIERCE) - Final Reading and Adoption

Adopted - an ordinance to rezone property from ML-Light Manufacturing to CC-Community Commercial. No development of the subject site is proposed at this time. This ordinance was introduced by the Council at its meeting of 5/05/09. The Planning Services Director recommended adoption of the ordinance by reading of the title only.

2.2. ADOPTION OF SEWER IN LIEU RESOLUTION - 1588 EAST EIGHTH STREET

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

RESOLUTION NO. 29-09 - 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 - 1588 EAST EIGHTH STREET / ASSESSOR’S PARCEL
2.3. APPROVAL OF MINUTE ORDER - EXTENSION OF LEASE AGREEMENT FOR PROPERTY LOCATED AT 1500 HUMBOLDT ROAD

Approved - a minute order authorizing the City Manager to extend the lease term for property located at 1500 Humboldt Road until the City obtains the necessary funding for expansion of its police facility, or Sweeney & Sweeney Insurance Services no longer wishes to lease the property. The City Manager recommended approval of the minute order.

MINUTE ORDER NO. 10-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXTEND THE TERM OF A LEASE AGREEMENT FOR PROPERTY LOCATED AT 1500 HUMBOLDT ROAD (CITY OF CHICO/SWEENEY & SWEENEY INSURANCE SERVICES)

2.4. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY - MANZANITA CORRIDOR RECONSTRUCTION PROJECT

Approved - a minute order authorizing the City Manager to execute an agreement with Dan and Nell Cook for the acquisition of a portion of real property located at 2096 Manzanita Avenue needed to construct the phase of the project from Fire Station 5 to the Big Chico Creek Bridge. The Building & Development Services Director recommended approval of the minute order.

MINUTE ORDER NO. 11-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE MANZANITA CORRIDOR RECONSTRUCTION PROJECT (DAN AND NELL COOK - ASSESSOR'S PARCEL NO. 045-412-082)

2.5. ACCEPTANCE OF FINANCE COMMITTEE REPORT - REQUEST FOR ALLOCATION OF ADDITIONAL PREDEVELOPMENT FUNDS TO AFFORDABLE HOUSING DEVELOPMENT CORPORATION (AHDC) FOR THE DEVELOPMENT OF PARKSIDE TERRACE AND ADOPTION OF RESOLUTION AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT - The City Council acted in its capacity as the Redevelopment Agency for consideration of this item.

Accepted - the recommendation of the Finance Committee at its meeting of 4/28/09, to authorize an additional $160,000 in predevelopment LMIHF to AHDC for the development of Parkside Terrace. On 7/01/08, the Chico Redevelopment Agency adopted a resolution authorizing a $7 million loan of Low and Moderate Income Housing Funds (LMIHF) to AHDC for the development of Parkside Terrace, a 90-unit affordable housing project for low-income households. The predevelopment funds will be part of the $7 million loan previously authorized for the project. The Finance Committee recommended (3-0) authorization of an additional $160,000 in predevelopment LMIHF to AHDC for the development of Parkside Terrace by adoption of the following resolution.

RDA RESOLUTION NO. 03-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE AGENCY AND AFFORDABLE HOUSING DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED IN THE MERIAM PARK SUBDIVISION ON THE NORTHEAST AND SOUTHEAST CORNERS OF BEDFORD DRIVE AND HARTFORD DRIVE - Agency Action
ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

3.1. TEXT AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE - A-ZON-19A
(CITY OF CHICO)

Public hearing and introductory reading of an ordinance which would amend Title 19 of
the Chico Municipal Code to: resolve minor inconsistencies in the Code; codify
interpretations made by the Planning Services Director; clarify terms and definitions;
correct typographic errors; make modifications to certain development standards;
implement previous Council direction; and make other minor changes. On 3/19/09,
the Planning Commission recommended approval of the code amendments with
modifications. The City Council previously considered these amendments on
4/21/09, and directed staff to revise the ordinance as it relates to the minimum
separation between main dwelling units and detached second dwelling units. The
project has been determined to be exempt from the California Environmental Quality
Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA
Guidelines. (Report - Greg Redeker, Associate Planner)

Mayor Schwab opened the hearing to the public. Kasey Merrill, Melinda Vasquez, Karen
Zinniel and Tim Dobbs addressed the Council in opposition to the amended
ordinance which would allow up to a 10 foot setback with the approval of a use permit.
The hearing was closed to further public input.

A motion was made by Wahl and seconded by Nickell to introduce the following ordinance
by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN
SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE
AND DEVELOPMENT - Introductory Reading, amended so that the setback on second
dwelling units would remain at 30 feet.

The motion failed by the following vote:

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

A motion was made by Holcombe and seconded by Flynn to introduce the following
ordinance by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN
SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE
AND DEVELOPMENT - Introductory Reading

The motion carried by the following vote:

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

3.2. HEARING ON FINAL ANNUAL PLAN FOR THE CITY'S 2009-10 CDBG AND HOME
PROGRAMS
Housing and Urban Development (HUD). The City must submit an annual "Action Plan" to HUD describing the City's plans for using these funds in the upcoming year. The City was notified by HUD that it will receive $955,995 in Community Development Block Grant (CDBG) funds and $817,407 in Home Investment Partnership Grant (HOME) funds. At its 4/07/09 meeting, the City Council conducted a hearing on the draft 2009-10 Action Plan and directed staff to: (1) publish the draft Plan; (2) provide for a 30-day public comment period; and (3) schedule a second hearing for the approval of the final Annual Plan at this meeting. (Report-Sherry Morgado, Housing & Neighborhood Services Director)

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

A motion was made by Gruendl and seconded by Flynn to approve the Plan and authorize its submittal to HUD.

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. QUARTERLY UPDATE ON THE FINANCIAL STATUS OF THE CITY OF CHICO AND APPROVAL OF QUARTERLY SUPPLEMENTAL APPROPRIATION NO. 08-09 12/RDA NO. 08-09 10

The City Council acted in its capacity as both the City Council and the Redevelopment Agency for consideration of this item. As part of the strategy to balance the Ten Year Financial Plan, staff presented a financial update for the 3rd Quarter of Fiscal Year 2008-09. In addition, the Council was asked to approve Supplemental Appropriation No. 08-09 12/RDA NO. 08-09 10 to reflect budgetary adjustments that have arisen during the 3rd Quarter and that reflect current year revenue and expenditure trends. (Report - Jennifer Hennessy - Finance Director)

Addressing the Council on this item were Bob Kromer and Michael Reilley.

A motion was made by Flynn and seconded by Nickell to approve Supplemental Appropriation No. 08-09 12/ RDA No. 08-09 10.

The motion carried by the following vote:

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

4.2. ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING THE LEAF PICK UP PROGRAM AND INTRODUCTORY READING OF AN ORDINANCE AMENDING SECTION 8.12.120 OF THE CHICO MUNICIPAL CODE

As directed by Council on 3/03/09, the Internal Affairs Committee considered additional information and analysis of alternatives to the General Services Department's original proposal to prohibit commercial yard waste generators from dumping leaves in the City's rights-of-way. The alternatives considered on 4/14/09 included establishing additional drop-off sites north of Lindo Channel, mandatory
A motion was made by Gruendl and seconded by Nickell to approve the Internal Affairs Committee (3-0) recommendation of the introduction of an ordinance to amend the Chico Municipal Code Section 8.12.120 to add definitions of "Commercial Yard Debris Generators" and "Residential Yard Debris Generators" to clarify who may place leaves in the City streets and rights-of-ways during Leaf Season. The amendment also provides City staff discretion to select mandatory specified drop-off sites throughout the City for commercial generators.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 OF THE CHICO MUNICIPAL CODE REGARDING SEASONAL LEAF PICKUP - Introductory Reading

The motion carried by the following vote:

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

Council recessed at 8:00 for a 15 minute break. The meeting was reconvened and all members were present.

4.3. RECONSIDERATION OF THE PREVIOUS DECISION TO RELOCATE THE DISC GOLF SHORT COURSE FROM ITS CURRENT LOCATION

The Council reconsidered its action concerning the relocation of the short course disc golf site from its current Highway 32 location.

Councilmember Walker encouraged Council to consider allowing the short course to remain at its current Highway 32 site for four to five years in order to allow adequate time to find an alternative site and that mitigation begin immediately in order to protect the area.

Councilmember Holcombe indicated that he still supported the relocation of the short course but also realized that additional time was needed in order to find an alternative site.

Councilmember Nickell stated he was in support of allowing the short course to remain for five years with the mitigation of the impacts to be addressed immediately.

Councilmember Walker reminded Council that having a group be responsible for mitigation is possible as seen by the approved master management plans with the Observatory, Rod and Gun Club, equestrians, and the Golf Course.

The Mayor opened up the item to the public. Addressing the Council in opposition to an extension of time being allowed for the short course to remain at the current Highway 32 site were Jane Turney, Maria Phillips, Grace Marvin, Randy Abbott, Emily Alma and Michael Schwartz.

Addressing the Council in support of the extension of time and the request to begin mitigation measures immediately were Bob Kromer, Kathleen Woodard, Denise Rolls, Bob Woodds, Cynthia Van Auken, Clint McConnell, Alan Chamberlain, Andrew Bostrom, Lon Glazner, Lisa Young and Gregg Payne.

A motion was made by Wahl and seconded by Walker to direct that: (1) the short course remain in its current location for up to five years; (2) expedite the development of a MOU between the City and the non-profit group allowing the group to begin the improvements...
and mitigations to help restore the area; and (3) continue to work with CARD as proposed.

A friendly amendment was made by Councilmember Walker and accepted by Councilmember Wahl that a 12 hole course be pursued versus Option "B" for a 18-hole course as included in the EIR, with a time limit of five years and at that time reassess and make sure that the mitigations are working. The friendly amendment was accepted.

The motion carried by the following vote:

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

Councilmember Flynn indicated that she didn’t support the extension of time for the short course to remain at its current site. Mayor Schwab also noted that she did not support it as well. Councilmember Gruendl indicated that he felt it was a compromise and that the original 18 month deadline boxed the Council in and didn’t allow adequate time to identify a suitable replacement site. He also stated that he felt that perhaps multiple sites could be found with the extension of time. Councilmember Holcombe indicated that he was willing to support it because it allowed additional time to find a more suitable site for the relocation of the short course.

The Council recessed at 10:00 p.m. for a ten minute break. The meeting reconvened and all members were present.

4.4. CONSIDERATION OF AUTHORIZING THE CITY MANAGER TO SUBMIT A RESPONSE TO A REQUEST FOR PROPOSALS - 2010 AMGEN TOUR OF CALIFORNIA

The Amgen Tour of California (TOC) is a world class cycling race and the largest cycling event in America. The race is owned and operated by AEG, a California-based sports and entertainment presenter, who is currently seeking proposals from cities interested in becoming qualified host venues for the 2010 TOC. The race and related activities have had an estimated annual economic impact of more than $100 million to the State of California. The City Manager was requesting City Council authority to submit a response to the AEG Request for Proposals (RFP) for Chico to become a host venue for the 2010 event. (Report - Dave Burkland, City Manager)

A motion was made by Flynn and seconded by Gruendl to authorize the City Manager to submit a response to a Request for Proposals to become a host venue for a stage of the 2010 Amgen Tour of California Bicycle Race.

The motion carried by the following vote:

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

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

5. BUSINESS FROM THE FLOOR

A woman not wanting to identify herself addressed the Council regarding a police complaint about her husband who is a police officer.

Michael Reilley addressed the Council regarding the PAL agreements concerning the levees.
6. **ADJOURNMENT**

The meeting was adjourned at 10:45 p.m. to June 2, 2009 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: 7/07/09 - DRP

Deborah R. Presson, City Clerk
ADJOINED REGULAR CHICO CITY COUNCIL MEETING — May 19, 2009
CLOSED SESSION - Minutes

1. CALL TO ORDER - Mayor Schwab called the May 19, 2009 - Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson

2. CLOSED SESSION MATTERS

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

3. ADJOURNMENT - Adjourned at 6:20 p.m. to a City Council meeting in the Council Chamber.

Date Approved: 7/07/09 - DRP

Deborah R. Presson, City Clerk
1.1. **REGULAR CITY COUNCIL MEETING - 6:30 p.m.**

1.2. **Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street**

1.3. **Flag Salute**

1.4. **Invocation — Chico Bahá'í Community**

1.5. **Roll Call**

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

   Absent: None

1.6. **A moment of silence for Vice-Mayor Nickell's father, Thomas Nickell Jr., who passed away on Monday, May 25, 2009**

2. **CONSENT AGENDA**

   A motion was made by Flynn and seconded by Nickell to approve the Consent Agenda, as read, with Councilmember Gruendl disqualified on Item 2.2. due to the location of his residence.

   The motion carried by the following vote:

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

   **NOES:** None

2.1. **ADOPTION OF RESOLUTIONS DISSOLVING MAINTENANCE DISTRICT NOS. 7, 8 and 9**

   Adopted - resolutions of intent to dissolve Chico Maintenance District Nos. 7, 8, and 9, which were originally formed by Council resolution in 1989. Pursuant to an agreement with Caltrans, these three districts were formed by the City for the purpose of maintaining the landscaping and irrigation along SHR 99 for a period of 20 years, at the conclusion of which Caltrans would assume maintenance responsibilities. Caltrans has inspected the sites and has agreed to assume ongoing maintenance in all three areas. Council adoption of the resolutions will schedule a public hearing for 7/07/09. The Building & Development Services Director recommended adoption of the resolutions and the scheduling of a public hearing.

   **RESOLUTION NO. 30-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 7 - (Crossroads Shopping Center)**

   **RESOLUTION NO. 31-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 8 - (E. 20th Street)**

   **RESOLUTION NO. 32-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF**
THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT
ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF
CHICO MAINTENANCE DISTRICT NO. 9 - (Payless Lumber)

2.2. ADOPTION OF RESOLUTIONS REGARDING THE BARONI NEIGHBORHOOD PARK
AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05,
ANNUAL ASSESSMENT FOR FISCAL YEAR 2009/2010

Adopted - resolutions to initiate proceedings and declare the Council's intent to levy
and collect the annual assessments for the Baroni Neighborhood Park and Open
Space Landscaping and Lighting District No. LLD 001-05 for the 2009/2010 fiscal
year, and to set a public hearing on 7/07/09 regarding this proposed assessment.
The General Services Director recommended adoption of the resolutions.

RESOLUTION NO. 33-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO INITIATING PROCEEDINGS AND ORDERING THE PRELIMINARY ENGINEER'S
REPORT FOR THE ANNUAL ASSESSMENTS FOR THE BARONI NEIGHBORHOOD
PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05
FOR FISCAL YEAR 2009/2010

RESOLUTION NO. 34-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
PRELIMINARILY APPROVING THE ANNUAL ENGINEER'S REPORT, AND
DECLARING THE CITY'S INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE
BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING
DISTRICT NO. LLD 001-05 FOR FISCAL YEAR 2009/2010, AND APPOINTING A TIME
AND PLACE FOR A PUBLIC HEARING

2.3. ADOPTION OF A RESOLUTION AMENDING CITY COUNCIL RESOLUTION Nos 45 05-
06 AND 53-07, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION
TO THE STATE REVOLVING FUND LOAN PROGRAM FOR THE WATER POLLUTION
CONTROL PLANT EXPANSION PROJECT

Adopted - a resolution amending a previous resolution which authorized the City
Manager to submit an application to the State Revolving Fund Loan Program to
finance the Water Pollution Control Plant Expansion Project. This amended
resolution revises the terminology previously used by changing "loan" to
"financing" as requested by the State Water Resources Control Board. The Capital
Project Services Director recommended adoption of the resolution.

RESOLUTION NO. 35-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO AMENDING CITY COUNCIL RESOLUTION Nos 45 05-06 AND 53-07,
AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE STATE
REVOLVING FUND LOAN PROGRAM FOR THE CITY OF CHICO WATER POLLUTION
CONTROL PLANT EXPANSION PROJECT

2.4. ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - CHANGES TO
ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 27-10 (MORTGAGE SUBSIDY
PROGRAM)

Accepted - the recommendation of the Finance Committee at its meeting of 5/26/09
to amend AP&P 27-10 to: (1) change the maximum loan amount to 10% of the home
purchase price for moderate income households, 20% of the home purchase price
for median income households, and 30% of the home purchase price for low income
households; (2) limit the housing cost ratio for adjustable rate mortgages to 33%; (3)
limit MSP participation to first mortgages with a maximum 30-year term and interest
rates that do not adjust more than three percent over the loan term; (4) establish a
minimum income requirement of 50% of Area Median Income; (5) clarify application processing requirements; and (6) comply with federal and state regulations for setting a maximum sale price. The Finance Committee recommended (3-0) changes to AP&P 27-10.

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved - minutes of the City Council meetings held on 4/28/09 and 5/05/09.

ITEMS REMOVED FROM CONSENT - None

3.1. PUBLIC HEARING ON INCREASE IN SANITARY SEWER LIFT STATION SERVICE RATES

The City proposed an increase in monthly service rates for sanitary sewer lift stations in the next fiscal year to cover the increased costs of operating, maintaining and improving lift stations for sewer customers. Recent case law requires that the City hold a public hearing prior to any such increases. If a majority of affected property owners had protested, the proposed rate changes would not have been imposed. (Report - Fritz McKinley, Building and Development Services Director)

Mayor Schwab opened the hearing to the public. No one spoke. It was noted by City Clerk Presson that 15 written protests were received. The hearing was closed.

A motion was made by Holcombe and seconded by Flynn to confirm that the Council held a public hearing regarding the proposed sanitary sewer lift station rate increases.

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. REVIEW AND CONSIDERATION OF A REQUEST TO ALLOW PARAGLIDING IN BIDWELL PARK

On 9/02/08, the City Council conceptually approved the Bidwell Park and Playground Commission’s (BPPC) recommendation to approve a proposal from Bidwell Park Fliers Club to allow para-gliding in Bidwell Park, pending environmental review and development of guidelines for implementation. Hang-gliding and motorized para-gliding will still be prohibited. An Initial Study was prepared, and a Notice of Intent to adopt a Negative Declaration for the project was issued on 3/25/09. The public comment period ended on 4/15/09 and staff received one comment from the Friends of Bidwell Park. (Report - Dennis Beardsley, General Services Director)

Addressing the Council in support of this item were Jon Stallman, Martin Roland, Natalia Bonilla, Shad Preston, Jennifer Ferrini. Mr. Benson spoke in opposition.

A motion was made by Wahl and seconded by Walker to adopt the resolution approving the negative declaration and amending Section 12R.04.250 entitled "Hang-gliding and para-gliding - Prohibited" of the Chico Municipal Code to allow individuals with the appropriate para-gliding rating and a permit from the City to paraglide at designated launching and
landing sites in Bidwell Park. Mayor Schwab asked that the motion include the language "paragliding excluded" on Sundays and Mondays. The friendly amendment was not accepted.

RESOLUTION NO. 36-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION AND AMENDING TITLE 12R OF THE CHICO MUNICIPAL CODE REGARDING PARA-GLIDING IN BIDWELL PARK; with direction to staff to prepare a one-year review with the report to come back to Council as a regular item for discussion not as an item on the Consent Agenda.

The motion carried by the following vote:

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

The Council recessed for a ten minute break at 7:35 p.m. The meeting was reconvened and all members were present.

4.2. CONSIDERATION AND APPROVAL OF THE CITY OF CHICO'S BOARD, COMMISSION AND COMMITTEE'S 2009/2010 WORK PLANS

The Council considered the 2009/2010 Work Plans for the Architectural Review Board, Arts Commission, Bicycle Advisory Committee, Bidwell Park and Playground Commission, Human Resources Commission, Planning Commission and Sustainability Task Force. Approval of these plans set in motion the work that Council wants its advisory bodies and staff liaisons to focus on during 2009 and 2010. The approved plan then guides each board, commission or committee in understanding their function, authority, work programs and relationship to the City Council, City staff and other commissions. Staff liaisons were in attendance to address Council's questions. (Report - Debbie Presson, City Clerk)

A. Arts Commission
   • Presentation by Chair Friedlander
   • Staff Comments by Cindy Pierce, Administrative Services Director and Mary Gardner, Arts Project Coordinator
   • Council Action

A motion was made by Holcombe and seconded by Gruendl to approve the Arts Commission 2009 - 2010 Work Plan with the following modifications:

Item 12 - Commission Name Change - item not approved.

Item 13 - Interactive Community Organization Funding Applications - item not approved

Item 14 - Support the development of a dedicated tourism/visitor's center - item not approved.

Item 16 - Develop additional annual art event modules similar to Artoberfest - approved as a conceptual item only with the understanding that funding is not available at this time.

Item 17 - Establish arts identity of City of Chico - approved as a conceptual item only with the understanding that funding is not available.

Item 18 - Support and encourage the development of a performing arts center - item not approved.
It was also noted by Council that a priority should be placed on all items not completed as part of the 2007/2008 Arts Commission Work Plan.

The motion carried by the following vote:

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

B. Architectural Review Board
   • Presentation by Chair Goulart
   • Staff Comments by Planning Services Director Peterson
   • Council Action

A motion was made by Flynn and seconded by Gruendl to approve the Architectural Review Board 2009/2010 Work Plan, with Item 5 "revising the scope and authority of ARB as it relates to items going to the Planning Commission so that final design review rests with the Board" and "compliance monitoring on ARB approvals" be deferred to a later date.

