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

1.1. Flag Salute

1.2. Invocation — Bruce Finch, Executive Board President of the First Church of Christ, Scientist, Chico

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

Absence: Bertagna

1.4. Presentation by Mary Andrews, Past President of the League of California Cities to Doris Meriam on behalf of her late husband, Ted Meriam.

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

2.1. **APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING FOR THE CONSULTANT WORK RELATED TO POTENTIAL FOR EMPLOYEE HEALTH INSURANCE SELF-FUNDING (001-130-5400)**

By memorandum dated 12/24/01 the Personnel Director reported that Aon Consulting is available to perform the additional work requested by the Council at its 12/18/01 meeting relating to the potential for employee health insurance self-funding. The project cost of $21,500, all from the General Fund, will be added to the Personnel Office Consultant Services operating budget. A confirming supplemental appropriation will be prepared. The City Manager and Personnel Director recommended approval.

2.2. **RESOLUTION NO. 79 01-02** — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (3454 AND 3455 BROOK VALLEY COMMONS, LOTS 1 and 13 OF THE ROLLING HILLS VILLAGE SUBDIVISION, ASSESSOR’S PARCEL NOS. 011-830-023 and 011-830-035)

By memorandum dated 12/3/01, the Director of Public Works reported that the developers of Rolling Hills Village Subdivision, Tim Artel and Remainder LLC, have petitioned the City of Chico to abandon 10 feet of the 20-foot-wide public utility easement located on Lots 1 and 13 of Rolling Hills Village Subdivision, 3454 and 3455 Brook Valley Commons, Assessor’s Parcel Nos. 011-830-023 and 011-830-035. Comments on the proposed abandonment were solicited from local utility companies during the tentative map approval process, and all have advised that they have no objection to the abandonment. The Director of Public Works recommended adoption of this resolution which would schedule a public hearing for 2/5/02.

2.3. **RESOLUTION NO. 80 01-02** — 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. 24 (OATES BUSINESS PARK)

**RESOLUTION NO. 81 01-02** — 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. 40 (HENSHAW MANOR)

By memorandum dated 12/4/01, the Director of Public Works reported that these resolutions will initiate the process to dissolve Chico Maintenance Districts 24 and 40.
The districts were originally formed to provide for the operation and maintenance of the sanitary sewer lift stations located at Aztec and Huss Drives within the Oates Business Park off Hegan Lane (CMD 24), and on Henshaw Avenue in the vicinity of Autumn Gold Drive (CMD 40). The need for these districts no longer exists because the operation and maintenance of the sanitary sewer lift stations is now funded by a lift station surcharge established in conformance with Chico Municipal Code §15.36.062. The Director of Public Works recommended adoption of the resolutions which would set a public hearing for Council’s meeting of 2/5/02.

2.4. APPROVAL OF FINANCE COMMITTEE RECOMMENDATION FOR AMENDMENT TO CITY OF CHICO FEE SCHEDULE 15.45 – BUSINESS LICENSE TAX INFORMATION

At its meeting of 12/17/01, the Finance Committee recommended (3-0) approval of a fee schedule amendment to reduce the fees for obtaining a current list and monthly updates of business license payees to reflect the actual staff costs to prepare information, and the issuance of refunds to persons who have paid to obtain this report since the last annual update to the Fee Schedule in July 2001. The Council is being provided with copies of the memorandum dated December 4, 2001 from Accountant Hennessy regarding the proposed fee reduction, and the below resolution. The Finance Committee recommended adoption of the Resolution.

RESOLUTION NO. 82 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 263 – BUSINESS LICENSE TAX INFORMATION)


The Council has been provided with copies of the minutes of its meetings held on 10/30/01, 11/6/01, 11/20/01, 11/27/01, and 12/4/01.

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

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON AN AMENDMENT TO THE CITY OF CHICO 2001 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY) AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

By memorandum dated 12/18/01, the Director of Public Works recommended approval of an amendment to the City of Chico 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) reflecting the addition of the three street sweepers approved by Council at its 11/20/01 meeting. This amendment increases the Street Maintenance Equipment Fee for Office and Medical Uses, Commercial and Services uses, Single Family units and Multiple Family units. A fee schedule resolution has been provided in the event that Council wishes to approve the amendment to the 2001 Update of Development Impact Fees Analysis and Recommendations and adopt the associated fee increases. Any fees increased by the resolution would become effective on the sixty-first day following adoption. The Director of Public Works recommended adoption of the resolution. The hearing was opened to the public. No one spoke. The hearing was closed to the public.

A motion to adopt the resolution was made by Councilmember Jarvis and seconded by Vice Mayor Kirk.
The motion failed due to the following vote:

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

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 518, STONEHILL SUBDIVISION

This item was removed from the agenda due to the necessary paperwork not being signed by the developer and will be heard at a subsequent meeting.

3.3. HEARING ON GENERAL PLAN AMENDMENT, AND PREZONE/REZONE OF PROPERTY FOR APPROXIMATELY 53 ACRES (290 PARCELS) LOCATED IN THE CHICO VECINO NEIGHBORHOOD AND GENERALLY BOUNDED BY OLEANDER AND PALM AVENUES ON THE WEST AND EAST LINDO AND EAST 10TH AVENUES AND THE CITY LIMITS ON THE NORTH AND SOUTH, RESPECTIVELY - GENERAL PLAN AMENDMENT 01-05/REZONE 01-04 AND PREZONE 01-01

By memorandum dated 11/28/01, Senior Planner Tom Hayes reported that the Planning Commission meeting of 11/15/01, the Commission voted 5-0 (2 absent) to recommend approval of a proposal to amend the General Plan land use designation for approximately 53 acres (13 blocks) of the Chico Vecino neighborhood located between Oleander and Palm Avenues and between East 10th and East Lindo Avenues and the city limits from Medium Density Residential to Low Density Residential and concurrently prezone and rezone said area from R2 Medium Density Residential to R1 to Low Density Residential zoning district. A Negative Declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). At the 12/18/01 Council meeting, the City Council approved the introductory reading of both ordinances. The hearing was opened to the public. Speakers addressing the Council included Cheri Pryer, Judy Casey, Warren Anderson, Keith Brubaker, Laurie Wally, Brian Childs, Kirk Monfort and Bill Casey.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt the following:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN DESIGNATION FOR APPROXIMATELY 53 ACRES GENERALLY LOCATED BETWEEN OLEANDER AND PALM AVENUES, NORTH OF THE CITY LIMITS (CITY OF CHICO) AND SOUTH OF EAST 10TH AND EAST LINDO AVENUES — GENERAL PLAN AMENDMENT NO. 01-05

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING APPROXIMATELY 53 ACRES (290 PARCELS) LOCATED IN THE CHICO VECINO NEIGHBORHOOD AND GENERALLY BOUNDED BY OLEANDER AND PALM AVENUES ON THE WEST AND EAST LINDO AND EAST 10TH AVENUES AND THE CITY LIMITS ON THE NORTH AND SOUTH, RESPECTIVELY - PREZONE 01-01 (CITY OF CHICO) - Final Reading and Adoption

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING .23 ACRES LOCATED AT THE NORTHEAST CORNER OF EAST 6TH AND OLEANDER AVENUES - REZONE 01-04 (CITY OF CHICO) - Final Reading and Adoption

The motion failed by the following vote:

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

The Council gave further direction to staff to utilize the Architectural Review Board (ARB) to limit the Casey development to 4 units and that staff was to give notice of ARB’s consideration of this project to the neighbors within a 2-3 block area. The audience was informed that appeals of ARB decisions are heard by the Council.
A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to re-introduce the following amended Ordinance, excluding the Casey parcel, the 6-plex directly west and the Hignell property, which would remain zoned R-2, with final reading and adoption of the re-introduced Ordinance to be held at the 2/5/02 Council meeting:

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING APPROXIMATELY 53 ACRES (287 PARCELS) LOCATED IN THE CHICO VECINO NEIGHBORHOOD AND GENERALLY BOUNDED BY OLEANDER AND PALM AVENUES ON THE WEST AND EAST LINDO AND EAST 10TH AVENUES AND THE CITY LIMITS ON THE NORTH AND SOUTH, RESPECTIVELY - PREZONE 01-01 (CITY OF CHICO) - Introduction by Reading of Title Only**

The motion carried by the following vote:

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

**NOES:** Jarvis, Kirk

**ABSENT:** Bertagna

**DISQUAL:** None

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to re-introduce the following Ordinance, with final reading and adoption to be held at the 2/5/02 Council meeting:

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING .23 ACRES LOCATED AT THE NORTHEAST CORNER OF EAST 6TH AND OLEANDER AVENUES - REZONE 01-04 (CITY OF CHICO) - Introduction by Reading of Title Only**

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** Bertagna

**DISQUAL:** None

### 4. REGULAR AGENDA

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

#### 4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON DECEMBER 11, 2001

By memorandum dated 12/13/01, the Internal Affairs Committee provided a report on its meeting held on 12/11/01. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee are listed below.