Council also requested that the ARB develop a program that identifies a project that represents a high level of excellence in architectural design to be acknowledged with a Mayor's Award.

The motion carried by the following vote:

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

The Council applauded the efforts of the ARB to develop ways to streamline their Board meetings in order to be more efficient which ultimately reduces costs to both the City and project proponents.

C. Bidwell Park and Playground Commission
   • Presentation by Chair Emmerich
   • Staff Comments by General Services Director Beardsley
   • Council Action

A motion was made by Flynn and seconded by Holcombe to approve the Bidwell Park and Playground Commission 2009/2010 Work Plan as presented.

The motion carried by the following vote:

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

D. Human Resources Commission
   • Presentation by Chair - Chair Sarsour could not attend the meeting
   • Staff Comments - Human Resources Director Campbell
   • Council Action

Mayor Schwab noted that perhaps due to the few number of items that were coming before the Commission, that Council might consider making it an ad hoc committee versus a formal Commission that meets quarterly, similar to the request received from the Bicycle Advisory Committee.
Councilmember Flynn stated that she would support Item Nos. 1 through 7 on the proposed work plan but strongly felt that Item 8 pertaining to the proposed new direction, role and responsibilities for the Commission should be created by the City Council not by a Commission. She also stated that perhaps it was time to look at disbanding the Commission especially considering the budget and the fact that this Commission had fulfilled its mission and that all items required by state and federal law were being handled internally by staff.

Councilmember Holcombe indicated that he supported Item 8 regarding developing a plan for becoming a community outreach forum on diversity and non-discrimination, and having it be more conceptual without implementing it at this time. He also stated that he didn’t see the development of a new vision for the advisory body causing any additional costs for the City as the work would be done by the members of the Commission not by staff, nor was this item any different than some of the conceptual items approved for the Arts Commission.

Councilmember Walker also agreed that the Council should have more of a role in the creation of a new direction for the Human Resources Commission or in possibly disbanding the Commission and recommended that Item 8 be forwarded to the Internal Affairs Committee for discussion and input.

Vice Mayor Nickell asked staff for a recommendation on whether the Commission should be disbanded and Human Resources Director Campbell indicated that her professional recommendation would be "yes" as staff was handling all items as required by state and federal law. She did state that staff was not currently working on the redirection of the Commission into a community outreach forum on diversity and non-discrimination. Based on the availability of other agencies in the community which already provide these types of services, it was the Human Resources Director’s recommendation to not move forward with the change in the Commission’s purpose.

Councilmember Holcombe and Councilmember Gruendl asked for staff to identify agencies within the community that provide such services. Staff will provide this requested information to the Internal Affairs Committee when it meets to discuss this item.

City Clerk Presson also stated for the record that she had originally recommended the disbanding of the Human Resources Commission following the comprehensive study completed in late 2006 regarding the City’s Boards and Commissions which included an analysis regarding the amount of staff time and associated costs related to the support of the City’s advisory bodies. It was also noted that in the last ten years, both former Personnel Director’s Erlandson and Koch also made the same recommendation based on the fact that the Commission had fulfilled its mission.

A motion was made by Gruendl and seconded by Flynn to approve the Human Resources Commission 2009/2010 Work Plan with the following exceptions:

Item 7 - Review and Update Commission Name - Item not approved

Item 8 - Develop and implement plan for becoming a community outreach forum on diversity and non-discrimination - This item was not approved but forwarded to the Internal Affairs Committee for a joint discussion with the members of the Human Resources Commission regarding the proposed redirection of the Commission and/or possible disbanding of the advisory body.

The motion carried by the following vote:

AYES: Gruendl, Wahl, Walker, Nickell, Schwab
The Council adjourned for a ten minute break at 9:25 p.m. The meeting was reconvened
and all members were present.

E. Planning Commission
   • Presentation by Chair Kelley
   • Staff Comments
   • Council Action

Both Councilmember Flynn and Councilmember Wahl asked that when the 2011/2012
Commission Work Plans are presented to Council, that a staff analysis be included in the
agenda report that details the costs for staff time associated with all the Commission’s
identified priorities.

A motion was made by Gruendl and seconded by Flynn to approve: (1) the Planning
Services Director’s recommendations ("as detailed below) for the Planning Commission’s
2009/2010 Work Plan, which would remove the non-mandatory work plan items based on
anticipated reductions in the Planning Services Department FY 09/10 operating budget,
with the understanding that at some point the streamlining efforts included in the Planning
Commission’s Work Plan would become part of a larger, comprehensive update and that
opportunities currently exist for the requested workshops as part of the existing General
Plan update; (2) an addition to the Planning Commissions 2009/2010 Work Plan to
include ARB Work Plan Item No. 2 - Conducting a workshop to improve Board
efficiency and effectiveness; and (3) moving forward with Item 6c - ARB/Planning
Commission Design Workshop.

*Planning Services Director’s Recommendations for items to be removed from the
2009/2010 Planning Commission Work Plan:

1a. Near term fixes to Zoning Code
1b. Permit tracking program (online public access)
1d. Standardize conditions for applicants, staff, Commission and ARB
1e. Procedure for applicant-neighborhood meeting notes and reports
5a. Modify Best Management Practices
6a. Housing Element Workshop
6b. Commission workshop - standard and customary conditions of approval
6c. ARB/Planning Commission Design Workshop - this item is to move forward
6d. Public Facilities Workshop
6e. Builders/Contractors Workshop - for education, policy development, and compliance
measures

The motion carried by the following vote:

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

F. Sustainability Task Force
   • Presentation by Chair Schwab
   • Staff Comments by Management Analyst Herman
   • Council Action

A motion was made by Gruendl and seconded by Nickell to approve the 2009/2010
Sustainability Task Force Work Plan as presented with it noted that costs will be identified
during the development of the Action Plan, with many of the items included in the plan
being mandates from either the State or Federal level.
The motion carried by the following vote:

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

**NOES:** None

**G. Bicycle Advisory Committee**

- Presentation by Steve O'Bryan
- Staff Comments - Brian Mickelson, Sr. Traffic Engineer
- Council Action

Nora Todenhagen addressed the Council in regards to the need to have a clearly defined appointment process such as the other commissions or boards.

A motion was made by Walker and seconded by Gruendl to approve the Bicycle Advisory Committee's 2009/2010 Workplan as proposed, including going back to being an ad hoc committee with direction to current members to develop an appointment process that would formalize its membership. While staff's recommendations were accepted, it was noted that the group should look for a way to evaluate accident information.

The motion carried by the following vote:

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

**NOES:** None

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

5. **BUSINESS FROM THE FLOOR**

Deborah Schowatter addressed the Council regarding a dog park

6. **ADJOURNMENT - The meeting adjourned at 10:50 p.m. to June 16, 2009 at 8:30 a.m., in the City Council Chamber for an adjourned regular work session.**

Date Approved: 7/07/09 - DRP

Deborah R. Presson, City Clerk
1.1. REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 8:30 a.m.

1.2. Call to Order - 8:30 a.m. in the Council Chamber, 421 Main Street

1.3. Flag Salute

1.4. Roll Call

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

The City Council convened to hear the following items:

2. CONSENT AGENDA - Item 2.1. was removed from the Consent Agenda for further clarification at the request of Councilmember Wahl.

A motion was made by Nickell and seconded by Gruendl to approve the Consent Agenda, as read, with Item 2.1. removed for further discussion.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2397 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT - Final Reading and Adoption

Adopted - an ordinance amending Title 19 of the Chico Municipal Code to: resolve minor inconsistencies in the Code; codify interpretations made by the Planning Services Director; clarify terms and definitions; correct typographic errors; modify certain development standards; streamline the approval process for time extensions; implement previous Council direction; and make other minor changes. The City Council first considered these amendments on 4/21/09, and directed staff to revise the ordinance as it relates to the minimum separation between main dwelling units and detached second dwelling units. The Council introduced the ordinance at its meeting of 5/19/09. The Planning Services Director recommended adoption of the ordinance by reading of title only.

Councilmember Wahl asked the Council to reconsider its decision to approve a 10 ft. setback which he believes will destroy neighborhoods. He urged Council to keep the setback requirement at 30 ft.

Addressing the Council in opposition to the final reading and adoption of the proposed ordinance were Karen Zinniel, Karen Swartz, Maureen Kirk and W.H. Priel.

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

ORDINANCE NO. 2397 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT - Final Reading and Adoption - as
amended to re-insert the 30 ft. setback requirement.

The motion failed by the following vote:

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

A motion was made by Walker and seconded by Flynn to adopt the following:

ORDINANCE NO. 2397 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT - Final Reading and Adoption

The motion carried by the following vote:

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

2.2. ORDINANCE NO. 2398 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 OF THE CHICO MUNICIPAL CODE REGARDING SEASONAL LEAF PICKUP - Final Reading and Adoption

Adopted - an ordinance amending the Chico Municipal Code Section 8.12.120 to add definitions of "Commercial Yard Debris Generators" and "Residential Yard Debris Generators" to clarify who may place leaves in the City streets and rights-of-ways during Leaf Season. The amendment also provides City staff discretion to select mandatory specified drop-off sites throughout the City for commercial generators. The ordinance was introduced by the Council at its meeting of 5/19/09. The General Services Director recommended adoption of the ordinance by reading of the title only.

ORDINANCE NO. 2398 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 OF THE CHICO MUNICIPAL CODE REGARDING SEASONAL LEAF PICKUP - Final Reading and Adoption

2.3. ADOPTION OF A RESOLUTION AMENDING THE CITY’S FEE SCHEDULE (POLICE DEPARTMENT FEES)

Adopted - a resolution amending the City’s Fee Schedule to add a fee for the production of statistical crime record requests as identified in the annual review conducted by City departments and required by State law. The Acting Chief of Police recommended adoption of the resolution.

RESOLUTION NO. 37-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 321 - POLICE DEPARTMENT FEES)

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 5/13/09.

ITEMS REMOVED FROM CONSENT - Item 2.1. was removed from Consent Agenda at the request of Councilmember Wahl.
3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1. GENERAL BUDGET REVIEW

The City Council was presented with an overview of the 2009-10 Proposed Budget. (Report - Dave Burkland, City Manager and Jennifer Hennessy, Finance Director)

The Council recessed at 10:00 a.m. for a ten minute break. The meeting was reconvened and all members were present.

Gregg Payne addressed the Council in support of his Windchimes project.

4.2. REDEVELOPMENT BUDGET REVIEW - The City Council convened as the Redevelopment Agency to consider this item.

The Executive Director provided an overview of the 2009-10 Proposed Chico Redevelopment Agency Budget, including a review of the Ten-Year Financial Plan, the Operating Budget, the Budget Message, the Budget Policies which were provided with the agenda.

1. Chico Amended and Merged Low and Moderate Income Housing Fund Summary. (Report - Sherry Morda, Housing and Neighborhood Services Director)

2. Chico Amended and Merged Art Fund Summary which included the recommendations of the Arts Commission for 2009-10 art projects. (Report - Cindy Pierce, Administrative Services Director)

4.3. TEN YEAR CAPITAL IMPROVEMENT PROGRAM - To consider this item, the Redevelopment Agency convened as both the Chico Redevelopment Agency and the City Council.

The Capital Project Services Director presented a verbal overview of the Ten Year Capital Improvement Program and major projects scheduled for 2009-10.

The Council/Agency recessed at 11:25 a.m. for a ten minute break. The meeting was reconvened and all members were present.

The Redevelopment Agency convened for consideration of the following hearing item:

3.1. CHICO REDEVELOPMENT AGENCY PUBLIC HEARING ON THE ADOPTION OF THE 2009-10 THROUGH 2013-14 FIVE YEAR IMPLEMENTATION PLAN FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT WHICH INCLUDES THE CENTRAL CHICO, SOUTHEAST CHICO, CHICO MUNICIPAL AIRPORT, AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS

A hearing was held to consider and act upon the proposed 2009-10 through 2013-14 Five Year Implementation Plan as required by Section 33490 of the California Health and Safety Code. The Community Redevelopment Law (CRL) requires the Chico Redevelopment Agency to adopt a five-year implementation plan that provides documentation of the link between the elimination of blight and the proposed activities of the Agency. Notice of this public hearing was published and posted in the manner required by the CRL. (Report - Martha Wescat-Andes, Economic Development/Redevelopment Manager and James Coles, Housing Manager)
Board Chair Schwab opened the hearing to the public. No one spoke and the hearing was closed.

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

RDA RESOLUTION NO. 04-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE 2009-10 THROUGH 2013-14 FIVE YEAR IMPLEMENTATION PLAN FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT

The motion carried by the following vote:

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

The Agency recessed for lunch at 12:20 p.m. The meeting reconvened at 2:00 p.m. and all members of Council/Agency were present.

4. REGULAR AGENDA

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

The City Council convened for the following items:

4.4. COMMUNITY ORGANIZATION FUNDING - GENERAL AND COMMUNITY DEVELOPMENT BLOCK GRANT - This item was considered at 2:00 p.m.

The City Council considered the recommendations forwarded from the Finance Committee regarding community organization funding for 2009-10 in the General and Community Development Block Grant category. (Report - Dave Burkland, City Manager and Cris Carroll, Community Development Manager)

Mayor Schwab and Councilmember Flynn were disqualified on Item 4.4. due to their employer submitting a request for funding.

A motion was made by Holcombe and seconded by Walker to approve the Community Organization Funding - General and Community Development Block Grant as recommended by the City Manager.

The motion carried by the following vote:

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

4.5. COMMUNITY ORGANIZATION FUNDING - ARTS

The City Council considered the recommendations forwarded from the Arts Commission regarding community organization funding for 2009-10 in the Arts category. (Report - Dave Burkland, City Manager and Cris Carroll, Community Development Manager)

Phil Ruttenburg and Max Zachai addressed the Council on the audit findings for the Chico Cabaret.
A motion was made by Nickell and seconded by Holcombe to approve the City Manager’s recommendations regarding the Community Organization Funding - Arts, with it noted that that the major findings found in the Chico Cabaret audit would not be held against them in future years.

The motion carried by the following vote:

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

4.6. ECONOMIC DEVELOPMENT/TOURISM SERVICES AND EVENTS CONTRACTING

The City Council considered the recommendations forwarded from the Economic Development Committee regarding 2009-10 contracting for economic development/tourism service and events providers. (Report - Dave Burkland, City Manager, and Martha Wescoat-Andes, Economic Development/Redevelopment Manager)

Debra Lucero addressed the Council regarding the requested funding for the proposed programs she had proposed to be developed.

Mayor Schwab noted for the record that it is not "business as usual" for the City of Chico with the Council having to make some very serious decisions including reducing expenditures and making decisions that further economic development.

A motion was made by Wahl and seconded by Walker to approve the recommendations forwarded from the Economic Development Committee regarding 2009-10 contracting for economic development/tourism service and events providers. It was also directed that if the City did not get selected for the Amgen Tour of CA, that the current allocated funds for this event be immediately agendized in order to be reprogrammed for other uses during this funding cycle.

The motion carried by the following vote:

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

The Council recessed at 3:00 p.m. for five minutes prior to the discussion regarding the funding of the additional library hours. The meeting was reconvened and all members were present.

4.7. FUNDING FOR ADDITIONAL HOURS OF OPERATION - CHICO BRANCH OF THE BUTTE COUNTY LIBRARY - This item was considered at 3:00 p.m.

The City Council considered the City Manager’s recommendation to accept Butte County’s proposal to provide 18 additional hours of operation per week during 2009-10 at the Chico Branch of the Butte County Library for $131,828. The City Manager’s report included a history of the City’s library funding and a copy of the proposal from Butte County. (Report - Dave Burkland, City Manager)

Addressing the Council in support of the funding of the library were John Few, Mary Wahl, Debbie Cobb, Maureen Kirk, Mark Ping, Patrick Kelly, Susan Rauen, Ann Elliott and Meegan Jessee.
A motion was made by Wahl and seconded by Nickell to approve funding for additional hours of operation for the Chico Branch of the Butte County Library at $187,110.

The motion failed by the following vote:

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

A motion was made by Wahl and seconded by Nickell to direct the City Manager to go through each line item in the budget in order to identify an additional $55,000 in funding for the library for approval at the July 7, 2009 meeting.

The motion failed by the following vote:

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

A motion was made by Flynn and seconded by Walker to approve $131,828 in funding for 18 additional hours of operation of the Chico Branch of the Butte County Library as recommended by the City Manager. The friendly amendment from Councilmember Gruendl to direct the City Manager to continue to look for the additional $55,000 was not accepted.

The motion carried by the following vote:

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

The Council recessed at 4:30 p.m. for a 5 minute break. The meeting was reconvened and all members were present.

4.8. CONCLUDE BUDGET REVIEW - To consider Item 4.8., the City Council convened as both the City Council and the Chico Redevelopment Agency.

1. Approve - the following supplemental appropriation:

Year End Supplemental Appropriation (City 08-09 13; Redevelopment Agency 08-09 11)

A motion was made by Gruendl and seconded by Nickell to approve the following item:

1. Year End Supplemental Appropriation (City 08-09 13; Redevelopment Agency 08-09 11)

The motion carried by the following vote:

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

2. Adopt - the following resolutions:


RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2009-10 PROPOSED BUDGET FOR THE CHICO REDEVELOPMENT AGENCY - Agency Action
A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:


The motion carried by the following vote:

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

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution

RDA 05-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2009-10 PROPOSED BUDGET FOR THE CHICO REDEVELOPMENT AGENCY - Agency Action

The motion carried by the following vote:

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

4.9. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None

5. BUSINESS FROM THE FLOOR

Cynthia Van Auken addressed the Council regarding the City of Sacramento's budget where layoffs were slated for police officers and there were 211 open but funded positions.

6. ADJOURNMENT - Adjourned at 4:55 p.m. to July 7, 2009 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.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 7, 2009
Minutes

1.1. CLOSED SESSION - 6:00 p.m.

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

1.3. Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street

1.4. Flag Salute

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

1.6. Roll Call

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

1.7. Closed Session Announcement - None

2. CONSENT AGENDA

A motion was made by Nickell and seconded by Walker to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

2.1. ADOPTION OF SEWER IN LIEU RESOLUTIONS - 812 ALYNN WAY, 1607 ARBUTUS AVENUE, 2743 MONTEREY STREET, 525 WEST 12TH AVENUE

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


B. RESOLUTION NO. 40-09 - 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 - 1607 ARBUTUS AVENUE / ASSESSOR’S PARCEL NO. 003-421-008 (petition from property owner Suzanne Hermansen)

C. RESOLUTION NO. 41-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2743 MONTEREY STREET / ASSESSOR’S PARCEL NO.
D. **RESOLUTION NO. 42-09 - 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 - 525 WEST 12TH AVENUE / ASSESSOR’S PARCEL NO. 043-790-080** (petition from property owner Ruth E. Gardner)

2.2. **ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION AND ADOPTION OF A RESOLUTION AUTHORIZING A LOAN FOR $734,602 IN HOME FUNDS TO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED AT THE CORNER OF CACTUS AND EAST AVENUES**

Accepted - the Finance Committee recommendation from its meeting of 6/23/09 adopted - a resolution which authorized the City Manager to enter into a loan agreement with CHIP in the amount of $734,602 in federal HOME funds to develop six homes affordable to low income first-time home buyers. On 9/16/08, City Council approved Minute Order No. 11-08 authorizing a reservation of $734,602 in HOME Community Housing Development Organization funds for CHIP. The Finance Committee recommended (3-0) adoption of the resolution.

RESOLUTION NO. 43-09 - A RESOLUTION OF THE CITY OF CHICO AUTHORIZING EXECUTION OF A LOAN FOR $734,602 TO COMMUNITY HOUSING IMPROVEMENT PROGRAM FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CACTUS AVENUE AND EAST AVENUE

2.3. **APPROVAL OF AWARD OF BIDS FOR LEGAL AND DISPLAY PUBLICATIONS FOR THE 2009-10 FISCAL YEAR**

Approved - the award of bids for Legal and Display Publications for the 2009-10 fiscal year. It is noted that in the year 2000 it was determined that the Chico Enterprise-Record is currently the only newspaper in the City that meets the criteria set forth in Government Code Section 6008 as a "newspaper of general circulation," and is, therefore, the only newspaper qualified to bid for the City's Legal Publications pursuant to the City’s Charter. The City Clerk recommended: (1) that the bid for Legal Publications be awarded to the Chico Enterprise-Record; and (2) that the bid for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review.

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

Approved - minutes of the City Council meetings held on 5/19/09 and 6/02/09.