**COMMITTEE ITEMS REQUIRING COUNCIL ACTION:**

**Item A** Approval of Traffic Regulation Amendment No. 732 Which will Make Changes to Downtown Parking Meter Designations. The Committee recommended (3-0) approval of the changes to downtown parking meter designations as recommended by the Downtown Chico Business Association and the Parking Place Commission, and that the resolution authorizing Traffic Regulation Amendment No. 732 be forwarded to the City Council for adoption.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:

**RESOLUTION NO. 83 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 732)**

The motion carried by the following vote:
Item B  **Review and Consideration of Possible Recommendation for Change to the City of Chico's Appeal Process.** The Committee recommended (3-0) that the appeals process remain a two-step process, but that public comments during initial consideration of an appeal be limited to 20 minutes, and that staff be directed to develop questions for appellants to use in formulating their testimony for initial consideration as to why the appeal should be heard, and that these questions be attached as a form to the letter sent by the City Clerk notifying the appellant of the date of initial consideration by Council.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to accept the recommendation for change to the City of Chico’s appeal process without the 20 minute limit on public comments.

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** Bertagna

**DISQUAL:** None

### COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION:

**Item C**  **Approval of Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 727 (parking prohibition on Esplanade between Shasta Avenue and Eaton Road).** Adopted by Committee (3-0).

**Item D**  **Consideration of the Installation of a Multi-way Stop Sign at Oleander and East Frances Willard Avenues and Other Traffic Calming Measures in the Vicinity of Chico Junior High School.** Committee (3-0) took no action. Council upheld the Committee decision, but referred the concern regarding sight distance on Oleander at the Courthouse to the Internal Affairs Committee for review.

**Item E**  **Consideration of Report on Traffic Issues on Floral Avenue North of East Avenue.** Committee (3-0) took no action.

**Item F**  **Consideration of Speed Hump Options.** Committee directed staff to investigate re-engineering the City’s portable speed humps with cutouts to accommodate emergency vehicles, and report back to Committee.

### 4.3. CONSIDERATION OF ADDITIONAL GROWTH AREAS AND THE POSSIBLE TIERING OF THOSE AREAS

At the December 18, 2001 City Council meeting, the Council requested staff to agendize the prioritization of future growth areas. The Planning Director provided a memorandum regarding the environmental review and General Plan process. The Council provided some direction regarding the tiering of the growth areas. It was felt by the Council that additional discussion was needed on the tiering or prioritization of potential growth areas, as well as to clarify which areas will be subject to fiscal analysis.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene to table this item to the February 5, 2002 Council meeting for further discussion, along with the need for a possible advisory
measure regarding the “Green Line.” Councilmember Jarvis requested that an item be included on the 2/5/02 agenda that would allow the Council to consider the drafting of a letter to the County requesting a joint meeting regarding the need for regional planning of Area 9.

The motion carried by the following vote:

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

### 4.4. FUTURE MEETINGS

Finance Committee members will schedule an all-day, onsite tour of creekside greenways designated in the General Plan, preferably in the last two weeks of January, and should designate 2 or 3 days for back up in case of inclement weather at the January 15, 2002 work session.

Finance Committee members will schedule an afternoon work session in February to continue consideration of park funding and development impact fees at the January 15, 2002 work session.

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

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Memorandum dated December 13, 2001 from the Chief of Police providing the 2001 annual report on unclaimed bicycles provided to the Chico Unified School District for low income students and for use in CUSD bicycle repair classes.

6.2. Memorandum dated December 12, 2001 from the Finance Director providing a list of claims paid during the month of November 2001.


### 7. ADJOURNMENT

Adjourned at 11:22 p.m. to Tuesday, January 15, 2002, at 9:00 a.m., in the Council Chamber.