**ITEMS REMOVED FROM CONSENT** - None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICT NOS. 7, 8, AND 9**

In 1988 the City of Chico and the California Department of Transportation (CalTrans) entered into an agreement whereby the City agreed to install and maintain certain
public improvements along State-owned property through the City for a period of twenty years, after which CalTrans would assume maintenance responsibilities. Maintenance Districts 7, 8 and 9 have fulfilled their 20-year responsibilities and qualify for CalTrans takeover. CalTrans assumed maintenance of the three districts in March 2009, so the need for them no longer exists. At its meeting of 6/02/09, Council approved the three resolutions of intention to dissolve the districts and set the public hearing for this meeting. At the conclusion of the public hearing the Council approved the dissolutions. (Report - Fritz McKinley, Building and Development Services Director)

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

A motion was made by Nickell and seconded by Gruendl to adopt the following resolutions:

RESOLUTION NO 44-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NUMBER 7 - CROSSROADS SHOPPING CENTER


The motion carried by the following vote:

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

NOES: None

3.2. HEARING TO CONSIDER THE FINAL ANNUAL ENGINEER’S REPORT AND THE LEVY AND COLLECTION OF THE 2009-10 ASSESSMENTS FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05

On 6/02/09, the City Council adopted resolutions approving the preliminary Annual Engineer’s Report (Report) and declaring its intention to levy and collect the annual assessments for the Baroni Neighborhood Park and Open Space Landscape and Lighting District No. LLD 001-05 for the 2009-10 fiscal year. The Council also scheduled a public hearing to consider approval of the final Report and the proposed levy for this meeting. (Report - Dennis Beardsley, General Services Director)

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

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

A motion was made by Flynn and seconded by Nickell to adopt the following resolution:
RESOLUTION NO. 47-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE FINAL ANNUAL ENGINEER'S REPORT, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 FOR FISCAL YEAR 2009-10

The motion carried by the following vote:

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

3.3. HEARING AND INTRODUCTORY READING OF AN ORDINANCE AMENDING THE MERIAM PARK DEVELOPMENT AGREEMENT (CITY OF CHICO/MERIAM PARK, LLC)

Hearing on a proposal to amend the Development Agreement (DA 05-02) between the City of Chico and Meriam Park, LLC. The proposed amendments pertain to the phasing of certain public improvements identified in the Agreement as being associated with specific stages of development in the Meriam Park project, would result in no physical changes in the environment, and are within the scope of the certified Final Environmental Impact Report for Meriam Park. The Meriam Park project site is an approximately 271-acre infill site in southeast Chico located north of East 20th Street, south of State Highway 32, west of Bruce Road, and east of Bedford Drive (APNs various). (Report - Mike Sawley, Associate Planner)

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

A motion was made by Flynn and seconded by Nickell to introduce the following ordinance by reading of its title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MERIAM PARK, LLC., AFFECTING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE, AP Nos. Various (DA 05-02); (CITY OF CHICO/MERIAM PARK, LLC) - Introductory Reading

The motion carried by the following vote:

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

The City Council adjourned to the Redevelopment Agency

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — July 7, 2009 Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER

1.1. Roll Call

Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab
Absent: None
2. CONSENT AGENDA - Item 2.1 was removed from the Consent Agenda for further discussion and clarification at the request of Boardmember Holcombe.

2.1. ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE CHICO REDEVELOPMENT AGENCY (AGENCY) TO ENTER INTO A LOW AND MODERATE INCOME HOUSING FUND (LMIHF) LOAN AGREEMENT TO DEVELOP TWO HOMES FOR FIRST-TIME HOME BUYERS AT 1901 MAGNOLIA AVENUE

Accepted - the recommendation of the Finance Committee from its meeting of 5/26/09 and adopted - a resolution which allocated $150,000 from the Agency’s LMIHF to develop two homes for moderate income first-time home buyers at 1901 Magnolia Street. The project offers the opportunity to develop a model of affordable infill development in an older neighborhood in need of housing stock improvement. The Finance Committee recommended (2-0-1, Wahl disqualified) adoption of the resolution.

RDA RESOLUTION NO. 06-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING EXECUTION OF A LOAN FOR $150,000 TO ROBERT A. SCARDINA, KATHRYN L. PLOTTEL AND ZACHARY M. PLOTTEL FOR THE DEVELOPMENT OF A MODERATE INCOME HOME OWNERSHIP PROJECT LOCATED AT 1901 MAGNOLIA AVENUE

Boardmember Holcombe removed this item from the RDA Consent Agenda for clarification on how the number of parking spaces are determined and what the Chico Municipal Code (CMC) requirements are for offstreet parking for these units as well as requirements pertaining to alley improvements.

Sterling Ives addressed the Agency in opposition to this item due to the budget constraints the City is currently facing. Staff indicated that the funds being used for this purchase are earmarked for these types of projects and cannot be used for any other use.

A motion was made by Holcombe and seconded by Nickell to adopt
RDA RESOLUTION NO. 06-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING EXECUTION OF A LOAN FOR $150,000 TO ROBERT A. SCARDINA, KATHRYN L. PLOTTEL AND ZACHARY M. PLOTTEL FOR THE DEVELOPMENT OF A MODERATE INCOME HOME OWNERSHIP PROJECT LOCATED AT 1901 MAGNOLIA AVENUE

The motion carried by the following vote:

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

ITEMS REMOVED FROM CONSENT - Item 2.1.

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CHICO REDEVELOPMENT AGENCY (AGENCY) TO ENTER INTO A LOW AND MODERATE INCOME HOUSING FUND (LMIHF) BRIDGE LOAN AGREEMENT WITH CATALYST DOMESTIC VIOLENCE SERVICES (CATALYST)
Consideration of a resolution which allocated $500,000 from the Agency's LMIHF for a bridge loan to Catalyst to facilitate on-going construction of their new shelter and transitional housing facility. The Agency bridge loan will be repaid from the State Emergency Housing Assistance Program loan that Catalyst has secured. (Report - Sherry Morgado, Housing and Neighborhood Services Director)

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:

RDA RESOLUTION NO. 07-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A BRIDGE LOAN IN THE AMOUNT OF $500,000 FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO CATALYST DOMESTIC VIOLENCE SERVICES FOR DEVELOPMENT OF A TRANSITIONAL HOUSING FACILITY AT 1321 IVY STREET, CHICO, CALIFORNIA

The motion carried by the following vote:

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

4.2. CONSIDERATION OF A RESOLUTION AUTHORIZING A COMMITMENT OF $700,000 IN LOW AND MODERATE INCOME HOUSING FUNDS (LMIHF) TOWARD ACQUISITION AND CONVEYANCE OF FORECLOSED HOMES TO LOW AND MODERATE INCOME HOME BUYERS TO BE SUBMITTED WITH COMMUNITY HOUSING IMPROVEMENT PROGRAM'S (CHIP) APPLICATION FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS

Consideration of a resolution to commit $700,000 of LMIHF toward acquisition and conveyance of foreclosed homes to low and moderate income home buyers, as part of CHIP's application for Neighborhood Stabilization Funds (NSP). Administered by the U.S. Department of Housing and Urban Development, the purpose of NSP is to reduce the negative impacts of foreclosed homes on communities. CHIP plans to apply for $1.6 million in NSP funds to be spent within Census Tract 1.01 in the City of Chico, which has a high foreclosure rate relative to other census tracts.

CHIP requested a commitment of $700,000 in Agency funds to improve application competitiveness and assist more households. If CHIP receives an allocation of NSP funds, they will be used to acquire foreclosed homes and make necessary repairs for resale to low and moderate income households. Chico Redevelopment Agency funds will provide deferred payment loans to about 20 of these households. (Report - Sherry Morgado, Housing and Neighborhood Services Director)

Dave Ferrier addressed the Agency questions.

Board Member Gruendl asked that CHIP provide the Agency with information on this process which he believes could be useful in the General Plan process.

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

RDA RESOLUTION NO. 08-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO COMMIT $700,000 IN LOW AND MODERATE INCOME HOUSING FUNDS TOWARD ACQUISITION AND CONVEYANCE OF FORECLOSED HOMES TO LOW AND MODERATE INCOME HOME BUYERS TO BE SUBMITTED WITH COMMUNITY HOUSING IMPROVEMENT PROGRAM'S APPLICATION FOR NEIGHBORHOOD STABILIZATION PROGRAM
FUNDS

The motion carried by the following vote:

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

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. ADJOURNMENT - Adjourned back to the 7/07/09 City Council meeting.

4.1. BUDGET REVIEW - FINAL BUDGET ADOPTION - To consider Item 4.1., the City Council convened as both the City Council and the Chico Redevelopment Agency

The City Council/Chico Redevelopment Agency was presented with the City Manager/Executive Director’s Final Budget Message, including a discussion regarding budget contingency planning, and an overview of recommended budget adjustments to the 2009-10 Proposed Budgets. (Report - Jennifer Hennessy, Finance Director and Dave Burkland, City Manager)

The City Manager/Executive Director recommended adoption of the resolutions for the City of Chico 2009-10 Final Budget and the Chico Redevelopment Agency 2009-10 Final Budget. Budget adjustments adopted by the budget resolutions will be incorporated into the Final Budgets.

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

Addressing the Council on the budget were Gerald Davis, Ann Elliott, Mary Wahl, Bob Kromer, Mark Ping, Andrew Urbanowicz, Lisi Urbanowicz, Anna Guiles, Marian Milling, Joan Olmstead, Debbie Cobb, Cyndi Ledet, Carolyn Dusenbury, Nancy Leek, Laurie Hutchinson, Muhammad Khaki, Juanita Sumner, and Bob Best.

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


A substitute motion was made by Wahl and seconded by Nickell to fund the library at the higher level of $181,110.

The Council recessed at 9:00 p.m. for a five minute break. The meeting reconvened and all members were present.

The substitute motion was then voted on. It failed by a 3-4 vote, with Flynn, Holcombe, Walker and Schwab voting against.

A substitute motion was made by Gruendl and seconded by Wahl to direct staff to look for the additional $55K needed to increase the library hours. The motion failed due to a 3 - 4 vote, with Flynn, Holcombe, Walker, and Schwab voting against.

The motion carried by the following vote:

AYES: Nickell, Schwab, Walker, Flynn, Gruendl, Holcombe
A motion was made by Flynn and seconded by Holcombe to adopt the following resolution:

RDA RESOLUTION NO. 09-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2009-10 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY - Agency Action - with it noted that Boardmember Wahl was disqualified on the community organization allocation pertaining to the Salvation Army and was continuing to vote against the approval and funding for the Bidwell Park Apartments.

The motion carried by the following vote:

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

4.2. CONSIDERATION AND CLARIFICATION OF THE AIRPORT COMMISSION’S AUTHORITY AND REVIEW AND APPROVAL OF THE 2009-2010 AIRPORT COMMISSION WORKPLAN

At the request of Council at its meeting of 5/05/09, Council considered the City Attorney's legal opinion regarding the Charter and how it pertains to and governs the actions of the Airport Commission, provided direction to the Commission on its roles and responsibilities and considered the 2009/2010 Work Plan for approval. (Report - Dave Burkland, City Manager & Airport Manager and Lori Barker, City Attorney)

Airport Commission Chair Sanderson presented an overview of the proposed 2009/2010 work plan and City Manager Burkland addressed Council and Commission comments.

A motion was made by Walker and seconded by Flynn to approve the following items:

1. Confirmation of the Airport Commission’s authority pursuant to the Charter requirements and based on the legal opinion prepared by the City Attorney; and Council reiterated that the Airport Commission does not have the ability to set policy but instead implements and makes decisions based on Council policy and direction.

2. Provided direction to the Airport Commission regarding its roles and responsibilities including the Commission’s ability to set policy, appropriate level of involvement of commissioners in the normal operations of the airport, protocol of meetings where public comment is excluded, and appropriateness of Commissioner Comments section on the agenda that does not follow the standard agenda structure as required in AP&P 10-1 and 10-10; and

3. Approved the 2009/2010 Airport Commission Work Plan as recommended by staff, with the friendly amendment request of Councilmember Wahl to add back in the item pertaining to the runway extension not accepted, and that the Commission is to add an item to their Work Plan that would include additional training for the conduct and efficiencies of their meetings such as was included in both the Planning Commission and Architectural Review Board Work Plans.

The motion carried by the following vote:

AYES: Nickell, Schwab, Walker, Flynn, Gruendl, Wahl, Holcombe
NOES: None
4.3. **FUTURE MEETINGS**

The Council confirmed (7-0) the cancellation of its August 18, 2009 City Council meeting.

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

5. **BUSINESS FROM THE FLOOR:**

Richard Unruh addressed his concerns regarding bicycles being ridden on the sidewalks which he knew was against the law. He urged Council to do something about this situation. City Clerk Presson indicated for the record, that the Internal Affairs Committee is currently working on this item in conjunction with other downtown issues.

1. **CALL TO ORDER**

6. **REPORTS AND COMMUNICATIONS**

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

6.1. **Letter dated 6/26/09 from Terry Moore, President, Chico Police Officers’ Association, opposing the open recruitment process for the Chief of Police position.**

   Date Approved: 7/21/09 - DRP

   Deborah R. Presson, City Clerk
1. CALL TO ORDER - Mayor Schwab called the July 7, 2009 - Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present: City Manager Burkland

2. CLOSED SESSION MATTERS

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

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

ADJOURNMENT  Adjourned at 11:16 a.m. to July 21, 2009 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:  7/21/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 21, 2009
Minutes

1.1. CLOSED SESSION - 6:00 p.m.

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

1.3. Call to Order - Mayor Schwab called the July 21, 2009 - Adjourned Regular Chico City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Invocation — Pastor Jim Peck, Congregational Church of Chico, United Church of Christ

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Presentation - Waste Management recognizes "Recycle Rewards" winners

1.9. Presentation - ChiVAA Art Map

2. CONSENT AGENDA

A motion was made by Nickell and seconded by Holcombe to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2399 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MERIAM PARK, LLC., AFFECTING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE; AP Nos. Various (DA.05-02); (CITY OF CHICO/MERIAM PARK, LLC) - Final Reading and Adoption

Adopted - an ordinance amending the Development Agreement between the City of Chico and Meriam Park, LLC. This ordinance was introduced by the Council at its meeting of 7/07/09. The proposed amendment results in no physical changes in the environment, and is within the scope of the certified Final Environmental Impact Report for Meriam Park. The Planning Services Director recommended adoption of the ordinance by reading of its title only.

2.2. ADOPTION OF A RESOLUTION APPROVING A SEWER SYSTEM MANAGEMENT PLAN FOR THE CITY OF CHICO AS REQUIRED BY STATE REGULATIONS
Adopted - a resolution approving the City of Chico Sewer System Management Plan. As an operator of a sanitary sewer system that collects and conveys untreated or partially treated wastewater to a publicly owned treatment facility, the City of Chico was required to comply with the terms of the General Sanitary Sewer Order No. 2006-0003-DWQ (General Order). The General Order required that the City: (1) report all Sanitary Sewer Overflows (SSO's) to the State Water Resources Control Board using an online SSO reporting system; and (2) that a Sewer System Management Plan (SSMP) be developed by 8/02/09. The Director of Operations and Maintenance recommended adoption of the resolution.

RESOLUTION NO. 49-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE CITY OF CHICO SEWER SYSTEM MANAGEMENT PLAN

2.3. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY - PARK AVENUE/DR. MARTIN LUTHER KING JR. PARKWAY INTERSECTION MODIFICATION PROJECT

Approved - a minute order authorizing acquisition of right of way in fee needed for the E. Park Avenue/Dr. Martin Luther King Jr. Parkway Intersection Improvement Project from the California Newspapers Partnership according to the negotiated terms set out in the minute order. The Capital Project Services Director recommended approval of the minute order.

MINUTE ORDER NO. 12-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE E. PARK AVENUE/DR. MARTIN LUTHER KING JR. PARKWAY INTERSECTION MODIFICATION PROJECT (CALIFORNIA NEWSPAPERS PARTNERSHIP - ASSESSOR’S PARCEL NO. 005-500-030)

2.4. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDED AND RESTATED AGREEMENT WITH STANSBURY HOME PRESERVATION ASSOCIATION FOR USE AND OCCUPANCY OF STANSBURY HOME PROPERTY

Approved - a minute order authorizing the City Manager to execute an Amended and Restated Agreement with the Stansbury Home Preservation Association for the use and occupancy of the City-owned Stansbury Home property located at the corner of West Fifth Street and Salem Street. The agreement was amended and restated to incorporate the addition of terms of use and occupancy for the Carriage House following its construction. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 13-09 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDED AND RESTATED AGREEMENT WITH STANSBURY HOME PRESERVATION ASSOCIATION FOR USE AND OCCUPANCY OF STANSBURY HOME PROPERTY

2.5. ACCEPTANCE OF COST REPORT FOR THE 2009 WEED ABATEMENT AND LOT CLEARING PROGRAM

Accepted - the cost report for the 2009 Weed Abatement and Lot Clearing program. At its 5/05/09 meeting, the Council adopted Resolution No. 27-09 which required the Housing and Neighborhood Services Department to abate those properties not in
compliance and to keep an account of the work done by the City contractor to submit to the Council for confirmation. After acceptance, the owners of the parcels will be given 30 days to pay for the cost of the abatement. Property owners who do not pay will have a lien placed on their property. The Code Enforcement Supervisor recommended acceptance of the cost report.

2.6. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved - minutes of the City Council meetings held on 6/16/09 and 7/07/09, as amended.

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. A04 - MERIAM PARK SUBDIVISION PHASE 8

Meriam Park Subdivision Phase 8 is an Affordable Housing Development Corporation (AHDC) project. A condition of approval of the final subdivision map requires the owner, Flatfoot LLC, and subsequent owners to provide a means for funding the annual costs of operating and maintaining landscaping within the raised median and the street trees on Notre Dame Boulevard. (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 50-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. A04 - MERIAM PARK SUBDIVISION PHASE 8 DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. A04 - MERIAM PARK SUBDIVISION PHASE 8

The motion carried by the following vote:

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

3.2. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 586 - MERIAM PARK DEVELOPMENT PROJECT

The Development Agreement between the City of Chico and Meriam Park, LLC, includes an obligation of the developer to fund the costs of future replacement and annual operation and maintenance of neighborhood parks, greenway improvements, street trees, bike pathways, bike path bridge crossing, Parks A and B, neighborhood green parks, East 20th Street roundabout, landscape, hardscape, and street trees in
portions of Bruce Road and Notre Dame Boulevard which are of special benefit to the Meriam Park Development Project located between Humboldt and Bruce Road, north of East 20th Street and east of Bedford Drive. (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 51-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO 586 - MERIAM PARK DEVELOPMENT PROJECT

The motion carried by the following vote:

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

The Council recessed for a ten minute break at 7:25 p.m. The meeting was reconvened and all members were present, except for Councilmember Walker who was absent.

4. REGULAR AGENDA

4.1. CONSIDERATION OF AMENDMENT TO THE CITY’S AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN CONCERNING CERTAIN STREET, SIDEWALK, AND PUBLIC PARKING FACILITY ACCESSIBILITY PROJECTS

In March 1996, the City adopted an ADA Transition Plan which provided improved accessibility to City buildings and facilities for disabled persons. At this meeting, the Council considered amending the Plan to add certain street, sidewalk, and public parking facility accessibility projects and set forth a process for implementation. This amendment was recommended by the ADA Transition Plan Committee, a Committee of disabled individuals and community representatives appointed to consider certain accessibility deficiencies identified in a report prepared for the City by Independent Living Services of Northern California. (Report - Fritz McKinley, Building & Development Services Director)

A motion was made by Flynn and seconded by Holcombe to approve the recommended list of projects and their implementation priority as an amendment to the City’s ADA Transition Plan, and authorization to include them in the 2009-10 Capital Projects budget.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE REPORT REGARDING MEDICAL MARIJUANA DISPENSARY ZONING

At its meeting of 5/12/09, the Internal Affairs Committee considered the possible
regulation of the outdoor cultivation of medicinal marijuana, including the allowance of dispensaries within the City limits. This item was referred to the Internal Affairs Committee by the Council at its meeting of 4/07/09 following a citizen request that Council adopt a public nuisance ordinance preventing the outdoor cultivation of marijuana. The Council considered the following recommendations of the Internal Affairs Committee with possible direction to staff regarding amendments to Title 19.
(Report - John Rucker, Assistant City Manager)

Addressing the Council on this item were Paul Harbison, Dmitri Jezierski, Benson, and Yvonne Harbison.

A motion was made by Gruendl and seconded by Wahl to direct that: (1) staff include possible zoning and/or location regulations associated with the outdoor growing of medicinal marijuana on private property and possible dispensaries in the current General Plan update process; (2) the City Attorney look at the development of an ordinance that might address outdoor grows as a public/private nuisance, with staff to report back in 60-days with possible solutions; and (3) staff move forward with the development of an education program regarding outdoor grows.

The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR**

Michael Reilley addressed the Council regarding his concerns over a possible gang-related shooting at One Mile which apparently did not make the news which means that the public is unaware of what occurred.

6. **ADJOURNMENT**

Adjourned at 8:21 p.m. to August 4, 2009 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: 8/04/09 - DRP

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

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Administrative Services Pierce and Capital Project Services Director Varga and Engineering Support Staff

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:

Property Owner: Peter R. Carr and Julie D. Carr, Street Address: 2090 Hooker Oak Avenue, Assessor’s Parcel No. 045-690-040

The City's negotiator was City Manager David Burkland 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).

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Gov. Code §54956.8)

Negotiator: David Burkland, City Manager
Under Negotiation: Price and terms of payment for proposed acquisition
Negotiating Parties: Peter R. Carr and Julie D. Carr and/or designated negotiators

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:

The City Attorney reviewed the following case: Villanueva v. City of Chico, et al., Butte County Superior Court Case No. 141973, 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.

Date Approved: 8/04/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 4, 2009
Minutes

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

1.2. Call to Order - Mayor Schwab called the August 4, 2009 - Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.3. Flag Salute

1.4. Invocation — Pastor David Valleguia, Chico Trinity United Methodist Church

1.5. Roll Call

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

1.6. Closed Session Announcement - None

1.7. Acknowledgment — Retiring City employees Field Supervisor Curtis Menches - 30 years of service, Fire Captain Dave Conway - 21 years of service, Planning Services Director Steve Peterson - 3 years of service


1.9. Proclamation — Proclaiming August 6-9, 2009 as "Hiroshima-Nagasaki Remembrance Days"

2. CONSENT AGENDA

A motion was made by Gruendl and seconded by Walker to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

2.1. ADOPTION OF A RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution authorizing destruction of certain records in accordance with the "Local Government Records Management Guidelines," published by the Secretary of State of California. The Finance Director and City Manager recommended adoption of the resolution.

RESOLUTION NO. 52-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

2.2. ACCEPTANCE OF ANNUAL REPORT ON THE DISPOSITION OF UNCLAIMED
PROPERTY AND BICYCLE DONATIONS FOR FISCAL YEAR 2008-09

Accepted - the annual report for Fiscal Year 2008-09 showing the disposition of all lost, stolen or unclaimed property during the preceding fiscal year as required by Section 3.28.130 of the Chico Municipal Code. The Finance Director recommended acceptance of the report.

2.3. APPROVAL OF THE 2009-10 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET

Approved - the 2009-10 BINTF General Budget as required by the BINTF Memorandum of Understanding between the City and various other law enforcement agencies in Butte County. The Interim Chief of Police recommended approval of the BINTF General Budget.

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 7/21/09. Councilmember Walker abstained from voting on this item.

ITEMS REMOVED FROM CONSENT- None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE REVISED 2009 HOUSING ELEMENT (GENERAL PLAN AMENDMENT 09-01)

At its meeting of 7/02/09, the Planning Commission voted (6-0-1) to recommend Council adoption of the Revised 2009 Housing Element. At a joint Council/Commission meeting on 3/17/09, staff presented the draft 2009 Housing Element, received direction for revisions, and was given authorization to submit the Element to the State Department of Housing and Community Development (HCD) for review and comment. On 5/26/09, HCD notified the City that the Element needed specific revisions in order to fully comply with statutory requirements. Staff coordinated revisions to the Element with HCD and received acknowledgment that the revised Housing Element would comply with State Law upon adoption by the City and final review by HCD. At its 7/02/09 meeting, the Commission made minor revisions to the Revised 2009 Housing Element as part of its recommendation to Council.

Pursuant to the California Environmental Quality Act, an Initial Study was prepared for the draft Housing Element, which concluded that the proposed project could not have a significant effect on the environment and that a Negative Declaration should be prepared. (Report - Brendan Vieg, Principal Planner and James Coles, Housing Manager)

Mayor Schwab opened the hearing to the public. Addressing the Council were Emily Fisher, Debbie Villasenor, Robert Preston and Evelyn Smith.

A motion was made by Holcombe and seconded by Walker to adopt (1) a Negative Declaration pursuant to the California Environmental Quality Act which concludes that this action has no significant effect on the environment; and (2) the Revised 2009 Housing Element which shall supersede and replace the existing Housing Element of the Chico General Plan, as amended to reflect the deletion of any reference of "ghettos" on page 46.
RESOLUTION NO. 53-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT NO. 09-01 (REVISED 2009 HOUSING ELEMENT) - as amended

The motion carried by the following vote:

AYES: Schwab, Walker, Flynn, Gruendl, Holcombe

NOES: Wahl

ABSENT: Nickell

It was noted for the record that Councilmember Wahl requested a friendly amendment regarding page 54 which outlines possible incentives for the development of affordable housing. Councilmember Wahl requested that such incentives be offered for all housing development not just affordable housing. The amendment was not accepted by Councilmember Holcombe.

4. REGULAR AGENDA

4.1. DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 2009

The League of California Cities requested that the Council designate a voting representative and up to two alternates who will be registered at the League Annual Conference and present at the annual business meeting on Friday afternoon, 9/18/09. The conference will be held 9/16/09 through 9/18/09 in San Jose. The Administrative Services Director will be attending in her capacity as a member of the League’s Revenue and Taxation Policy Committee and could be an alternate.

The Council voted 6-0-1, with Nickell absent to designate Councilmember Holcombe as the voting delegate, with Councilmember Flynn and Administrative Services Director Pierce designated as alternates.

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

5. BUSINESS FROM THE FLOOR - None

6. ADJOURNMENT - Adjourned at 8:07 p.m. to September 1, 2009 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.

August 4, 2009 Page 3 of 3
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 1, 2009
Minutes

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

1.2. Call to Order - Mayor Schwab called the September 1, 2009 Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.3. Flag Salute

1.4. Invocation — Reverend Duchess Dale, Chico New Thought Center for Spiritual Living

1.5. Roll Call

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

1.6. Presentation - Certificate of Appreciation for Connie Wallick, retiring Engineering Administrative Manager for 20 years of City service

1.7. Recognition - 2009-10 Blue Seal of Excellence Award presented to the City’s Central Garage

1.8. Proclamation - Welcoming California State University, Chico 2009-10 academic year students

2. CONSENT AGENDA - Item 2.3. was removed from the Consent Agenda for further discussion.

A motion was made by Walker and seconded by Nickell to approve the Consent Agenda, as read, with Item 2.3. removed for further discussion.

The motion carried by the following vote:

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

2.1. ADOPTION OF A RESOLUTION OF INTENT TO DISSOLVE CHICO MAINTENANCE DISTRICT (CMD) NO. 87 - ENLOE PARCEL MAP

Adopted - a resolution of intent to dissolve CMD No. 87, which was originally formed by Council resolution on 5/18/99. Most of the improvements specific to this district were never constructed, no assessments were ever levied, and Enloe has since sold the property. The current owners recently formed a new maintenance district for the property, CMD 586 - Meriam Park, which was adopted by Council resolution on 7/21/08. Council adoption of the resolution will schedule a public hearing for 9/15/09. The Building & Development Services Director recommended adoption of the resolution and the scheduling of a public hearing.

RESOLUTION NO. 54-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.81 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 87 - (ENLOE PARCEL MAP)
2.2. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE MANZANITA AVENUE CORRIDOR RECONSTRUCTION PROJECT

Approved - a minute order authorizing the City Manager to execute an agreement with Peter and Julie Carr for the acquisition of a 310 square foot right of way easement located at the intersection of Hooker Oak Avenue and Manzanita Avenue which was needed for the Manzanita Avenue Corridor Reconstruction Project. The Capital Project Services Director recommended approval of the minute order.

MINUTE ORDER NO. 14-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE MANZANITA AVENUE CORRIDOR RECONSTRUCTION PROJECT (PETER AND JULIE CARR - ASSESSOR'S PARCEL NO. 045-690-040)

The City Council acted in its capacity as both the City Council and the Chico Redevelopment Agency for consideration of Item 2.3.

2.3. APPROVAL OF MINUTE ORDERS AUTHORIZING AN AMENDMENT TO THE FOGARTY SETTLEMENT AGREEMENT TO CHANGE THE TRUST ACCOUNT REIMBURSEMENT DATE AND THE BANK TO UNION BANK OF CALIFORNIA, N.A.

Approved - minute orders amending the Fogarty Settlement Agreement to change the trust account reimbursement date to 9/01/09, and to correct the name of the bank holding the trust account. The City/Agency will realize a positive fiscal impact with approval of these minute orders. The Assistant City Attorney/Assistant Agency Counsel and Finance Director/Treasurer recommended approval of the minute orders.

Councilmember Holcombe removed this item from the Consent Agenda for further clarification.

A motion was made by Holcombe and seconded by Gruendl to approve the following minute orders, as amended to reflect the moving up of the ending date for the funds to be used or released back to the Agency.

MINUTE ORDER NO. 15-09 - AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE FOGARTY SETTLEMENT AGREEMENT TO CHANGE THE TRUST ACCOUNT REIMBURSEMENT DATE TO SEPTEMBER 1, 2009, AND THE BANK TO UNION BANK OF CALIFORNIA, N.A. - City Council Action

MINUTE ORDER NO. 01-09 - AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO THE FOGARTY SETTLEMENT AGREEMENT TO CHANGE THE TRUST ACCOUNT REIMBURSEMENT DATE TO SEPTEMBER 1, 2009, AND THE BANK TO UNION BANK OF CALIFORNIA, N.A. - Agency Action

The motion carried by the following vote:

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

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETING
ITEMS REMOVED FROM CONSENT - Item 2.3.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDING FOR 2009-10

The State of California has appropriated funds for the Citizens Option for Public Safety (COPS) program for the 13th consecutive year. The State Legislature approved continued funding for this program for the 2009-10 fiscal year and this hearing was required by State law prior to receiving COPS grant funds. Funds to cover the cost for one police officer position were included in the City of Chico 2009-10 Final Budget, subject to this hearing. (Report - Mike Maloney, Interim Chief of Police)

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

A motion was made by Nickell and seconded by Holcombe to approve the proposed use of the COPS program grant funds for the 2009-10 fiscal year.

The motion carried by the following vote:

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

3.2. HEARING ON APPEAL OF THE ARCHITECTURAL REVIEW BOARD'S CONDITIONAL APPROVAL OF AR 09-05 (BUTTE COUNTY VECTOR CONTROL DISTRICT) LOCATED AT 444 OTTIERSON DRIVE

An appeal of the Architectural Review Board's conditional approval of the design and site plan of a 10,000 square foot structure located at the terminus of Otterson Drive. A timely appeal was filed by Sheldon Praiser and John Merz. The primary appeal issues concern: additional environmental review, handling of pesticides, site landscaping and amenities. The property was identified as Assessor's Parcel No. 039-620-026, was designated Manufacturing and Warehousing on the City of Chico General Plan diagram, and was located in the ML Light Manufacturing zoning district. (Report - Jake Morley, Assistant Planner)

Announcement of Ex-Parte Communications:

Councilmember Holcombe - Emily Alma, Michael Pike, Chris Nelson, Sheldon Praiser, John Merz

Councilmember Wahl - Bill Brouhard

Councilmember Walker - Bill Brouhard, David Kim

Vice Mayor Nickell - Bill Brouhard
Addressing the Council in support of upholding the appeal, thereby overturning the ARB’s conditional approval of the design and site plan of a 10,000 square foot structure located at the terminus of Otterson Drive were Alan Gair, Chris Nelson, Michael Pike, Karen Laslo, Amy Miller, John Merz, Emily Alma, and Sheldon Praisner.

Speaking in favor of denying the appeal were Les Heringer, Steve Honeycott, Josh Muscetta, Matt Gallaway, Jolene Francis and Bill Brouhard.

The City Council recessed at 8:35 p.m. for a ten minute break. The meeting reconvened and all members were present, with Councilmember Flynn absent.

A motion was made by Wahl and seconded by Nickell to adopt the resolution, thereby upholding the ARB’s approval of Architectural Review 09-05 (Butte County Vector Control District) to allow the construction of a 10,000 square foot building and associated improvements.

The motion failed by the following vote:

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

A motion was made by Holcombe and seconded by Gruendl to uphold the appeal, thereby overturning the ARB’s approval of the Architectural Review 09-05 (Butte County Vector Control District) to allow the construction of a 10,000 square foot building and associated improvements and directed staff to conduct an initial study and when completed, bring it back to Council for action.

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

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

5. **BUSINESS FROM THE FLOOR**

Mike Trolinder addressed the Council regarding the number of pharmacies in the City of Chico and suggested the City have a more consistent process for projects being sent to the Architectural Review Board for review. He questioned the criteria used for a project such as Vector Control but not Walmart.

Michael Pike addressed the Council asking if there was an appeal process for decisions related to RDA allocations which did not appear to fit the criteria of "removing blight" such as the Vector Control project. Staff provided information regarding the agreement that was approved by a prior Council regarding the RDA merger and the allocation of funds to be used for this specific use.

Paul O’Rourke-Babb addressed the Council regarding the need for an environmental impact report for the prior Item 3.2., pertaining to Vector Control.
6.1. **Letter dated 8/04/09 from Jim Mikles requesting review of the policy that requires a City parking permit sticker to be assigned and affixed to a single vehicle. The Finance Director's response to Mr. Mikles was also provided.**

Council concurred 6-0-1, with Councilmember Flynn absent, to refer this matter to the Finance Committee for consideration. It was also requested by Council that the Committee look at the fee schedule pertaining to this issue to see if it needs to be adjusted.

6.2. **Letter dated 8/10/09 from Karen Zinniel requesting a date a time to make a presentation to the City Council on the results of the public survey conducted by the "Concerned Citizens of Chico."**

Karen Zinniel addressed the Council on this item.

A motion was made by Councilmember Wahl and seconded by Councilmember Nickell to agendize this item at the 10/06/09 meeting with item to be heard at the beginning of the meeting and that Ms. Zinniel be given 20 minutes for her formal presentation. The motion failed by a 2-4-1 vote, with Councilmembers Gruendl, Holcombe, Walker, and Mayor Schwab voting against and Councilmember Flynn noted as absent.

Council concurred 6-0-1, to defer the decision regarding agendizing this item to the Mayor and City Manager which is the current procedure for the management of meeting agendas. They will determine the meeting date, placement on the agenda and amount of time allotted in order to ensure an adequate amount of time for discussion.

7. **ADJOURNMENT**

Adjourned at 9:55 p.m., to September 15, 2009 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: 9/15/09 - DRP

[Signature]

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

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

1.3. **Call to Order - Mayor Schwab called the September 15, 2009 - Adjourned Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.**

1.4. **Flag Salute**

1.5. **Invocation — Dr. Ben Silva-Netto, United Methodist Church**

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

1.7. **Closed Session Announcement - None**

1.8. **Moment of Silence for Dr. John B. Copeland, M.D., former Bidwell Park and Playground Commissioner and Park Watch member who passed away on August 25, 2009**

1.9. **Proclamation — Proclaiming September as a month to commemorate the end of World War II**

1.10. **Presentation — Certificate of Appreciation to Everett Cordeiro for 14 years (3200 hours) of service as a Volunteer in Police Service (VIP) - This item was continued to a future meeting.**

2. **CONSENT AGENDA - Item 2.4. was removed from the Consent Agenda for further discussion.**

   A motion was made by Flynn and seconded by Gruendl to approve the Consent Agenda, as read, with Item 2.4. removed for further clarification.

   The motion carried by the following vote:

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

2.1. **ADOPTION OF A RESOLUTION AMENDING CHICO MUNICIPAL CODE (CMC) 18R.12 STANDARD PLANS**

   Adopted - a resolution amending the CMC’s standard designs in order to comply with EPA requirements. An element of the City’s Storm Water Management Program required that the City mark all storm drain inlets to notify the public that the inlet drains to a local waterway. This resolution amends CMC §18R.12 by adding Standard Plan No. S-8 to the section, modifying Standard Plan No. 7-A, and replacing Plan No. S-7 in its entirety in CMC §18R.12.020. The Building & Development Services Director recommended adoption of the resolution.
RESOLUTION NO. 55-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING STANDARD PLANS ADOPTED BY CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS"

2.2. ADOPTION OF A RESOLUTION OF INTENT TO DISSOLVE CHICO MAINTENANCE DISTRICT (CMD) NO. 63 - FLEUR DE PARC

Adopted - a resolution of intent to dissolve CMD No. 63, which was formed by Council Resolution No. 33 97-98 on 10/07/97 to provide for the ongoing maintenance of public improvements specific to the subdivision. Since then, the property owners have assumed full responsibility for the maintenance of the improvements, making CMD No. 63 no longer necessary. Council adoption of the resolution schedules a public hearing for 10/06/09. The Building & Development Services Director recommended adoption of the resolution and the scheduling of a public hearing.

RESOLUTION NO. 56-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.81 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 63 (FLEUR DE PARC SUBDIVISION)

2.3. ADOPTION OF A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS

Adopted - a resolution authorizing the destruction of records in the Human Resources/Risk Management Office pursuant to Government Code Section 34090. The Human Resources/Risk Management Director recommended adoption of the resolution.

RESOLUTION NO. 57-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

2.4. CONFIRMATION OF APPOINTMENT OF CHIEF OF POLICE - This item was removed from the Consent Agenda for further discussion.

Confirmed - appointment of Mike Maloney as Chief of Police effective 9/13/09. The City Manager recommended confirmation of the appointment. At the request of Mayor Schwab, this item was removed from the Consent Agenda for further discussion.

A motion was made by Schwab and seconded by Wahl to approve the confirmation of appointment of Mike Maloney as Chief of Police effective 9/13/09.

The motion carried by the following vote:

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

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 9/01/09.

ITEMS REMOVED FROM CONSENT - Item 2.4. was removed for further discussion.
3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICT (CMD) NO. 87

In 1999, Council adopted a resolution ordering the formation of CMD No. 87 for the Enloe property bounded by E. 20th Street, Bruce Road, and Notre Dame Blvd. The public improvements were never constructed and Enloe sold the property, so the need for the district no longer exists. At its meeting of 9/01/09, Council approved a resolution of intention to dissolve the district and set the public hearing for this meeting. (Report - Fritz McKinley, Building and Development Services Director)

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

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

RESOLUTION NO. 58-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NUMBER 87 - ENLOE PARCEL MAP

The motion carried by the following vote:

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

3.2. HEARING ON THE 2008-2009 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM

In order for the City to meet its entitlement community commitments which allow for the receipt of federal funding for the CDBG and HOME program, the U.S. Department of Housing and Urban Development (HUD) required that a CAPER report regarding the use of such funds be prepared at the conclusion of each program year, made available for public comment during a 15-day period, and that the City hold a public hearing on this report at the conclusion of the public comment period. (Report - Sherry Morgado, Housing & Neighborhood Services Director)

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

A motion was made by Holcombe and seconded by Flynn to authorize staff to submit the CAPER report to HUD.

The motion carried by the following vote:

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

3.3. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S: (1) DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR); (2) DECISION NOT TO ADOPT A STATEMENT OF OVERTANDING CONSIDERATIONS; AND (3) DENIAL OF PARCEL MAP (PM 03-17) AND SITE PLAN AND ARCHITECTURAL REVIEW (AR 07-29) TO RECONFIGURE TWO PARCELS AND ALLOW AN APPROXIMATE 82,500 SQUARE FOOT EXPANSION OF THE EXISTING 125,889 SQUARE FOOT WALMART STORE AT 2044

September 15, 2009
FOREST AVENUE

At its meeting of 8/20/09, the Planning Commission adopted Resolution No. 09-11 which denied: certification of the EIR; adoption of a statement of Overriding Considerations; and Tentative Parcel Map 03-17 and Architectural Review 07-26. A timely appeal was filed by Walmart Stores, Inc. on 8/31/09. (Report - Zach Thomas, Senior Planner)

Ex Parte Communication:

Councilmember Gruendl - Heather Schlaff, Jon Luvaas

Councilmember Flynn - Heather Schlaff, Angela Stoner & Collegues from Walmart

Councilmember Walker - Heather Schlaff, Bob Linscheid, Chuck Nelson, Jim Owens, Steve Bertagna, John Luvaas, Angela Stoner, Marko Mliktin, David Little, Evan Tuchinsky, Tom Gascoyne, Tom Lando, Budd Schwab, Mike Peavey, Julia Sabin, Jolene Francis

Vice Mayor Nickell - Angela Stoner, Tiffany Wahl, Marko Mliktin, Heather Schlaff, John P. Shannon, Mike Gentry, Jon Luvaas, Julia Sabin, Tom Fairbairn, Safeway Managers - Nord, Mangrove and East Avenue locations, Grocery Outlet Manager, Raley’s Managers - East Avenue and Notre Dame, Food Maxx Manager, Save Mart Manager, Winco Manager, Steve O’Bryan

Councilmember Wahl - Marko Mliktin, Angela Stoner, Bob Linschied

Councilmember Holcombe - Heather Schlaff, Jon Luvaas, Courtney Nelson, Ron Sherman, Tiffany Wahl, Marko Mliktin, Angela Stoner and Collegues from Walmart

Mayor Schwab - Heather Schlaff, Jon Luvaas, Chris Nowman, Julia Sabin, Budd Schwab

Following questions posed to staff, a motion was made by Councilmember Nickell and seconded by Councilmember Walker to continue this item to an Adjourned Regular City Council meeting beginning at 6:30 p.m. Tuesday, September 22, 2009.

The motion carried by 7-0.

Mayor Schwab noted for the record that the public hearing portion would be held on the above mentioned date and only those citizens who have submitted speaker cards at this meeting will be allowed to address the Council on September 22nd.

4. REGULAR AGENDA

4.1. FISCAL YEAR 2008-09 4TH QUARTER FINANCIAL UPDATE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02 - This item was continued to a future meeting.

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

5. BUSINESS FROM THE FLOOR

Michael Reilley voiced his concerns regarding the removal of additional 10-hour meters in the downtown area around the University. He stated that with the removal of these meters without requiring reimbursement for the loss of revenue, it appears the City is continuing to subsidize the University.
6. **ADJOURNMENT**

   Adjourned at 10:24 p.m. to September 22, 2009 for an Adjourned Regular meeting in the Council Chamber at 6:30 p.m.

Date Approved:  10/06/09 - DRP

Deborah R. Presson, City Clerk
1. CALL TO ORDER - Mayor Schwab called the September 15, 2009 - Adjourned Regular Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland and City Attorney Barker

2. CLOSED SESSION MATTERS

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

3. ADJOURNMENT - Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

Date Approved: 10/06/09 - DRP

Deborah R. Presson, City Clerk
CALL TO ORDER - Mayor Schwab called the September 22, 2009 - Adjourned Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.1 Flag Salute

1.2 Roll Call

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

3. NOTICED PUBLIC HEARINGS

   The following item was continued from the meeting of 9/15/09.