Date Approved: February 19, 2002

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — The Mayor called the meeting to order at 9:00 a.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

Absent: Keene

1.3. Introduction of City Staff — City Manager Lando, Assistant City Attorney Barker, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Finance Department Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Airport Manager Grierson, Management Analyst Herman, Assistant Director of Public Works Martinez, Management Analyst Wood, Park Director Beardsley, Housing Officer McLaughlin, Public Works Administrative Manager Halldorson, Budget Officer Pierce, Urban Forester Boza, Arts Coordinator Gardner

1.4. **CLOSED SESSION** — *(These matters were considered from 1:00 - 1:30 p.m.)*

The City Council adjourned at 1:00 p.m. to closed session for a conference with Legal Counsel regarding existing litigation and to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition of 1577 East Avenue (Assessor’s Parcel No. 048-210-012). The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are Ted V. and Leola R. Smith, the property owners (or such persons designated as their agent for the purpose of negotiations).

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

B. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF 1577 EAST AVENUE (SMITH).** Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the property owners, Ted V. and Leola R. Smith (or such persons designated as their agent for the purpose of negotiations). The property is identified as 1577 East Avenue (Assessor’s Parcel No. 048-210-012). The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition.

Council reconvened from Closed Session at 1:30 p.m.

1.6. Lunch break — Council recessed for lunch between noon and 1:00 p.m.

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

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

By memorandum dated 12/20/01, the Finance Director submitted the City’s Statement of Investment Policy as required by California Government Code 53646, and as set forth in Administrative Procedure and Policy No. 15-13. The Finance Director recommended that no changes be made to the existing policy.
2.2. **ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS**


Pursuant to the provisions of Section 1109 of the City's Charter, an independent auditor hired by the City to perform an annual audit of the books, financial records and related documents of the City shall submit to the Council a report on the audit for the preceding fiscal year on or before the first regular City Council meeting in February. The Finance Director recommended that the reports be referred to the Finance Committee for review.

2.3. **RESOLUTION NO. 84 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING SURPLUS A PORTION OF THE CITY-OWNED PROPERTY LOCATED AT 1591 EAST AVENUE AND AUTHORIZING THE CITY MANAGER TO OBTAIN BIDS AND EXECUTE DOCUMENTS FOR THE DISPOSAL OF SURPLUS PROPERTY (ASSESSOR'S PARCEL NO. 048-210-004)**

By memorandum dated 1/7/02, the Assistant City Manager recommended approval of a resolution which authorized staff to dispose of surplus property located at 1591 East Avenue which was acquired in connection with the East Avenue widening project. The memorandum presents several options for disposal of the house, other buildings, and fixtures located on the property, and authorizes staff to negotiate whichever option yields the most beneficial result to the City. Proceeds from any sale would be credited back to the acquisition budget for the project. The Assistant City Manager recommended adoption of the resolution.

2.4. **RESOLUTION NO. 85 01-02 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A SANITARY SEWER AND STORM DRAIN EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (PETERSON SUBDIVISION, PHASE I)**

By memorandum dated 1/7/02, the Director of Public Works reported that this abandonment was performed in conjunction with the Peterson Subdivision Final Map. This abandonment will eliminate an existing sanitary sewer and storm drain easement. Future sanitary sewer and storm drain facilities will be constructed within proposed roadways created by dedication on the Final Map. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing on the abandonment for 2/5/02.

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

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

**NOES:** None

**ABSENT:** Keene

**DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA** — Due to availability of time, Items 4.4. and 4.5. were moved up and heard after Item 4.2.

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
4.2. **BUDGET REVIEW**

A. **Department Discussions** – The City Council was provided with Strategic Plans for each of the following departments.

1. Community Development – Presentation made by Community Development Director Baptiste
2. Park – Presentation made by Park Director Beardsley
3. Finance – Presentation made by Finance Director Martin

The Council recessed at 10:10 a.m. for a ten minute break.

2. **General Budget Review** – The City Council was provided with the General and Park Funds Projected Trends.

The City Manager presented Council with an overview of the General/Park Fund Revenues and Expenditures. While it appears that the State is not currently proposing to take City funds to reduce its deficit, the City Manager is concerned that the State may do so in the future to balance its budget. Should this happen, there could be a major impact for the City since Council has made substantial commitments with added staffing levels, salary increases, and with the cost incurred for implementation of the 3% at 60 retirement plan approved by the legislature.