3.3 CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S: (1) DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR); (2) DECISION NOT TO ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) DENIAL OF PARCEL MAP (PM 03-17) AND SITE PLAN AND ARCHITECTURAL REVIEW (AR 07-26) TO RECONFIGURE TWO PARCELS AND ALLOW AN APPROXIMATE 82,500 SQUARE FOOT EXPANSION OF THE EXISTING 125,889 SQUARE FOOT WALMART STORE AT 2044 FOREST AVENUE

At its meeting of 8/20/09, the Planning Commission adopted Resolution No. 09-11 which denied certification of the EIR; adoption of a statement of Overriding Considerations; and Tentative Parcel Map 03-17 and Architectural Review 07-26. A timely appeal was filed by Walmart Stores, Inc. on 8/31/09. (Report - Zach Thomas, Senior Planner)

Mayor Schwab opened the public hearing.

Addressing the Council in support of the appeal to overturn the Planning Commission’s decision were Jolene Francis, Sara Randall, Donna Vidal, James Husband, David Lammerman, Bob Preston, Wanda Story, Bill Story, Phillip Devoll, Becca, Staci Sassell, Diane Schmidt, Kylee Zimmerman, Eugene Graham, Don Tumbough, Kim Armstrong, Steve Gonsalves, Bob Kromer, Mayra Fairbanks, Robinette Cook, Cordell Smith, Martin Schwabe, Evelyn Smith, Stephanie Taber, Mary Kennedy, and Marie Foley.

Speaking in opposition to overturning the Planning Commission’s decision were Tiffany Wilhelm, Nina Widlund, Ron Sherman, Allison Ivie, Lynne Bellante, Jackie Gundert, Leonard Gundert, Beverly Robertson, Kelly Meagher, Robin Huffman, Nancy Park, Alan Geir, Jules Vautrot, Bruce Balgooyen, Ken Fleming, Jen Holyfield, Mike Jensen, Mark Stemen, Jerry Ollo, Mark Herrera, Michael Worley, Nora Burnham, Nikki Schlaishunt and Benson.

The Council recessed at 7:35 p.m. for a 15 minute break. The meeting was reconvened and all members were present.

Deborah McMahon, representing Oxford Suites, stated for the record that Oxford Suites was in favor of the expansion if additional conditions were to be memorialized regarding the private road issues. Ms. McMahon did indicate that Oxford Suites and Walmart were discussing possible solutions.
It was noted for the record that Tom Tenario sent a letter in support of the Walmart expansion and that a letter of support was submitted by Martin Schwabe and read by Deborah Presson, City Clerk for the record.

Mayor Schwab closed the public hearing to any further public comment.

The Council recessed at 8:55 p.m. for a 15 minute break. The meeting was reconvened and all members were present.

A motion was made by Holcombe and seconded by Flynn to continue this item to Tuesday, September 29, 2009 in order to allow adequate time for Council to read the additional information that had been received.

The motion carried by the following vote:

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

4. BUSINESS FROM THE FLOOR

A motion was made by Councilmember Gruendl and seconded by Councilmember Wahl to have staff agendize the yearly review of the Disorderly Events Ordinance for discussion at the next available meeting. The Council concurred 7-0.

Lynn Bellante addressed the Council regarding a safety issue at the recently removed left turn signals on East Avenue, where four schools are located.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Nickell to direct staff to provide an update regarding this situation at a future Internal Affairs Committee meeting.

5. ADJOURNMENT The meeting was adjourned at 9:30 p.m. to an Adjourned Regular meeting on September 29, 2009 beginning at 6:30 p.m.

Date Approved: 10/06/09 - DRP

Deborah R. Presson, City Clerk
RESOLUTION NO. 55-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING STANDARD PLANS ADOPTED BY CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS"

2.2. ADOPTION OF A RESOLUTION OF INTENT TO DISSOLVE CHICO MAINTENANCE DISTRICT (CMD) NO. 63 - FLEUR DE PARC

Adopted - a resolution of intent to dissolve CMD No. 63, which was formed by Council Resolution No. 33 97-98 on 10/07/97 to provide for the ongoing maintenance of public improvements specific to the subdivision. Since then, the property owners have assumed full responsibility for the maintenance of the improvements, making CMD No. 63 no longer necessary. Council adoption of the resolution schedules a public hearing for 10/06/09. The Building & Development Services Director recommended adoption of the resolution and the scheduling of a public hearing.

RESOLUTION NO. 56-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.81 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 63 (FLEUR DE PARC SUBDIVISION)

2.3. ADOPTION OF A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS

Adopted - a resolution authorizing the destruction of records in the Human Resources/Risk Management Office pursuant to Government Code Section 34090. The Human Resources/Risk Management Director recommended adoption of the resolution.

RESOLUTION NO. 57-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

2.4. CONFIRMATION OF APPOINTMENT OF CHIEF OF POLICE - This item was removed from the Consent Agenda for further discussion.

Confirmed - appointment of Mike Maloney as Chief of Police effective 9/13/09. The City Manager recommended confirmation of the appointment. At the request of Mayor Schwab, this item was removed from the Consent Agenda for further discussion.

A motion was made by Schwab and seconded by Wahl to approve the confirmation of appointment of Mike Maloney as Chief of Police effective 9/13/09.

The motion carried by the following vote:

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

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 9/01/09.

ITEMS REMOVED FROM CONSENT - Item 2.4. was removed for further discussion.
3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICT (CMD) NO. 87

In 1999, Council adopted a resolution ordering the formation of CMD No. 87 for the Enloe property bounded by E. 20th Street, Bruce Road, and Notre Dame Blvd. The public improvements were never constructed and Enloe sold the property, so the need for the district no longer exists. At its meeting of 9/01/09, Council approved a resolution of intention to dissolve the district and set the public hearing for this meeting. (Report - Fritz McKinley, Building and Development Services Director)

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

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

RESOLUTION NO. 58-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.30 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NUMBER 87 - ENLOE PARCEL MAP

The motion carried by the following vote:

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

3.2. HEARING ON THE 2008-2009 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM

In order for the City to meet its entitlement community commitments which allow for the receipt of federal funding for the CDBG and HOME program, the U.S. Department of Housing and Urban Development (HUD) required that a CAPER report regarding the use of such funds be prepared at the conclusion of each program year, made available for public comment during a 15-day period, and that the City hold a public hearing on this report at the conclusion of the public comment period. (Report - Sherry Morgado, Housing & Neighborhood Services Director)

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

A motion was made by Holcombe and seconded by Flynn to authorize staff to submit the CAPER report to HUD.

The motion carried by the following vote:

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

3.3. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S: (1) DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR); (2) DECISION NOT TO ADOPT A STATEMENT OF OVERRIDDING CONSIDERATIONS; AND (3) DENIAL OF PARCEL MAP (PM 03-17) AND SITE PLAN AND ARCHITECTURAL REVIEW (AR 07-29) TO RECONFIGURE TWO PARCELS AND ALLOW AN APPROXIMATE 82,500 SQUARE FOOT EXPANSION OF THE EXISTING 125,889 SQUARE FOOT WALMART STORE AT 2044
FOREST AVENUE

At its meeting of 8/20/09, the Planning Commission adopted Resolution No. 09-11 which denied: certification of the EIR; adoption of a statement of Overriding Considerations; and Tentative Parcel Map 03-17 and Architectural Review 07-26. A timely appeal was filed by Walmart Stores, Inc. on 8/31/09. (Report - Zach Thomas, Senior Planner)

Ex Parte Communication:

Councilmember Gruendl - Heather Schlaff, Jon Luvaas

Councilmember Flynn - Heather Schlaff, Angela Stoner & Colleagues from Walmart

Councilmember Walker - Heather Schlaff, Bob Linscheid, Chuck Nelson, Jim Owens, Steve Bertagna, John Luvaas, Angela Stoner, Marko Mliktin, David Little, Evan Tuchinsky, Tom Gascoyne, Tom Lando, Budd Schwab, Mike Peavey, Julia Sabin, Jolene Francis

Vice Mayor Nickell - Angela Stoner, Tiffany Wahl, Marko Mliktin, Heather Schlaff, John P. Shannon, Mike Gentry, Jon Luvaas, Julia Sabin, Tom Fairbairn, Safeway Managers - Nord, Mangrove and East Avenue locations, Grocery Outlet Manager, Raley's Managers - East Avenue and Notre Dame, Food Maxx Manager, Save Mart Manager, Winco Manager, Steve O'Bryan

Councilmember Wahl - Marko Mliktin, Angela Stoner, Bob Linschied

Councilmember Holcombe - Heather Schlaff, Jon Luvaas, Courtney Nelson, Ron Sherman, Tiffany Wahl, Marko Mliktin, Angela Stoner and Colleagues from Walmart

Mayor Schwab - Heather Schlaff, Jon Luvaas, Chris Nowman, Julia Sabin, Budd Schwab

Following questions posed to staff, a motion was made by Councilmember Nickell and seconded by Councilmember Walker to continue this item to an Adjourned Regular City Council meeting beginning at 6:30 p.m. Tuesday, September 22, 2009.

The motion carried by 7-0.

Mayor Schwab noted for the record that the public hearing portion would be held on the above mentioned date and only those citizens who have submitted speaker cards at this meeting will be allowed to address the Council on September 22nd.

4. REGULAR AGENDA

4.1. FISCAL YEAR 2008-09 4TH QUARTER FINANCIAL UPDATE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02 - This item was continued to a future meeting.

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

5. BUSINESS FROM THE FLOOR

Michael Reilley voiced his concerns regarding the removal of additional 10-hour meters in the downtown area around the University. He stated that with the removal of these meters without requiring reimbursement for the loss of revenue, it appears the City is continuing to subsidize the University.
6. **ADJOURNMENT**

   Adjourned at 10:24 p.m. to September 22, 2009 for an Adjourned Regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: 10/06/09 - DRP

Deborah R. Presson, City Clerk
1. CALL TO ORDER - Mayor Schwab called the September 15, 2009 - Adjourned Regular Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

1.2. Staff Present - City Manager Burkland and City Attorney Barker

2. CLOSED SESSION MATTERS

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

3. ADJOURNMENT - Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

Date Approved: 10/06/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 29, 2009
Minutes

1. CALL TO ORDER - Mayor Schwab called the September 29, 2009 - Adjourned Regular Meeting to order in the Council Chamber, 421 Main Street at 6:30 p.m.

1.1. Flag Salute

1.2. Roll Call

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

Councilmember Wahl noted for the record the following statement:

"I would like to clarify some issues that have been raised at the 11th hour today. While it is my personal preference to let the free market work, I decide my vote on every project that comes before us on its individual merits. My decisions are based upon the totality of the record before us. Anyone who has taken any comment by me regarding the circus like atmosphere that surrounded the Planning Commission’s decision or the lack of value that I place on out of town hired guns telling us what is best for our community, as having decided before the close of the public hearing, is mistaken. It makes no difference that the applicant is Walmart or a small start up business, they have the same right to a fair hearing on the issues in their application. There are many extraneous issues that have been raised regarding this applicant that play no role in my decision tonight, nor will any attempt to intimidate me keep me from doing the job that this community elected me to do."

3. NOTICED PUBLIC HEARINGS The following item was continued from the meeting of 9/22/09.

3.3. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S: (1) DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR); (2) DECISION NOT TO ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) DENIAL OF PARCEL MAP (PM 03-17) AND SITE PLAN AND ARCHITECTURAL REVIEW (AR 07-26) TO RECONFIGURE TWO PARCELS AND ALLOW AN APPROXIMATE 82,500 SQUARE FOOT EXPANSION OF THE EXISTING 125,889 SQUARE FOOT WALMART STORE AT 2044 FOREST AVENUE.

At its meeting of 8/20/09, the Planning Commission adopted Resolution No. 09-11 which denied: certification of the EIR; adoption of a statement of Overriding Considerations; and Tentative Parcel Map 03-17 and Architectural Review 07-26. A timely appeal was filed by Walmart Stores, Inc. on 8/31/09. (Report - Zach Thomas, Senior Planner)

Councilmember Holcombe stated for the record that he believed that there was a conflict between the General Plan designation and the zoning and that the General Plan designation would take precedence over the zoning. Should the project be approved, he believed that it would first require an amendment to the General Plan.

A motion was made by Wahl and seconded by Walker to adopt:

RESOLUTION NO. 59-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) GRANTING AN APPEAL FROM THE PLANNING COMMISSION DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE WAL-MART PARCEL MAP

September 29, 2009
AND EXPANSION PROJECT AND 2) CERTIFYING THE ADEQUACY OF THAT ENVIRONMENTAL IMPACT REPORT

The motion carried by the following vote:

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

The Council recessed for a 15 minute break at 7:55 p.m. The meeting was reconvened and all members were present.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTING A MITIGATION AND MONITORING PLAN FOR THE WAL-MART PARCEL MAP AND EXPANSION PROJECT

The motion failed by the following vote:

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) GRANTING AN APPEAL FROM THE PLANNING COMMISSION DENIAL OF A TENTATIVE PARCEL MAP (PM 03-17) AND ARCHITECTURAL REVIEW (AR 07-26); 2) APPROVING TENTATIVE PARCEL MAP 03-17 AND 3) APPROVING ARCHITECTURAL REVIEW 07-26 (WAL-MART EXPANSION PROJECT)

The motion failed by the following vote:

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

A motion of intent was made by Council member Gruendl to adopt a resolution of the City Council of the City of Chico (1) adopting findings regarding environmental facts; 2) adopting a statement of overriding consideration; and 3) adopting a mitigation and monitoring plan for the Walmart parcel map and expansion project. Council member Gruendl expanded this motion to include additional benefits that would rise to a level to allow Council to agree that the benefits outweigh the environmental impacts so that a statement of overriding consideration could be adopted.

Council member Gruendl indicated that he could make the findings of overriding consideration if:

"1) Council was able to address the private facility issues for both Business Lane and the Chico Mall; 2) that a contingency plan be developed for grocers in the immediate area that close as a result of the project that specifically doesn’t relate to competition but relates to the loss of jobs; and 3) Walmart establishes a fund in cooperation with Butte County Air Quality Management District for a low income woodstove change out program of at least $1 million in exchange for an overriding consideration for air quality."
Mayor Schwab asked that the requirement of onsite generation of solar power be required to reduce the amount of power being used.

Councilmember Gruendl withdrew his motion.

Councilmember Wahl moved that Councilmember Gruendl’s motion be put back on the table and allow time for Walmart to meet with staff to see if Walmart can meet these requests.

Councilmember Nickell requested that Walmart hire all local companies for the expansion project such as contractors, laborers, electricians, plumbers, landscapers, asphalt companies, painters, etc.

Councilmember Wahl asked the City Attorney if the City could require Walmart to hire only local companies. The City Attorney indicated that the City couldn’t condition that requirement or the other items being requested. However, Walmart could offer to do these things as suggested by Council.

Councilmember Wahl indicated that this is why it was imperative that staff and Walmart be given an opportunity to discuss these additional measures in order to determine if these requests are feasible.

Councilmember Holcombe stated that the applicant is free to talk to staff and resubmit a project to Council. He didn’t believe that this required an action by the Council and encouraged Walmart to discuss the proposed measures with staff regardless.

Councilmember Wahl indicated that he felt that this item should be tabled or continued in order to allow that discussion to occur and then be brought back to Council for final decision.

Mayor Schwab stated that what she understood was that the Council would consider approving the project and the overriding consideration if certain things as identified by Council were agreed to by Walmart.

The City Attorney confirmed that the public hearing was closed and that the original actions would stand. However, the Council could bring this item back for discussion after Walmart has had an opportunity to review Council’s suggestions.

Angie Stoner, Walmart representative, addressed the Council in order to obtain clarification on it’s requests.

Mark Wolfe, Interim Planning Services Director asked that Council consider some flexibility in order to bring something workable back to the Council. He proposed that Council direct staff to return with a resolution that establishes greater project benefits to offset identified unmitigated significant impacts as outlined generally by the Council this evening.

A motion was made by Councilmember Walker and seconded by Councilmember Wahl to direct staff to return with a resolution that establishes greater project benefits to offset identified unmitigated significant impacts as outlined generally by the Council this evening. The Council concurred (7-0) to have this item come back on November 10, 2009 at 6:30 p.m.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None
4. **BUSINESS FROM THE FLOOR**

Luke Anderson addressed the Council regarding the woodstove air quality issue and urged Council to adopt its own legislation to prohibit the use of woodstoves for the City of Chico.

Councilmember Gruendl asked the Council to consider Rule 208 at a future meeting but acknowledged that it may be too late to enact legislation for the current woodburning season.

A motion was made by Councilmember Gruendl and seconded by Councilmember Holcombe to direct staff to work with Butte County Air Quality Management District to determine how the City can take action, absent the vote of the BCAQMD to consider Rule 208 for the City at a future meeting. The motion carried 6-1, with Councilmember Wahl voting against.

Sammie Keyser addressed the Council regarding his concern for the safety of pedestrians crossing at Stewart and Nord Avenue. Staff indicated this information would be forwarded to Caltrans as this location is on State Highway 32 which is not part of the City's jurisdiction.

5. **ADJOURNMENT**

The meeting was adjourned at 9:15 p.m., to October 6, 2009 at 6:00 p.m., in Conference Room 2 for closed session, followed by a regular meeting in the Council Chamber at 6:30 p.m.
1.1. REGULAR CITY COUNCIL MEETING - 6:30 p.m.

1.2. Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street

1.3. Presentation of Colors and Pledge of Allegiance — Cub Scouts, Pack 302, Webelos "Shark Patrol"

1.4. Invocation — Pastor Reg Schultz-Akerson, Faith Lutheran Church

1.5. Roll Call

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

Absent: None

1.6. Proclamation — Proclaiming the month of October as Domestic Violence Awareness Month

2. CONSENT AGENDA

A motion was made by Nickell and seconded by Gruendl to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

NOES: None

2.1. ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC UTILITY EASEMENT - PARK WOOD ESTATES

Adopted - a resolution of intention to abandon and vacate a public utility easement located at Park Wood Estates between lots 4 and 5 to comply with boundary line modification requirements. The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing for 11/03/09.

RESOLUTION NO. 60-09 - 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 (PARK WOOD ESTATES LOTS 4 & 5 / ASSESSOR'S PARCEL NOS. 045-280-061 AND 062)

2.2. ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC SERVICES EASEMENT - PARK FOREST SUBDIVISION

Adopted - a resolution of intention to abandon and vacate a portion of the public services easement along the northern boundary of lots 1-6 in Park Forest Subdivision to allow the developer more flexibility on house placement and yard sizes. The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing for 11/03/09.
RESOLUTION NO. 61-09 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC SERVICES EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (PARK FOREST SUBDIVISION LOTS 1-6 / ASSESSOR’S PARCEL NOS. 002-680-001 THROUGH 006)

2.3. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 9/15/09 (as amended) and 9/22/09.

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. A02 - 16TH STREET SUBDIVISION (HABITAT FOR HUMANITY)

A condition of approval of the 16th Street Subdivision requires the establishment of a funding mechanism to cover the annual costs of maintaining native grasses that are of special benefit to the subdivision located on 16th Street. (Report - Fritz McKinley, Building & Development Services Director)

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

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:

RESOLUTION NO. 62-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. A02 - 16TH STREET SUBDIVISION (HABITAT FOR HUMANITY)

The motion carried by the following vote:

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

3.2. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 589 - LEE ESTATES SUBDIVISION

A condition of approval of the Lee Estates Subdivision requires the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities and a future landscaped median on Chico Canyon Road that are of special benefit to the subdivision. (Report - Fritz McKinley, Building & Development Services Director)

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

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:
RESOLUTION NO. 63-09 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DEC-LARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 589 - LEE ESTATES SUBDIVISION

The motion carried by the following vote:

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

3.3. HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICT NO. 63 - This item was removed from the agenda at the request of staff.

3.4. HEARING ON HISTORICAL PROPERTY PRESERVATION AGREEMENT - 810 ESPLANADE (CITY OF CHICO/DIETRICH) AND CONSIDERATION OF REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) NO. 21-4

Hearing on an application for a historic property preservation agreement pursuant to the Mills Act for the property located at 810 Esplanade, commonly known as the Waters House. The Council considered revisions to AP&P No. 21-4 which removes the need for a public hearing to be held when considering these agreements. (Report - Bob Summerville, Senior Planner)

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

A motion was made by Flynn and seconded by Nickell to adopt the following resolution and approve the following revised AP&P:

RESOLUTION NO. 64-09 - AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE A HISTORICAL PROPERTY PRESERVATION AGREEMENT, 810 ESPLANADE (CITY OF CHICO/DIETRICH)

AP&P NO. 21-4 - MILLS ACT IMPLEMENTATION FOR HISTORIC PROPERTY PRESERVATION AND HISTORICAL PROPERTY CONTRACTS

The motion carried by the following vote:

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

3.5. HEARING ON APPEAL OF THE ZONING ADMINISTRATOR'S CONDITIONAL APPROVAL OF USE PERMIT 09-09 (GARNER RANCH PUMPKIN PATCH) LOCATED AT 211 SYCAMORE DRIVE

An appeal of the Zoning Administrator's conditional approval of an annual corn maze for the month of October. A timely appeal was filed by Genevieve Herseth and Sandra Bailey. The appeal issues relate to the nature of the use, traffic, noise, and security. The property was identified as Assessor's Parcel Numbers 007-010-037 and 007-010-081. (Report - Angela Spain, Assistant Planner)

Announcement of Ex-Parte Communications - None
Addressing the Council in support of the pumpkin patch were Scott Gagon, Chelsey Garner and Michael Efford.

Speaking in opposition were Sandra Bailey, Jennifer Scott, Rob Ramay and Kurt Steindorf.

A motion was made by Wahl and seconded by Schwab to adopt a revised resolution denying the use permit allowing the pumpkin patch to proceed.

The motion failed by the following vote:

**AYES:** Gruendl, Wahl, Nickell

**NOES:** Flynn, Holcombe, Walker, Schwab

The Council recessed at 7:55 p.m. for a 15 minute break. The meeting reconvened and all members were present.

A motion was made by Holcombe and seconded by Walker to adopt the following resolution as amended to reflect approval of the use permit and to incorporate two additional conditions. Condition No. 22 confirms that no helicopter rides shall take place in association with the events that the use permit is being granted for and that the property that the use permit covers shall not be used for parking for or access to the helicopter rides taking place on adjacent property. Condition No. 23 allows for equipment display, sand pile, hay pyramid, petting barn, play equipment, and Dorothy’s place sales area.

**RESOLUTION NO. 65-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR’S APPROVAL OF USE PERMIT 09-09 (GARNER RANCH PUMPKIN PATCH)**

The motion carried by the following vote:

**AYES:** Flynn, Gruendl, Holcombe, Walker, Nickell

**NOES:** Wahl, Schwab

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

4.1. **FISCAL YEAR 2008-09 4TH QUARTER FINANCIAL UPDATE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02 - The City Council acted in its capacity as both the City Council and the Chico Redevelopment Agency for consideration of Item 4.1.**

The City Manager and Finance Director provided a brief presentation on the 4th quarter financial results for Fiscal Year 2008-09, including the status of the City’s Deficit Reduction Strategy. In addition, the Finance Director presented the proposed funding plan necessary to make the State-imposed payment to the Supplemental Educational Revenue Augmentation Fund (SERA) for Fiscal Year 2009-10. (Report - Jennifer Hennessy, Finance Director)

A motion was made by Gruendl and seconded by Nickell to approve the following Supplemental Appropriation/Budget Modification:

**SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02 - STATE MANDATED SUPPLEMENTAL EDUCATION REVENUE AUGMENTATION FUND (SERA)**
The motion carried by the following vote:

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

4.2. CONSIDERATION OF CONCERNED CITIZENS OF CHICO SURVEY

At its meeting of 9/01/09, the Council concurred 6-0-1, to have the Mayor and City Manager work together to agendize this item for discussion at a future City Council meeting. The Council was provided with the original letter dated 8/10/09 from Karen Zinniel, along with a copy of the Power Point presentation.

Council recessed at 9:30 p.m. for a ten minute break. The meeting was reconvened and all members were present.

Addressing the Council on this item were Anna Marie Robinson, Alan Gair, Jim Gregg, Timothe Keyser, Charlie Preusser, Brian Ray, Chris Nowman, Lauren, Ray Schimmel, Mary Kennedy, Leslie Johnson, Bob Kromer, Wayne Whitmeyer, Billy Story, Wanda Story, Benson, Michael Worley and Karen Swartz. A letter from Jon Ebeling, Ph.D., owner of Regional and Economic Sciences was read into the record by City Clerk Presson.

4.3. CONSIDERATION OF REPORT ADDRESSING NUISANCE IMPACTS ASSOCIATED WITH THE CULTIVATION OF MEDICAL MARIJUANA

The City Council considered a report from the City Attorney regarding possible regulations to address nuisance impacts caused by the outdoor cultivation of medical marijuana. (Report - Lori Barker, City Attorney)

Mayor Schwab was in favor of indoor grows in order that citizens could still enjoy being outside in their yards. She also felt that limiting the number of plants and where they could be grown was necessary. Councilmember Holcombe indicated that he would like to have the feasibility of a community garden to be researched and discussed as this would lessen the impact on neighbors. Councilmember Flynn was interested in seeing how other communities have dealt with this issue.

Addressing the Council on this item were Barbara O'Brien, Christine Johnson, Mark Herrera, Ken Prather, Robin Blue, Rosanne Kenoyer, Tyler Scriven, Rebecca Hernandez, Quentin Colgan, Paul Harbinson and Benson.

A motion was made by Schwab and seconded by Wahl to direct the preparation of an ordinance that would require indoor grows and the possible limitation of the number of plants allowed.

The motion failed by the following vote:

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

A motion was made by Flynn and seconded by Gruendl to refer this issue to the Internal Affairs Committee for continued discussion regarding possible regulations and consideration of the formation of a citizen advisory body to continue the research on this issue and to find ways to mitigate the impacts that outdoor grows have on surrounding neighbors.
The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR**

It was noted by Councilmember Gruendl that he had a previously scheduled a meeting for the November 10, 2009 meeting regarding Walmart and asked that a different date be considered. The City Manager was asked to look at the rescheduling of this item at a future meeting.

Councilmember Gruendl also asked for clarification on the wood stove issue and when the possible regulations would be coming forward. The City Manager indicated that staff is currently in contact with the Butte County Air Quality Management District to begin the discussions. His concerns were over how enforcement would work with such an ordinance and wanted to see how that would be handled. It was also noted that due to the timing of this issue that it was not anticipated that any legislation regarding this issue would be able to be implemented during this year’s wood burning season.

6. **ADJOURNMENT** – Adjourned at 12:13 a.m. to October 20, 2009 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: 10/20/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — October 20, 2009
Minutes

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

1.2. Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street

1.3. Flag Salute

1.4. Invocation — Pastor Scott Dowell, Sonrise Christian Center

1.5. Roll Call

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

1.6. Presentation - Certificate of Appreciation to Jim Jack for 33 years of City service as a Fire Captain

1.7. Proclamation - Proclaiming October 24th as "Make a Difference Day"

2. CONSENT AGENDA

A motion was made by Gruendl and seconded by Holcombe to approve the Consent Agenda, as read, with Items 2.1., 2.2. and 2.3. removed for further clarification.

The motion carried by the following vote:

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

2.1. ADOPTION OF A RESOLUTION AND AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT REGARDING THE SALE OF THE CITY’S PROPOSITION 1A RECEIVABLE FROM THE STATE OF CALIFORNIA

Adopted - a resolution authorizing the City Manager to execute a Purchase and Sale Agreement necessary to participate in the Proposition 1A Securitization Program that allows the City to sell the $1,250,943.99 loan receivable from the State to California Communities, who will in turn provide the City access to these funds sooner than the three-year repayment schedule of the State. The Finance Director recommended adoption of the resolution.

RESOLUTION NO. 66-09 - A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Councilmember Wahl asked that this item be removed from the Consent Agenda for clarification regarding the interest on the $1.2 million that would be lost if the resolution was approved. The Finance Director indicated that if the funds were not available for use, the original dollars would need to come out of the City’s Emergency Funds. It was also noted that the interest amount
could be less depending on if the market worsens.

A motion was made by Flynn and seconded by Nickell to adopt:

RESOLUTION NO. 66-09 - A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

The motion carried by the following vote:

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

NOES: None

2.2. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH NEW CINGULAR WIRELESS PCS (CINGULAR) TO PLACE EQUIPMENT ON THE COMMUNICATIONS TOWER AT THE CHICO POLICE FACILITY

Approved - a minute order authorizing the City Manager to enter into a lease agreement with Cingular to allow the company to place its radio antennae and equipment on the communications tower and surrounding property located at the Chico Police Department facility located at 1460 Humboldt Road. The General Services Director recommended approval of the minute order.

MINUTE ORDER NO. 16-09 - AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS (CINGULAR) TO PLACE RADIO EQUIPMENT ON THE COMMUNICATIONS TOWER AND SURROUNDING PROPERTY AT THE CHICO POLICE FACILITY

This item was removed from the Consent Agenda at the request of a citizen, Dianne Cariss, who addressed the Council regarding her concerns over the installation of additional equipment on the existing cell tower.

A motion was made by Wahl and seconded by Nickell to approve:

MINUTE ORDER NO. 16-09 - AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS (CINGULAR) TO PLACE RADIO EQUIPMENT ON THE COMMUNICATIONS TOWER AND SURROUNDING PROPERTY AT THE CHICO POLICE FACILITY

The motion carried by the following vote:

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

NOES: None

2.3. APPROVAL OF ARTS COMMISSION RECOMMENDATION FOR REVISIONS TO POLICIES GOVERNING COMMUNITY ORGANIZATION FUNDING IN THE ARTS CATEGORY

Approved - the recommendations of the Arts Commission to clarify the definition of "emerging" and "established" arts organizations for the purpose of the Community Organization Funding Program. The Arts Commission recommended approval of the revisions to the policies.
This item was removed from the Consent Agenda at the request of Councilmember Wahl.

Additional information was requested from the Arts Commission as to what precipitated the need to change the original policy. The Arts Commission response is to be provided to Council via their mailboxes.

A motion was made by Holcombe and seconded by Walker to approve the recommendation of the Arts Commission to clarify the definition of "emerging" and "established" arts organizations for the purpose of the Community Organization Funding Program, with additional information to be provided to the Council on why the policy needed to be changed. This information can be provided to the Council via their mailboxes.

The motion carried by the following vote:

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

2.4. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved - minutes of the City Council meetings held on 9/29/09 and 10/06/09.

ITEMS REMOVED FROM CONSENT - Items 2.1., 2.2., and 2.3.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON NUISANCE ABATEMENT ORDER FOR PROPERTY LOCATED AT 1266, 1270 AND 1274 EAST AVENUE - This item was removed from the agenda due to the nuisance being abated.

3.2. HEARING ON THE WATERLAND APARTMENTS REZONE (RZ 08-06) AND BOUNDARY LINE MODIFICATION (BLM 08-11) 327 NORMAL AVENUE, 330 WEST 4TH STREET, AND 350 SALEM STREET (APNs 004-131-001, -008, -009, and -011)

Hearing on a proposal to rezone certain properties from "Downtown Commercial" to "Downtown Residential." The project also included a boundary line modification to consolidate existing parking facilities and to merge a vacant corner parcel with the Waterland apartment building. No development or other physical changes to the environment are proposed. The project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), because it can be seen with certainty that no significant effect on the environment will result from changing zoning district boundaries and modifying property lines to be consistent with existing land uses. The site is designated Downtown on the General Plan diagram and zoned RD Downtown Residential and CD Downtown Commercial. (Report - Mike Sawley, Associate Planner)

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

A motion was made by Flynn and seconded by Nickell to adopt:

RESOLUTION NO. 67-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING BOUNDARY LINE MODIFICATION 08-11 (COOK)
and approve the introduction of the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTIES IDENTIFIED AS ASSESSOR’S PARCEL NOS. 004-131-007, -008, AND -009 FROM CD DOWNTOWN COMMERCIAL TO RD DOWNTOWN RESIDENTIAL REZONE 08-06 (COOK) - Introductory Reading

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1 CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE REPORT REGARDING REQUESTS TO MAKE CITY PLAZA AND OTHER PUBLIC AREAS SMOKE-FREE

At its 5/26/09 meeting, the Bidwell Park and Playground Commission recommended City Council approval of a request from the American Lung Association and the Downtown Chico Business Association to make City Plaza smoke-free. In addition, the Council and staff received requests from the California Health Collaborative to endorse a smoke-free policy for the Silver Dollar Fair, and from Enloe Medical Center to prohibit smoking near its facility. The Council referred these requests to the Internal Affairs Committee. (Report - Dennis Beardsley, General Services Director)

Mayor Schwab disqualified herself on this item due to her business residing within 500 feet of the park.

Councilmember Wahl disqualified himself on this item due to owning property within 500 feet of the park.

Christina Roberts, Shelly Brantley, Ursula Parker and Morrison Parker addressed the Council in support of this legislation.

A motion was made by Walker and seconded by Gruendl to accept the Internal Affairs Committee (3-0) recommendation for adoption of the following resolution amending the Chico Municipal Code to prohibit smoking in City Plaza and on the sidewalks surrounding the Plaza:

RESOLUTION NO. 68-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 12R OF THE CHICO MUNICIPAL CODE TO PROHIBIT SMOKING IN PLAZA PARK

The motion carried by the following vote:

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

A motion was made by Holcombe and seconded by Flynn to approve forwarding Council’s endorsement and support of the policy proposed by the California Health Collaborative to make the Silver Dollar Fair smoke-free.
The motion carried by the following vote:

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

4.2. CONSIDERATION OF DISORDERLY EVENTS ORDINANCE REVIEW

At its meeting of 4/15/08, the Council adopted a disorderly events ordinance in order to provide the Police Department with an additional tool to maintain public safety. With the ordinance in effect for more than a year, the Chief of Police provided the Council with a review of the use of the ordinance. (Report - Mike Maloney, Chief of Police)

Charlie Preusser, Richard Judkins, Kevin Rys, and Leslie Johnson addressed the Council regarding their concerns regarding implementation of the Disorderly Events ordinance.

The Chief of Police stated that he would continue to meet with representatives of the members of the community and ACLU in order to strengthen trust in Chico’s police force. The Council acknowledged Police Chief Maloney for his efforts in soliciting input from the community. It was noted that a yearly review of the ordinance would actually provide an opportunity to have the Chief of Police report out on the disorderly events that might occur in the City.

The Council recessed at 8:12 p.m. for a 15 minute break. The meeting reconvened and all members were present.

4.3. CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATION REGARDING THE HUMAN RESOURCES COMMISSION’S (HRC’S) REQUEST TO RESTRUCTURE

At its meeting of 6/02/09, the Council approved the HRC’s 2009-2010 Work Plan, excluding Item 7 - renaming the Commission, and Item 8 - restructuring the Commission in order to provide a forum for community outreach on diversity and non-discrimination issues, which was referred to the Internal Affairs Committee. (Report - Teresa Campbell, HR/RM Director)

Councilmember Wahl addressed the items that were on the current Human Resources Commission agenda. He thought that the items agendized for discussion did not require an actual advisory body convening to address these things, but instead could be handled internally by staff.

Councilmember Gruendl stated for the record that as currently structured, he believed the HRC has fulfilled its objectives. He did note that he does believe there is a place somewhere in the City structure for a Commission to represent the unrepresented people in the community and believed that it would be more in line with a Human "Relations" Commission which could deal with inclusion and cultural competencies.

Councilmember Holcombe stated that with adding Item 8 back into the Work Plan, the members of the Commission could work on ways to become culturally competent during the rest of the term of the plan. He did note that after allowing the Commissioners to have a chance to report out on this item, Council could choose to: (1) act on the recommendations; (2) disband it and
restructure a new Commission; or (3) disband and not restructure a new advisory body. Vice Mayor Nickell expressed his support for allowing the Commission to finish out the 2009/10 Work Plan. He was, however, concerned about any additional staff time needed to support the Commission in regards to the community forum outreach and noted for the record that the Commissioners themselves had stated that they would handle all work associated with this new direction. He indicated that he was in favor of moving forward with this item with the caveat that there will be no additional costs created by this proposed change. He did state that he felt that down the road, the Commission as currently structured, could be disbanded.

Councilmember Flynn stated for the record that she doesn't disagree with what has been said and supports Councilmember Gruendl's thoughts regarding the need for this community to be culturally competent and was, herself, very sensitive to this issue. Her concern is if the Council agrees that the City should move forward as an organization to address cultural competencies that the design of the new Commission should be the work of the City's professional staff following an assessment of the issues. She expressed her appreciation for the work of the dedicated Commissioners and noted that she knew that they were well intentioned, but that they wouldn't be aware of the approach the City's professional staff might take with this issue.

Councilmember Flynn felt that the proposed process was backwards. She also wanted it noted that as someone who supports diversity and inclusion in the community, setting limits regarding this proposed Commission is not her intent. Her intent is that, as a City, resources are being used as wisely as possible and that in this particular situation, the City Council is setting the course not the Commission, which is not the way it is being proposed at this time.

Councilmember Walker stated that it appeared that the Human Resources Commission was a Commission looking for a mission largely due to the enactment of State and Federal legislation which governs this area. He did express that he felt it would be better to end one Commission before starting another one rather than morphing from one to the other. He believed there could be a need for a community outreach group, but that it probably wouldn't fall under the heading of the Human Resources Commission.

Mayor Schwab commented that when this item first came to Council’s attention, the Council was reluctant to give up the Commission because there was still important work to do under this general guideline. By Council approving the 2009/10 Work Plans, she felt that the Council was directing the work of the Commissions. She also felt that the people who have applied to and were subsequently appointed to this Commission feel strongly about the work of this body. She suggested that perhaps the Work Plan be expanded to include direction that the Commission: (1) review the current recruitment process for inclusion and access by under-represented groups within the community; and (2) report on ways that other Boards and Commissions could incorporate a goal pertaining to diversity in each of their individual work plans.
Councilmember Holcombe stated that he felt that with Item 8 being added back in ultimately gives the Council a better basis to not morph from one Commission to another. He felt that what is learned from including the community forum component back into the Work Plan would only aid the Council during the review prior to the next recruitment. Based on that information, Council could decide how to formerly restructure the Commission or possibly disband and create a new one. He didn’t think the Council could lose by having any additional input gathered from the next six quarterly HRC meetings. He reaffirmed that he was not advocating that this Commission could or should morph into something else. He felt that the Council should make the best use of the Commission that is currently seated. He felt that the Council should task the Commission to be a voice, or a place for voices to be heard and use that information to make a decision on how to best create a new Commission; disband the current one, if that is what the Council wants to do.

Councilmember Flynn stated for the record that when she voted to approve the 2009/2010 Work Plan she did not see that action as an endorsement of the continuance of the Commission. Her intention was to approve the Work Plan and then have the discussion about whether the Council was re-purposing the group or if the group was going to be responsible for the restructuring, which did not exclude a discussion about whether or not to disband it.

Human Resources Director Campbell asked that if the Council approved Item 8 going back into the Work Plan that Council provide direction to staff prior to implementation.

Councilmember Holcombe made the motion to approve: (1) the incorporation of Item 8 back into the 2009/2010 Human Resources Commission Work Plan regarding restructuring of the Commission, thereby authorizing the Commission to include a community outreach forum component to the regularly scheduled quarterly meetings on diversity and non-discrimination; 2) conduct a review of the HRC prior to the 2010 biennial recruitment, followed by formal restructuring of the Commission that could include disbanding and starting anew or disbanding and not starting anew prior to the next recruitment; and (3) direct staff to prepare the necessary code amendments that would be needed based upon the review. Mayor Schwab seconded the motion after Councilmember Holcombe accepted her friendly amendment to incorporate her suggestion of adding the "review of the current recruitment methods for Boards and Commissions to identify ways to reach out to the community " as an additional item to the 2009/2010 Work Plan. Councilmember Walker stated for the record that he still felt that the work of this Commission has been completed and that the HRC has fulfilled its original purpose and mission. Councilmember Wahl stated that he felt that the motion was again just delaying action from being taken when it appears that most Councilmembers are in agreement that the current
Commission has fulfilled its original mission. He felt that the better approach would be to disband the Commission and if there is a need for something new, let that evolve and come forward at some future date under its own power.

Councilmember Gruendl addressed Councilmember Holcombe’s earlier comments regarding the current Commission not morphing into something else.

Councilmember Gruendl noted that he would like to see something different than what currently exists and asked Councilmember Holcombe to amend his original motion to include a date certain for the disbanding of the current Commission. Councilmember Gruendl believed that this additional time would allow the Commission to do the necessary outreach and come up with what they have learned but it also recognizes that the Commission, as far as a Human Resources Commission goes, has completed its original mission and that the Council should set a limit on how long it continues in its current form. He also noted that this amendment would not prevent the Council from creating a new Commission in the future to address the needs specific to diversity and cultural competencies.

Councilmember Holcombe accepted the friendly amendment to make the disbanding of the HRC date certain.

Councilmember Wahl asked for a friendly amendment to disband the Commission at this meeting. The friendly amendment was not accepted.

A motion was made by Holcombe and seconded by Schwab to approve: 1) incorporating Item “8” back into the 2009/2010 HRC Work Plan regarding the inclusion of a community outreach forum component into the regular quarterly HRC meetings on diversity and non-discrimination; (2) the insertion of an additional Work Plan item directing the HRC to review the City’s current recruitment process for Boards and Commissions with the Commission to provide suggestions on broadening citizen participation; (3) provide the Council with a report in August 2010 in order to determine if a new Commission should be created and if approved by Council, to allow time for staff to prepare the necessary code amendments; and (4) formally disband the current Human Resources Commission at the end of 2010 with the recruitment for this Commission to not be included in the 2010 Biennial Recruitment process.

The motion carried by the following vote:

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

4.4. CONSIDERATION OF CONVEYANCE OF HENSHAW AVENUE NEIGHBORHOOD PARK TO CHICO AREA RECREATION AND PARK DISTRICT - This item was removed from the agenda and tabled to a future meeting.
4.5. CONSIDERATION OF A REQUEST BROUGHT FORWARD BY COUNCILMEMBER WAHL TO CONSOLIDATE THE LOCAL SEPTEMBER 11TH CEREMONIES

Council Action Required - Pursuant to Council Policy AP&P 10-10

Councilmember Wahl had requested that the City Council consider a request from Bill Edmiston, Commander, American Legion Post #17, proposing that the City of Chico work with other local agencies to consolidate the September 11th ceremonies.