2. **Summary of Estimated Fund Balances**

3. **Capital Project Status Report**

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**THE CITY COUNCIL CONVENED AS THE CHICO REDEVELOPMENT AGENCY FOR THE PURPOSE OF CONSIDERING REDEVELOPMENT AGENCY ITEMS**

C. **Chico Merged Redevelopment Project Area Fund Five Year Trends**. By memorandum dated 1/7/02, the Assistant City Manager provided information regarding the potential elimination of the expiration date for incurring debt in redevelopment project areas as authorized by SB 211.

The City has now received information from the County regarding its desire to begin discussions about a merger. The City Manager stated that it was unclear how the county wants to proceed.

The Council representatives on the Redevelopment Committee are Councilmembers Wahl, Nguyen-Tan and the Mayor. Staff will proceed to schedule a meeting with the County to discuss merger of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas which would result in the extension of time limits for the Chico Merged Project area.

D. **Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends**. The city has forwarded an executed Memorandum of Understanding to the Regional Water Quality Control Board (RWQCB) encompassing all items that were requested. No response has been received from the RWQCB.

E. **Low and Moderate Income Housing Fund Summary**.
4.3. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION TO (1) SCHEDULE A MEETING TO HEAR AND OBTAIN COMMUNITY INPUT ON HOUSING DEVELOPER CONCEPTS FOR REDEVELOPMENT OF AGENCY OWNED PARCEL AT HUMBOLDT ROAD AND EL MONTE AVENUE AND (2) DETERMINE THE AMOUNT OF AREA TO BE DEVELOPED FOR HOUSING
(Note: This item was considered at 11:00 a.m.)

At its meeting of 12/17/01, the Finance Committee considered the proposals received from housing developers in response to the initial request for project concepts and statements of interest for development of this site. The Agency was provided with binders containing the proposals received.

The Committee made the following recommendations:

A. That the Agency determine at today’s meeting the amount of acreage at the site that will be made available for housing. The Agency was provided with a plat depicting the Agency-owned 14.4 acre site, which includes a 3.2 acre storm water detention facility, a 4.7 acre housing site and a 6.5 acre park site. The Committee requested that the private parties who have proposed an aquatic center for the site provide additional information on their plans in time for today’s meeting. Councilmember Nguyen-Tan was concerned over the viability of an aquatic park and asked that the Council look at using all the property for future housing needs.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to commit 4.7 acres to housing and the rest for a use to be determined later.

The motion carried by the following vote:

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

B. The Agency was requested at this meeting to schedule an Agency meeting to be held at either Hank Marsh Jr. High School or Little Chico Creek School, if available, to allow developers to make presentations of their proposals and to obtain community input on the proposal concepts. Once the meeting is scheduled, staff will attempt to secure the meeting facility and provide notification to owners and residents of the surrounding neighborhood and to parents of children attending both schools.

At the conclusion of the public meeting, the Agency would be expected to determine the type of affordable housing to be constructed on the site and would direct staff to request proposals for the housing project. Pursuant to the request for project concepts, proposals would be limited to those developers who submitted an initial concept proposal. Councilmember Bertagna wanted it made clear that the Council was not making a decision at this time on the actual use of this property.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to schedule a well-advertised, information-only community meeting on Tuesday, February 26, from 6:30 - 9:00 p.m., at Little Chico Creek Elementary school, with the developers available to answer questions from 5:30 - 6:30 p.m. Council would listen to public testimony then bring the item back at a subsequent meeting for possible action.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Keene
DISQUAL: None
4.4. **CONSIDERATION OF THE SOLID WASTE COMMITTEE’S RECOMMENDATIONS REGARDING A PROPOSED CITY/COUNTY AGREEMENT FOR THE TRANSFER OF THE CITY’S HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY TO BUTTE COUNTY.**

In 1996, the City of Chico constructed a Household Hazardous Waste (HHW) collection facility on leased property on Marauder Street at the Chico Municipal Airport to provide City residents convenient and safe disposal of hazardous waste. The facility is operated by a private contractor, A/C Industrial Services, under a 10-year agreement with the City. Butte County is proposing to take over the City’s Household Hazardous Waste collection facility so that it can be used by all Butte County residents.