Council voted 7-0 to agendize the discussion of this item at this meeting. Addressing the Council in support of a consolidated approach regarding the 9/11 ceremonies was Bill Edmiston.

Mayor Schwab and Councilmember Wahl disqualified themselves from participating in this discussion due to Mayor Schwab owning a business and Councilmember Wahl owning property within 500 feet of the City Plaza.

Bill Edmiston addressed the Council regarding this proposal.

Councilmember Holcombe stated that he would like to have the Internal Affairs Committee to handle the coordination of this event in order to ensure public outreach.

A motion was made by Nickell and seconded by Flynn to authorize Mr. Edmiston to organize a 9/11 ceremony to be held at the City Plaza and to coordinate with all the various groups within the community who may want to participate.

It was noted by Council that this ceremony does not replace the individual ceremonies that are currently being held by the various City departments.

The motion carried by the following vote:

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

4.6. FUTURE MEETINGS

Council discussed the need to reschedule the Walmart appeal originally set to be heard on November 10, 2009. Due to Councilmember Gruendl not being able to make that date, Council discussed additional times when the item could be considered.

Councilmember Holcombe made a motion to not hear the item at all. The motion died for a lack of a second.

A motion was made by Councilmember Wahl and seconded by Councilmember Walker to schedule the item for the adjourned regular Council meeting of November 17, 2009.

The motion carried by the following vote:

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

4.7. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None
5. **BUSINESS FROM THE FLOOR**

Michael Reilley addressed the Council regarding his interest in the City pursuing districting for the election of Councilmembers prior to the 2012 General Municipal Election.

6. **REPORTS AND COMMUNICATIONS** - The following communication item was provided for the Council's information. No action was taken on this item.

6.1. E-mail dated 9/29/09 from Shari Wareham, Sales and Marketing Manager for Crush Restaurant, requesting the ability to hang lights from City trees.

Addressing the Council in support of her request was Shari Wareham.

Staff confirmed with Council that hanging anything in City trees would be in violation of the Chico Municipal Code.

A motion was made by Council member Wahl and seconded by Council member Nickell to approve an exception to this rule thereby allowing the hanging of lights from City owned trees.

The City Attorney clarified that an exemption is not possible for this regulation and to do so would require a code amendment. It is the City's responsibility to maintain the trees; not only to protect them, but also from a liability perspective.

Councilmember Nickell withdrew his second. The original motion died for a lack of a second.

Council directed Ms. Wareham to work with the DCBA, as the organization representing the Downtown area, to see if a proposal could be developed that would include a comprehensive approach for this issue.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

**ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING**

October 20, 2009 - Chico Municipal Center, Council Chamber, 421 Main Street

1. **CALL TO ORDER** - Chair Schwab called the Chico Redevelopment Meeting to order.

1.1. **Roll Call**

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

Absent: None

2. **CONSENT AGENDA**

A motion was made by Gruendl and seconded by Flynn to approve the Consent Agenda, as read.

The motion carried by the following vote:

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

**NOES:** None
2.1. ADOPTION OF A RESOLUTION AUTHORIZING THE REDEVELOPMENT AGENCY TO ENTER INTO A LOW AND MODERATE INCOME HOUSING FUND (LMIHF) LOAN AGREEMENT WITH CATALYST DOMESTIC VIOLENCE SERVICES (CATALYST) TO DEVELOP FIVE UNITS OF TRANSITIONAL HOUSING ADJACENT TO THE CATALYST SHELTER AT 1321 IVY STREET

Adopted - a resolution which allocated $550,000 from the Agency’s LMIHF for a loan to Catalyst who will use the loan to build transitional housing (five single-family cottages) for graduates of the shelter. The units will assist tenants to transition to the private market by offering rents affordable to very low income households and on-site supportive services at the adjacent shelter. Tenants will stay in the units for a period of up to 18 months. The Finance Committee recommended (3-0) adoption of the resolution.

RESOLUTION NO. 10-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN IN THE AMOUNT OF $550,000 FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO CATALYST DOMESTIC VIOLENCE SERVICES FOR DEVELOPMENT OF TRANSITIONAL HOUSING UNITS AT 1321 IVY STREET, CHICO, CALIFORNIA

ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. ADJOURNMENT

Adjourned at 10:15 p.m. to November 3, 2009 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: 11/03/09 DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — November 3, 2009
Minutes

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

1.2. Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street

1.3. Flag Salute

1.4. Invocation — None

1.5. Roll Call

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

1.6. Acknowledgment — Students from "The Community College Initiative for Egypt" - a Butte College partnership between U.S. Department of State, the California Community Colleges Foundation and California Education and Training Export Consortium, Inc.

1.7. Proclamation — Proclaiming November 4th as Law Enforcement Records and Support Personnel Day

2. CONSENT AGENDA - Item 2.3. was removed from the Consent Agenda for further discussion.

A motion was made by Flynn and seconded by Walker to approve the Consent Agenda, as read, with Item 2.3. removed for further discussion.

The motion carried by the following vote:

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

2.1. ORDINANCE NO. 2400 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NOS. 004-131-007, -008, AND -009 FROM CD DOWNTOWN COMMERCIAL TO RD DOWNTOWN RESIDENTIAL REZONE 08-06 (COOK) - Final Reading and Adoption

Adopted - an ordinance rezoning the Waterland Apartment building, a vacant corner lot and a triplex located at 330 West 4th Street from "Downtown Commercial" to "Downtown Residential." The Council introduced this ordinance at its meeting of 10/20/09. The Planning Commission and Interim Planning Services Director recommended adoption of the ordinance by reading of its title only.

2.2. ADOPTION OF A RESOLUTION AMENDING CHICO MUNICIPAL CODE (CMC) 18R.12 STANDARD PLANS

Adopted - a resolution amending the CMC's Standard Plans for landscape work. Modifications to these plans are necessary to: (1) reflect technological improvements in materials and practices; (2) improve uniformity and consistency; and (3) provide for general cleanup. In addition, these plans have been redrafted utilizing Auto-CAD in order
to facilitate both electronic transmittal and the incorporation of these standards into project improvement plans. The Capital Project Services Director recommended adoption of the resolution.

RESOLUTION NO. 69-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING STANDARD PLANS ADOPTED BY CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS"

2.3. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO IMPOSE AND USE A PASSENGER FACILITY CHARGE (PFC) AT CHICO MUNICIPAL AIRPORT

Adopted - a resolution authorizing the City Manager to submit an application to the FAA to impose and use a PFC at Chico Municipal Airport, including all understandings and assurances contained therein, and to execute contracts, agreements, and other documents required in connection with the application. The City Manager recommended adoption of the resolution.

RESOLUTION NO. 70-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION TO IMPOSE AND USE A PASSENGER FACILITY CHARGE AT CHICO MUNICIPAL AIRPORT

Councilmember Wahl asked that this item be removed from the Consent Agenda to have staff clarify how the increase in Passenger Facility Fees (PFC) would be used.

City Manager Burkland indicated that the facility fees would be used for airport operational improvements in the baggage area and maintenance of the restrooms and waiting area.

It was noted by Councilmember Gruendl that the Chico Airport is one of the few airports that does not charge for use of its parking lot.

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

RESOLUTION NO. 70-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION TO IMPOSE AND USE A PASSENGER FACILITY CHARGE AT CHICO MUNICIPAL AIRPORT

The motion carried by the following vote:

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

2.4. ADOPTION OF SEWER IN LIEU RESOLUTIONS (VARIOUS)

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

A. RESOLUTION NO. 71-09 - 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 - 2470 ALMANDOR CIRCLE / ASSESSOR'S PARCEL NO. 015-300-025
(petition from property owner Honghong Zhang)

B. RESOLUTION NO. 72-09 - 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 - 907 BRYANT AVENUE / ASSESSOR’S PARCEL NO. 045-303-008

(petition from property owners John S. and Barbara Osmundson)


(petition from property owners James D. Henderson and Lori R. Storm)

D. RESOLUTION NO. 74-09 - 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 - 6 MEFFORD WAY / ASSESSOR’S PARCEL NO. 006-230-025 (petition from property owners Richard and Cynthia L. Varlinsky)

E. RESOLUTION NO. 75-09 - 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 - 2718 SAN JOSE STREET / ASSESSOR’S PARCEL NO. 006-041-013 (petition from property owners Mallory and Steven Holt)

F. RESOLUTION NO. 76-09 - 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 - 745 WEST FIRST AVENUE / ASSESSOR’S PARCEL NO. 043-180-010 (petition from property owner Timothy J. Flood)

2.5. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHICO AND THE FAR WEST HERITAGE ASSOCIATION - This item was removed from the Consent Agenda at the request of staff. It will be forwarded to the Council for action at a future meeting.

2.6. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 10/20/09.

ITEMS REMOVED FROM CONSENT - Item 2.3.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING ABANDONMENT AND VACATION OF A PUBLIC SERVICES EASEMENT - PARK FOREST SUBDIVISION

NorthStar Engineering, on behalf of developer Park Forest LLC, had requested the abandonment of the southerly seven feet of the existing ten-foot public services easement along the northerly boundary of lots 1-6 of the Park Forest Subdivision, in order to allow the developer more flexibility on house placement and yard sizes. At its
meeting of 10/06/09, Council adopted Resolution No. 61-09, stating its intent to abandon the public services easement and set the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 77-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC SERVICES EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (PARK FOREST SUBDIVISION LOTS 1-6 / ASSESSOR’S PARCEL NOS. 002-680-001 THROUGH 005)

The motion carried by the following vote:

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

3.2. HEARING ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT - PARK WOOD ESTATES

Bidwell Development Group, Inc., on behalf of property owners Gary D. and Susanne E. More, and Matt L. and Julie A. Eller, had requested the abandonment of a public utility easement located between lots 4 and 5 of Park Wood Estates, to comply with boundary line modification requirements. At its meeting of 10/06/09, Council adopted Resolution No. 60-09, stating its intent to abandon the public utility easement and set the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

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

A motion was made by Nickell and seconded by Holcombe to adopt the following resolution:

RESOLUTION NO. 78-09 - 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 (PARK WOOD ESTATES LOTS 4 AND 5 / ASSESSOR’S PARCEL NOS. 045-280-061 AND 062)

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF A NEW LEASE AGREEMENT WITH BIDWELL PARK GOLF CLUB, INC (BGCI) FOR THE BIDWELL MUNICIPAL GOLF COURSE

The existing lease with BGCI for operation and use of the Bidwell Municipal Golf Course expires on 10/05/12. BGCI and staff recommended a new lease agreement be executed in advance of the expiration date to allow BGCI and the City time to address the long term
operational and capital improvement needs of the golf course. In addition, the new lease will address performance standards to help ensure continued availability of one of the oldest publicly owned municipal golf courses in Northern California. The Bidwell Park and Playground Commission (BPPC) reviewed the new lease terms at its 9/28/09 meeting. (Report - Dennis Beardsley, General Services Director)

Peter Bridge spoke in opposition to the lease agreement. Steve Nord spoke in favor of the lease agreement.

Councilmember Wahl and Walker both questioned why the City wasn't using a competitive bid process for the Golf Course. Staff indicated that there were a variety of factors taken into account regarding this agreement, with the focus not just being centered around the lowest bidder. Councilmember Holcombe felt that disc golf should be included into the management of the golf course because the Council made a commitment to develop alternate or additional sites over the next two years for disc golf.

A motion was made by Walker and seconded by Wahl to authorize the City Manager to execute a new lease agreement with BGCI for a term of 25 years, with two 10-year extension options, with it noted that any subcontract agreement or contract be first reviewed by staff in order to ensure that it complies with the terms of the City's contract with BGCI.

The motion carried by the following vote:

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

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

5. BUSINESS FROM THE FLOOR

Police Chief Malone provided the Council with an overview of the Halloween weekend activities. He stated that the department handled 1,279 calls during the three 24-hour periods. There were 137 arrests, with 51 of those individuals being residents of other cities.

Cory Quinonez addressed the Council regarding his concerns of police harassment in regards to an altercation and his eventual arrest at his residence. He recommended that Council create a Police Review Board which could review these types of complaints.

6. ADJOURNMENT - The meeting was adjourned at 8:42 p.m. to November 17, 2009 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 8:30 p.m.
1.1. **REGULAR CITY COUNCIL MEETING - 6:30 p.m.**

1.2. **Call to Order - Mayor Schwab called the November 17, 2009 - Adjourned Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.**

1.3. **Flag Salute**

1.4. **Invocation — Reverend David S. Vallelunga, Trinity United Methodist Church**

1.5. **Roll Call**

- Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab
- Absent: None

It was noted that Councilmember Flynn joined the meeting at 6:35 p.m.

2. **CONSENT AGENDA**

A motion was made by Walker and seconded by Wahl to approve the Consent Agenda, as read, including an amendment of the 11/3/09 minutes under Item 2.5., noted for the record.

The motion carried by the following vote:

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

2.1. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH BUTTE COUNTY - STATE ROUTE 99 CORRIDOR BIKEWAY FACILITY PROJECT**

Approved - a minute order authorizing the City Manager to enter into an encroachment agreement with the County of Butte for the installation, operation, and maintenance of a multi-use paved bicycle/pedestrian path upon the SUDAD drainage facility in connection with the SR99 Corridor Bikeway Facility project. The Capital Project Services Director recommended approval of the minute order.

**MINUTE ORDER NO. 17-09 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE COUNTY OF BUTTE FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF A MULTI-USE PAVED BICYCLE/PEDESTRIAN PATH UPON THE SUDAD DRAINAGE FACILITY**

2.2. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH THE U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) TO LEASE GROUND SPACE AT THE WATER POLLUTION CONTROL PLANT**

Approved - a minute order to authorize the City Manager to execute a lease agreement with NOAA for the installation of a wind profiler on City owned property at the water pollution control plant for their Central California Ozone Study. Following approval by
the Council, NOAA will pay the City a lease rate of $300 per month, which is sufficient to cover the increased energy costs resulting from operation of the profiler. The General Services Director recommended approval of the minute order.

MINUTE ORDER NO. 18-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR THE LEASE OF GROUND SPACE ON CITY PROPERTY LOCATED AT THE WATER POLLUTION CONTROL PLANT

2.3. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF CHICO AND THE FAR WEST HERITAGE ASSOCIATION, FORMERLY CHICO MUSEUM ASSOCIATION (OCCUPANCY AND USE OF THE CHICO LIBRARY BUILDING PROPERTY AS A PUBLIC MUSEUM).

Approved - a minute order authorizing the City Manager to execute Amendment No. 5 which would: (1) change the name of the Association from the Chico Museum Association to the Far West Heritage Association; (2) clarify responsibilities related to elevator maintenance; and (3) formalize insurance requirements currently carried on the building. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 19-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF CHICO AND THE FAR WEST HERITAGE ASSOCIATION, FORMERLY CHICO MUSEUM ASSOCIATION, (OCCUPANCY AND USE OF THE CHICO LIBRARY BUILDING PROPERTY AS A PUBLIC MUSEUM)

2.4. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT TO ASSIGNMENT AND ASSUMPTION OF THE LEASE OF REAL PROPERTY AT CHICO MUNICIPAL AIRPORT.

Approved - a minute order authorizing the City Manager to execute a Consent to Assignment and Assumption of the Lease of Real Property at Chico Municipal Airport (City of Chico/William S. Gaines and Ida Jeanne Gaines as Trustees for the William S. Gaines and Ida Jeanne Gaines Trust, Lessee and Assignor/Gaines Family, LLC, Assignee). The City Manager recommended approval of the minute order.

MINUTE ORDER NO. 20-09 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONSENT TO ASSIGNMENT AND ASSUMPTION OF THE LEASE OF REAL PROPERTY AT CHICO MUNICIPAL AIRPORT (CITY OF CHICO/ WILLIAM S. GAINES AND IDA JEANNE GAINES AS TRUSTEES FOR THE WILLIAM S. GAINES AND IDA JEANNE GAINES TRUST, LESSEE AND ASSIGNOR/GAINES FAMILY, LLC, ASSIGNEE)

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 11/03/09, as amended:

"Council member Holcombe felt that disc golf should be included into the management of the golf course because the Council made a commitment to develop alternate or additional sites over the next two years for disc golf."
ITEMS REMOVED FROM CONSENT - None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA - The following item was continued from the meeting of 9/29/09:

4.1. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S: (1) DECISION NOT TO ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (2) DENIAL OF PARCEL MAP (PM 03-17) AND SITE PLAN AND ARCHITECTURAL REVIEW (AR 07-26) TO RECONFIGURE TWO PARCELS AND ALLOW AN APPROXIMATE 82,500 SQUARE FOOT EXPANSION OF THE EXISTING 125,889 SQUARE FOOT WALMART STORE AT 2044 FOREST AVENUE

At its meeting of 8/20/09, the Planning Commission adopted Resolution No. 09-11 which denied: certification of the EIR; adoption of a statement of Overriding Considerations; and Tentative Parcel Map 03-17 and Architectural Review 07-26. A timely appeal was filed by Walmart Stores, Inc. on 8/31/09. On 9/29/09, the Council voted to certify the Environmental Impact Report. The Council did not adopt environmental findings or approve the proposed tentative map or architectural review applications. The Council did adopt a motion directing staff to return with a resolution establishing greater project benefits to offset the project's significant and unavoidable environmental impacts. A new resolution was provided and the City Council considered whether to adopt environmental findings, including a statement of overriding considerations and whether or not to approve the tentative map and architectural review. (Report - Zach Thomas, Senior Planner)

Announcement of Ex-Parte Communications -

Councilmember Flynn - Spoke with Heather Schlaff, Angela Stoner and numerous members of the public

Councilmember Gruendl - Spoke with Angela Stoner and responded to emails from Bob Kim and David Hale

Councilmember Holcombe - Spoke with Angela Stoner and received numerous emails

Councilmember Wahl - Spoke with Angela Stoner and received numerous emails from the public

Councilmember Walker - Spoke with Angela Stoner and numerous members of the public

Vice Mayor Nickell - Spoke with a local businessman

Mayor Schwab - Spoke with Angela Stoner, Shirley Rabo, Jane - a citizen, Tom - a citizen, and received numerous emails

The Council heard from Angela Stoner, Walmart representative, regarding additional measures or mitigations that Walmart was offering to incorporate into the expansion.

Addressing the Council in support of the appeal were Jolene Francis, James Husband, David Lammerman, Robert Preston, Marjorie Zachary, Bruce Norlie, Bob Kromer, Staci Sasselli, Wanda Story and Kim Turner.

Speaking in opposition to the appeal were Tamara Yates, Deborah Schowatter, Leonard
Gundert, Lynne Bellante, Alan Gair, Mark Stemen and Mike Jensen.

The Council recessed at 7:25 p.m. for a 20 minute break. The meeting was reconvened and all members were present.

A motion was made by Wahl and seconded by Walker to adopt the following resolutions:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTING A MITIGATION AND MONITORING PLAN FOR THE WAL-MART PARCEL MAP AND EXPANSION PROJECT (State Clearinghouse Number 2004012007)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) GRANTING AN APPEAL FROM THE PLANNING COMMISSION DENIAL OF A TENTATIVE PARCEL MAP (PM 03-17) AND ARCHITECTURAL REVIEW (AR 07-26); 2) APPROVING TENTATIVE PARCEL MAP 03-17 AND 3) APPROVING ARCHITECTURAL REVIEW 07-26 (WAL-MART EXPANSION PROJECT)

The motion failed by the following vote:

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

A motion was made by Holcombe and seconded by Nickell to adopt the following resolution, including a friendly amendment from Councilmember Wahl that would deny the appeal without prejudice:

RESOLUTION - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) DENYING AN APPEAL FROM THE PLANNING COMMISSION DENIAL OF A TENTATIVE PARCEL MAP (PM 03-17) AND ARCHITECTURAL REVIEW (AR 07-26) AND 2) DENYING TENTATIVE PARCEL MAP 03-17 AND ARCHITECTURAL REVIEW 07-26 (WAL-MART EXPANSION PROJECT)

The motion failed by the following vote:

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

A motion was made by Holcombe and seconded by Nickell to adopt the following resolution:

RESOLUTION NO. 79-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) DENYING AN APPEAL FROM THE PLANNING COMMISSION DENIAL OF A TENTATIVE PARCEL MAP (PM 03-17) AND ARCHITECTURAL REVIEW (AR 07-26) AND 2) DENYING TENTATIVE PARCEL MAP 03-17 AND ARCHITECTURAL REVIEW 07-26 (WAL-MART EXPANSION PROJECT)

The motion carried by the following vote:

AYES: Gruendl, Holcombe, Nickell, Schwab
NOES: Flynn, Wahl, Walker
4.1. ITEMS ADDED AFTER THE POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR

Ernest Spears addressed the Council regarding his concerns over the support the Council was giving to the business community. He mentioned that he was aware of ten businesses that had to move out of the area due to regulations being imposed on them by the City. He encouraged the City Council to have a more active platform supporting businesses in Chico.

Bob Kromer addressed the Council regarding Councilmember Holcombe's request for additional economic analysis should Walmart decide to bring forward another expansion proposal in the future. Mr. Kromer stated that it was his belief that Martha Wescoat-Andes, the City's Economic Development/Redevelopment Manager had prepared the necessary analysis indicating what potential impacts would be seen should the expansion be approved.