A/C Industrial Services is willing to terminate its agreement with the City and enter into its own operations agreement with Butte County. The Solid Waste Committee reviewed the issues regarding the proposed transfer of the HHW facility to the County at its 11/18/01 and 12/18/01 meetings. Council is being provided with copies of the staff memoranda that were previously provided to the Committee and the minutes from the Committee’s meetings concerning this issue.

This Minute Order authorizes the City Manager to enter into an agreement with Butte County to facilitate the transfer of the HHW facility, and to terminate the existing land lease and operations agreements with A/C Industrial Services once the City/County agreement for the transfer of the facility is executed. Because the costs to operate the HHW facility will now be paid by Butte County, this Minute Order will also authorize the suspension of the collection of the current HHW management fee charged to city residents on their water bills. The Solid Waste Committee recommended approval of the Minute Order.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve:

**MINUTE ORDER NO. 01-02 — AUTHORIZING THE CITY MANAGER TO (1) EXECUTE AN AGREEMENT WITH BUTTE COUNTY TO TRANSFER OF THE CITY HOUSEHOLD HAZARDOUS WASTE FACILITY TO THE COUNTY, (2) TO TERMINATE THE CITY’S CURRENT HOUSEHOLD HAZARDOUS WASTE FACILITY OPERATIONS AGREEMENT WITH A/C INDUSTRIAL SERVICES, AND THE LAND LEASE AGREEMENT WITH CURT AND FAY HAYS, AND TO (3) SUSPEND THE COLLECTION OF THE CITY’S HOUSEHOLD HAZARDOUS WASTE MANAGEMENT FEE FROM CITY RESIDENTS ON THEIR MONTHLY CALIFORNIA WATER SERVICE BILL.**

The motion carried by the following vote:

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

4.5. **BUDGET POLICY AMENDMENT RELATED TO COUNCIL SPECIAL REQUEST OR PURCHASES BY COUNCIL.**

By memorandum dated 1/7/02, the City Clerk and City Manager recommended approval of a budget policy to address incidental purchases requested by Council.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to conceptually approve a policy to be included in the 2002-03 Annual Budget Policies which provides clear language that purchases made under this policy are from the entire Council, not specific Councilmembers.

The motion carried by the following vote:

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

4.6. **CONSIDERATION OF: 1) ALLOCATION OF FUNDS FOR ANIMAL SHELTER ARCHITECTURAL...**

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DESIGN SERVICES; AND 2) ANIMAL SHELTER OPERATING COSTS AND FUNDING

By memorandum dated 12/7/01, the Chief of Police and Risk Manager provided information regarding the need for a new animal shelter facility, staff research and design recommendations, and the cost and funding of architectural design. The cost of a new facility is estimated to range between $800,000 and $1,500,000, depending on the type of construction selected, with architectural design in the range of $96,000 to $180,000. Staff was recommending the allocation of $143,000 for design fees, overhead and contingencies, based on an estimated future facility construction cost of $1,000,000. Funding of these costs is recommended to be allocated from Fund 338, the Police Protection Building and Facility Fund (59% - $84,370), and from Fund 301, the Building and Facility Improvement Fund (41% - $58,360).

Also, a discussion regarding the current Animal Shelter operating costs and funding was scheduled for this meeting as a result of the Council’s 12/18/01 action approving the request by the Butte Humane Society (BHS), the City’s contractor for the operation of the Animal Shelter, for financial assistance. At that meeting, the Council approved the advance payment of the final two annual Shelter addition acquisition payments totaling $42,800. By memorandum dated 1/4/02, the Risk Manager provided background information regarding the operating services agreement between the City and BHS, including the monthly cost to the City for such services, and a summary of the costs of operating the Shelter, by both BHS and if the Shelter were operated by the City. Addressing Council on this issue was Hope Logan.

The City Manager suggested that a sub-committee of Council work with staff and the architect on the design of the new structure. In addition, there is a need to define the relationship with Butte County Humane Society and the City. Staff was asking to start the process. Since there is plenty of usable land at this site, part of the process would be to determine if any of the older structures are salvageable and if there is any grant funding available to assist with the funding of the new structure.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to allocate $143,000 for architectural design fees, overhead and contingencies for the design of a new Animal Shelter to be located on the site of the current shelter on Fair Street, with the phasing of the contract, to include the creation of a “dual” program that would include a “kill” and “no-kill” program.