6. ADJOURNMENT - Adjourned at 9:05 p.m. to December 1, 2009 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: 12/01/09 - DRP

Deborah R. Presson, City Clerk
1.1. REGULAR CITY COUNCIL MEETING - 6:30 p.m.

1.2. Call to Order - Mayor Schwab called the December 1, 2009 - Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street

1.3. Flag Salute

1.4. Invocation — Baha'i Faith, James Sprague, Baha'i Community member

1.5. Roll Call

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

2. CONSENT AGENDA

A motion was made by Holcombe and seconded by Walker to approve the Consent Agenda as read with Item 2.2. removed for further discussion.

The motion carried by the following vote:

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

2.1. ADOPTION OF SEWER IN LIEU RESOLUTIONS - 7 MEFFORD WAY, 8 MEFFORD WAY, 2631 SAN JOSE STREET, 2661 SAN JOSE STREET

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. The Capital Project Services Director recommended adoption of the resolutions.


B. RESOLUTION NO. 81-09 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 - 8 MEFFORD WAY / ASSESSOR'S PARCEL NO. 006-230-017 (petition from property owners Stephen A. And Sydney L. Moody)

C. RESOLUTION NO. 82-09 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 - 2631 SAN JOSE STREET / ASSESSOR'S PARCEL NO. 006-054-012 (petition from property owners Norma and Colleen Koscki)
D. RESOLUTION NO. 83-09 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 - 2661 SAN JOSE STREET / ASSESSOR'S PARCEL NO. 006-054-002 (petition from property owner Betty F. Tindle)

2.2. ACKNOWLEDGMENT AND ACCEPTANCE OF ANNUAL FINANCIAL REPORTS


Pursuant to the provisions of Sections 908 and 1109 of the City's Charter, an independent auditor, hired by the Council to perform an annual audit of the books, financial records and related documents of the City in accordance with generally accepted auditing standards, shall submit to the Council a report on the audit for the preceding fiscal year on or before the first regular City Council meeting in February. The Finance Director recommended the City Council acknowledge receipt of and accept the financial statements.

Ingrid Sheipline, Audit Partner, Richardson and Company, addressed the Council on the Annual Financial Reports.


The motion carried by the following vote:

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

2.3. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 11/17/09.

ITEMS REMOVED FROM CONSENT - Item 2.2.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ADOPTION OF THE CITY OF CHICO DESIGN GUIDELINES MANUAL

In accordance with the Planning Commission and Architectural Review Board’s adopted work plans, the City of Chico Design Guidelines Manual was developed during the past 18 months by Planning staff, the Design Guidelines Subcommittee, and the City’s graphic consultant. At its meeting of 11/05/09, the Planning Commission voted (7-0) to forward a recommendation to the Council to adopt the Design Guidelines Manual. (Report - Bob Summerville, Senior Planner)

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

RESOLUTION NO. 84-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE CITY OF CHICO DESIGN GUIDELINES MANUAL

The motion carried by the following vote:

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

3.2. HEARING ON ARCHITECTURAL REVIEW 09-05 (BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT) LOCATED AT 444 OTTERSON DRIVE

On 9/01/09 the Council upheld an appeal of the Architectural Review Board’s approval of a 10,000 square foot structure to house the Butte County Mosquito and Vector Control District’s Chico substation and directed staff to provide additional environmental review. The subject site is designated Manufacturing and Warehousing on the General Plan diagram and is located in the ML Light Manufacturing zoning district. A Mitigated Negative Declaration was prepared pursuant to California Environmental Quality Act Guidelines. (Report - Jake Morley, Associate Planner)

Julia Sabin, Fred Davis, Phil LaGrow, Steve Honeycutt, Doug Guillon, Charley Bird and Jim Richards addressed the Council in favor the project. John Merz, Sheldon Praiser, Alan Gair, Amy Miller, Michael Pike, Emily Alma and Karen Laslo addressed the Council in opposition to the project.

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

RESOLUTION NO. 85-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING THE SITE DESIGN AND ARCHITECTURE FOR A 10,000 SQUARE FOOT WAREHOUSE STRUCTURE LOCATED AT 444 OTTERSON DRIVE (ASSESSOR’S PARCEL NO. 039-620-026) (AR 09-05; BUTTE COUNTY MOSQUITO AND VECTOR CONTROL SUBSTATION)

A friendly amendment was requested by Councilmember Holcombe that the resolution be amended to read that “all” native plants be used in lieu of “mostly” native plants and that “valley oaks” be used in lieu of “cork oaks.” The amendment was accepted by Councilmember Wahl.

A friendly amendment was requested by Mayor Schwab to increase the size of the sump pump in the chemical room so that it would be able to hold the volume of all the chemicals stored in the room. The amendment was accepted by Councilmember Wahl.

The motion carried by the following vote:

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

The Council took at ten minute recess at 8:50 p.m. The meeting reconvened at 9:00 p.m. and all members were present.
4. REGULAR AGENDA

4.1. CONSIDERATION OF CONVEYANCE OF HENSHAW AVENUE NEIGHBORHOOD PARK TO CHICO AREA RECREATION AND PARK DISTRICT

The City Council considered the first of several property transactions contemplated by the Memorandum of Intergovernmental Cooperation, Coordination, and Understanding between the City and Chico Area Recreation and Park District. The property transaction under consideration was the conveyance of the undeveloped Henshaw Avenue Neighborhood Park, located at the northwest corner of Alamo and Henshaw Avenues. Pursuant to City of Chico Charter Section No. 614, adoption of the resolution required the affirmative vote of at least five members of the City Council. (Report - Dennis Beardsley, General Services Director)

John Merz and Steve Visconti addressed the Council in favor of the conveyance of the property.

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

RESOLUTION NO. 86-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CONVEYANCE OF HENSHAW AVENUE NEIGHBORHOOD PARK TO THE CHICO AREA RECREATION AND PARK DISTRICT (ASSESSOR'S PARCEL NO. 042-020-103)

The motion carried by the following vote:

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

4.2. CONSIDERATION OF COUNCILMEMBER WAHL'S REQUEST TO HAVE THE CITY COUNCIL RECONSIDER ITS DECISION REGARDING THE WALMART EXPANSION PROJECT

Council Action Required - Pursuant to Council Policy AP&P 10-10

It was requested by Councilmember Wahl that members of the City Council who voted in the majority on denying the Walmart expansion project, consider placing the reconsideration of the 11/17/09 Council decision on a future agenda for discussion.

James Husband, Machell Tucker, Linda Leete, Bill Martin, Martin Schwabe, Karen Zinniel, Sara Randall, Julia Sabin, Fred Davis, Nancy Linn Henry, Patricia LaBreacht, Jeff Farrar, Lucille Wanee, Jeff Wanee, Ernest Spears, Wanda Story, Bill Story, Sue Hubbard, Robin Cook, Ruth Haring, Evelyn Smith, Stephanie Taber, Juanita Sumner, Bob Evans and Rob Ramay encouraged the Council to reconsider the Walmart expansion project.

Heather Schlaff, Ron Sherman, Jeanne Thatcher, Alan Gair, Nina Widlund, Michael Pike, Sheldon Fraiser and Benson asked that the Council not reconsider the Walmart expansion project.

A motion was made by Wahl and seconded by Holcombe to approve extending the meeting to 10:30 p.m.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Wahl, Nickell, Schwab
A motion was made by Council member Wahl to agendize the request to reconsider the Walmart expansion project on a future agenda. The motion died for a lack of a second.

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

5. **BUSINESS FROM THE FLOOR**

Ernest Spears addressed the Council on the need for jobs in Chico and the status of the business community, adding that the City should be pro-business and think outside the box.

Rob Ramay informed the Council that the fire extinguisher in the Chamber building needed to be serviced.

6. **ADJOURNMENT**

The meeting adjourned at 10:20 p.m. to December 15, 2009 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: 12/15/09 - DRP

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — December 15, 2009
Minutes

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

1.2. Call to Order - Mayor Schwab called the 12/15/09 Adjourned Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.3. Flag Salute

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

1.5. Roll Call

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

1.6. Presentation — Certificate of Appreciation to Cheryl Marden, Public Safety Dispatch Supervisor retiring after 28 years of City service.

1.7. Presentation — Mayor’s Commendation Award for bravery and heroism presented to Tucker Goggin, Josh Brown and Shinsuke Miyamoto for their selfless acts of courage in an emergency situation.

2. CONSENT AGENDA

A motion was made by Flynn and seconded by Gruendl to approve the Consent Agenda, as read, with Items 2.2., 2.3. and 2.4. removed for further discussion.

The motion carried by the following vote:

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

2.1. ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 10.20 OF THE CHICO MUNICIPAL CODE REGARDING LONG TERM STORAGE OF VEHICLES - Introductory Reading

Introduced - an ordinance amending Chapter 10.20 to clarify the original intent of this section and remove any ambiguity regarding the long-term storage and parking of vehicles, boats, and trailers. At its 3/20/07 meeting, the Council adopted an ordinance amending Chapter 10.20 (Parking Generally), Section 10.20.200 of the Chico Municipal Code (CMC) pertaining to the long-term storage and parking of vehicles, boats, and trailers on City streets and public rights-of-way. The Housing and Neighborhood Services Director recommended introductory reading of the ordinance by title only.

2.2. ADOPTION OF RESOLUTIONS AUTHORIZING PAYING AND REPORTING OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SPECIAL COMPENSATION - CONFIDENTIALS AND MANAGEMENT EMPLOYEE GROUPS

Adopted - resolutions which implement the redirection of salary to EPMC (Gov. Code
As a result of 2008 negotiations and the deficit reduction strategy, the Confidential and Management employee groups are scheduled to receive a 1% salary increase in January 2010. The Human Resources Director and the City Manager recommended adoption of the resolutions.

RESOLUTION NO. 87-09 - 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 AS SPECIAL COMPENSATION FOR CONFIDENTIAL EMPLOYEE GROUP

RESOLUTION NO. 88-09 - 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 AS SPECIAL COMPENSATION FOR MANAGEMENT EMPLOYEE GROUP

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for further clarification.

A motion was made by Holcombe and seconded by Nickell to adopt the following resolutions:

RESOLUTION NO. 87-09 - 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 AS SPECIAL COMPENSATION FOR CONFIDENTIAL EMPLOYEE GROUP

RESOLUTION NO. 88-09 - 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 AS SPECIAL COMPENSATION FOR MANAGEMENT EMPLOYEE GROUP

The motion carried by the following vote:

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

NOES: None

2.3. APPROVAL OF A MINUTE ORDER - AUTHORIZATION FOR DONATION OF SURPLUS FIRE DEPARTMENT EQUIPMENT AND FIRE ENGINE TO THE INTERNATIONAL EMERGENCY SERVICES FUND

Approved - a minute order that authorized the City Manager to donate surplus Fire Department equipment and a retired Fire Engine to the International Emergency Services Fund. The Fire Chief recommended approval of the minute order.

MINUTE ORDER NO. 21-09 - AUTHORIZATION FOR THE CITY MANAGER TO DONATE SURPLUS FIRE HOSE, SURPLUS SELF-CONTAINED BREATHING APPARATUS AIR PACKS AND BOTTLES, AND A RETIRED FIRE ENGINE TO THE INTERNATIONAL EMERGENCY SERVICES FUND (I.E.S.F.)

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for further clarification.

A motion was made by Nickell and seconded by Flynn to approve the following Minute Order:

MINUTE ORDER NO. 21-09 - AUTHORIZATION FOR THE CITY MANAGER TO DONATE
SURPLUS FIRE HOSE, SURPLUS SELF-CONTAINED BREATHING APPARATUS AIR PACKS AND BOTTLES, AND A RETIRED FIRE ENGINE TO THE INTERNATIONAL EMERGENCY SERVICES FUND (I.E.S.F.)

The motion carried by the following vote:

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

2.4. APPROVAL OF REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-1 - BOARD, COMMISSION, ADVISORY COMMITTEES AND TASK FORCE RULES OF PROCEDURE AND AP&P 10-10 - COUNCIL RULES OF PROCEDURE

Approved - general revisions to AP&P's 10-1 and 10-10 that pertain to the rules of procedure for both the City of Chico's advisory bodies and the City Council. The proposed changes were requested to either accurately reflect current rules of procedure or to implement new procedures that would help provide consistency. The City Clerk recommended approval of the revisions to AP&P 10-1 and AP&P 10-10.

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for further clarification.

Mike Trolinder addressed the Council about the need for a change in procedures when public input is to be received on hearing items.

A motion was made by Walker and seconded by Wahl to approve the proposed revisions to AP&P's 10-1 and 10-10 that pertain to the rules of procedure for both the City of Chico's advisory bodies and the City Council, with a clarification included that defines the length of time for serving as a Chair as being "two consecutive years" and with the title of AP&P 10-1 to remain as currently stated.

The motion carried by the following vote:

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

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 12/01/09.

ITEMS REMOVED FROM CONSENT - Items 2.2., 2.3., and 2.4. were removed from the Consent Agenda for further discussion.

3. NOTICED PUBLIC HEARINGS

3.1. PARKSIDE TERRACE APARTMENTS - The City Council acted in its capacity as the Redevelopment Agency for consideration of Item 3.1.A.

A. ADOPTION OF A RESOLUTION AUTHORIZING THE CHICO REDEVELOPMENT AGENCY (AGENCY) TO ENTER INTO A SECOND AMENDMENT TO THE LOW AND MODERATE INCOME HOUSING FUND (LMIHF) LOAN AGREEMENT WITH AFFORDABLE HOUSING
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While this item relating to Parkside Terrace Apartments was not subject to a public hearing, its consideration by the Redevelopment Agency was required before proceeding to the City Council public hearing to consider the issuance of bonds for the same project (Item 3.1(b)).

At its meeting of 12/07/09, the Finance Committee recommended (3-0) adoption of a resolution which allocated an additional $3,108,000 in LMIHF, and the release of an additional $123,000 in predevelopment funds from the previously authorized $7 million LIMHF loan, to Parkside Terrace Apartments for the construction of 90 units affordable to low and very low income households in Meriam Park. The additional funds were necessary for the project to convert from an extremely competitive and unpredictable 9% tax credit financial structure to a less competitive and more predictable 4% tax credit financial structure. Approval of this recommendation sets the project on a predictable schedule to begin construction in April of next year and take advantage of a recent decline in construction costs. (Report - James Coles, Housing Manager)

Addressing the Council in opposition to the project and the additional funding being requested were Gregg Webb, Mike Trolinder, Steve Depa, Evelyn Smith, Ernest Spears and Michael Reilley.

Speaking in support of the project and the request for additional funding were Debbie Villasenor and Jonathan Hague.

A motion was made by Holcombe and seconded by Flynn to adopt the following Redevelopment Agency resolution:

RDA RESOLUTION NO. 11-09 - A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING A SECOND AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE AGENCY AND AFFORDABLE HOUSING DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED IN THE MERIAM PARK SUBDIVISION ON THE NORTHEAST AND SOUTHEAST CORNERS OF BEDFORD DRIVE AND HARTFORD DRIVE (Agency Action)

The motion carried by the following vote:

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

B. HEARING REGARDING THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE PARKSIDE TERRACE APARTMENTS

As part of the bond issuance process, a public hearing needed to be held by the City Council, followed by Council approval of the issuance of the bonds by California Statewide Communities Development Authority for the construction of the Parkside Terrace Apartments project. This is due to the City's participation as a member of the California Communities Authority and the fact that the project will be located in the City's jurisdiction. The City has no liability for the repayment of the bonds. The hearing was a requirement of the Internal Revenue tax code. (Report - Sherry Morgado, Housing and Neighborhood Services Director)
A motion was made by Nickell and seconded by Walker to adopt the following resolution:

RESOLUTION NO. 89-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE PARKSIDE TERRACE APARTMENTS (Council Action)

The motion carried by the following vote:

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

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

3.2. PUBLIC HEARING REGARDING PLANNING COMMISSION RECOMMENDED TEXT AMENDMENTS TO TITLE 16 AND TITLE 19 OF THE CHICO MUNICIPAL CODE - A-ZON-19A (CITY OF CHICO)

Public hearing on Planning Commission recommended text amendments to Title 16 and 19 of the Chico Municipal Code. The proposal included: modify the requirements submitted for landscaping plans; create a parking lot shade tree list; create a Voluntary Heritage Tree program, create a replacement tree program; and make other minor changes. Major policy modifications are proposed. On 6/18/09, the Planning Commission recommended approval of the code amendments with modifications. The project was determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. (Report - Jake Morley, Associate Planner)

Alan Gair, Francine Gair and Karen Laslo addressed the Council in support of more restrictive legislating of trees.

Council provided staff with direction on the proposed amendments which will be incorporated into the ordinance by staff and brought back for review at a future meeting. It was noted by the Council that it should be clearly defined that any Heritage Tree applications must be initiated by the property owner in order to obtain a Heritage Tree designation for private property trees.

3.3. CONSIDERATION OF AN APPEAL OF THE AIRPORT COMMISSION'S DECISION TO WAIVE CERTAIN STANDARDS FOR CONDUCTING AERONAUTICAL ACTIVITIES AT CHICO MUNICIPAL AIRPORT

At its meeting of 10/27/09, the Airport Commission voted to partially waive two standards outlined in AP&P 90-6, Standards for Conducting Aeronautical Activities at Chico Municipal Airport, at the request of Dimension 3 Aviation, a Specialty Aeronautical Operator providing flight training services at the airport. Northgate Aviation, Inc., a Fixed Base Operator (FBO), filed a timely appeal of the Commission's decision. (Report - Dave Burkland, City Manager)

Announcement of Ex Parte Communication:

Councilmember Flynn - Received several text messages from Maria Rock
Mayor Schwab - Received a phone message from Maria Rock
Councilmember Walker - Received an email from Maria Rock

Speaking against the appeal was Justin Phillipson. Addressing the Council in support of the appeal was Greg Einhorn.

Councilmember Holcombe questioned whether findings were made by the Commission when granting the waivers. City Manager Burkland indicated that the Commission did not make any findings at the time the Commission lowered the standards.

A motion was made by Wahl and seconded by Walker to uphold the Airport Commission’s decision to lower the minimum standards thereby denying the appeal based on the finding that the requirement of an onsite Airport office for the applicant is not in the Airport’s best interest.

The motion failed by the following vote:

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

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

RESOLUTION 90-09 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO GRANTING THE APPEAL OF NORTHGATE AVIATION, INC. FROM THE AIRPORT COMMISSION'S DECISION TO WAIVE STANDARDS FOR DIMENSION 3 AVIATION TO PROVIDE FLIGHT TRAINING AT CHICO MUNICIPAL AIRPORT

The motion carried by the following vote:

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

Councilmember Gruendl asked for the record, that the Airport Manager report back to the Airport Commission on the outcome of Council’s decision on this appeal. He added that the Commission be informed that a perception exists that the Airport Commission treated an individual differently because of relationships with certain Airport Commissioners and that the Airport Commission did not follow City procedures when taking this action.

A motion was made by Flynn and seconded by Walker to continue the meeting to 10:30 p.m.

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF CONVEYANCE OF HIGHLAND NEIGHBORHOOD PARK TO CHICO AREA RECREATION AND PARK DISTRICT

The City Council considered the second of several property transactions contemplated by the Memorandum of Intergovernmental Cooperation, Coordination, and Understanding between the City and Chico Area Recreation and Park District. The property transaction under consideration was the conveyance of the undeveloped Highland Neighborhood
Park, located on the east side of Ceres Avenue, approximately 60 feet north of Glenshire Lane. Pursuant to City of Chico Charter Section No. 614, adoption of the resolution required the affirmative vote of at least five members of the City Council. (Report - Dennis Beardsley, General Services Director)

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

RESOLUTION NO. 91-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CONVEYANCE OF HIGHLAND NEIGHBORHOOD PARK TO THE CHICO AREA RECREATION AND PARK DISTRICT (ASSESSOR’S PARCEL NO. 015-180-068)

The motion carried by the following vote:

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

4.2. FISCAL YEAR 2009-10 1ST QUARTER FINANCIAL UPDATE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. 09-10 02 /RDA 09-10 03

The Finance Director provided a brief presentation on the 1st quarter financial results for Fiscal Year 2009-10, including the status of the City’s Deficit Reduction Strategy and the proposed budgetary adjustments summarized in the Supplemental Appropriation/Budget Modification. (Report - Jennifer Hennessy, Finance Director)

Stephanie Taber addressed the Council regarding this item.

A motion was made by Flynn and seconded by Nickell to approve the following Supplemental Appropriation/Budget Modification:

SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. 09-10 02/RDA 09-10 03-
Quarterly Supplemental Request (Q1’09-10)

The motion carried by the following vote:

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

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

5. BUSINESS FROM THE FLOOR

Ernest Spears addressed the Council regarding economic indicators used by the City.

6. REPORTS AND COMMUNICATIONS

6.1. DEVELOPMENT IMPACT FEE REPORT (2008-09)

As required by California Government Code §66006(b), the Council was provided with a copy of the 2008-09 City of Chico Development Impact Fee Report for the fiscal year ended 6/30/09. The statute requires the City Council to review the report but no particular findings or actions were required.
7. ADJOURNMENT

Adjourned at 10:33 p.m. to January 5, 2010 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: 1/05/10 - DRP

Deborah R. Presson, City Clerk