The motion failed due to the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Jarvis to postpone the final decision regarding the animal shelter until Council received a business and feasibility plan from the Humane Society no later than April 2002. It was requested that the Board explain why it took so long to develop a plan, and provide a copy of the last two budgets, along with its 990 IRS form. In addition, staff is to obtain additional information from other shelters on costs to run their respective programs.

The motion carried by the following vote:

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

4.7. CONSIDERATION OF PACIFIC FLIGHT SERVICES REQUEST FOR RENT RELIEF

After reviewing Pacific Flight Services’ financial documents, Councilmember Nguyen-Tan had requested
that the City Council consider a no-interest loan to Pacific Flight Services instead of a waiver of rent in response to the financial losses it sustained during the two weeks following September 11, 2001. The Council approved Minute Order No. 35-01 on 10/16/01, which provided rent relief for three months subject to documentation from Pacific Flight Services of its losses. This minute order also provided that any Councilmember could re-agendize this matter for further Council discussion. By memorandum dated 1/8/02, the Airport Manager provided additional information on this matter.

Representatives from Pacific Flight Services were unable to be in attendance for this discussion. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to continue this item to the next meeting.

The motion carried by the following vote:

AGREED: Bertagna, Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Keene
DISQUAL: None

4.8. FUTURE MEETINGS

The Finance Committee members were requested to schedule the following meetings:

1. An all-day, onsite tour of creekside greenways designated in the General Plan, preferably in the last two weeks of January, with two or three days designated for back-up in case of inclement weather.

2. An afternoon work session in February to continue consideration of park funding and development impact fees.

3. A meeting to finalize its recommendations on the Five-Year Capital Improvement Program.

The next regularly scheduled meeting of the Finance Committee is January 28th at 4:00 p.m. The Committee agreed to meet 1/28/02 at 8:30 a.m. for the greenway tour and then begin its regular meeting at 1:00 p.m.

4.9. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS

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


7. ADJOURNMENT

Adjourned at 2:30 p.m. to February 5, 2002 at 7:00 p.m. in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: March 19, 2002

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

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

Absent: None

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

2.3. **CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION:** The City Attorney and Risk Manager will review settlement of the workers’ compensation claim of Daniel Gibson. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

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

1.1. Flag Salute

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

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

Absent: None

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Director of Public Works Ross, Community Development Director Baptiste, Planning Director Seidler, Assistant Community Development Director Sellers, Assistant Director of Public Works McKinley, Police Captain Viegas, Principal Planner Figge, Airport Manager Grierson, Development Engineer Johnson, Housing Officer McLaughlin, and Sr. Planner Hayes.

1.5. Closed Session Announcement — None

2. CONSENT AGENDA

THE REDEVELOPMENT AGENCY ACTED IN ITS CAPACITY AS BOTH THE AGENCY AND THE CITY COUNCIL FOR THE FOLLOWING ITEM

2.1. REVISION OF CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 4-01 AND BUDGET MODIFICATION RDA-01-02 05 APPROVED ON 12/4/01 AND APPROVAL OF CITY OF CHICO MINUTE ORDER AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ERIC AND ALISON HART FOR A LOAN FOR RESTORATION OF THE SENATOR THEATER TOWER AND IMPROVEMENTS TO THE EXTERIOR OF THE BUILDING AND A SUPPLEMENTAL APPROPRIATION TO ALLOCATE $320,000 FROM THE GENERAL FUND FOR THE PROJECT.

Item 2.1 was removed from the Consent Agenda at the request of Councilmember Keene for further discussion under Item 4.1.

3. NOTICED PUBLIC HEARINGS — None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1 REVISION OF CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 4-01 AND BUDGET MODIFICATION RDA-01-02 05 APPROVED ON 12/4/01 AND APPROVAL OF CITY OF CHICO MINUTE ORDER AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ERIC AND ALISON HART FOR A LOAN FOR RESTORATION OF THE SENATOR THEATER TOWER AND IMPROVEMENTS TO THE EXTERIOR OF THE BUILDING AND A SUPPLEMENTAL APPROPRIATION TO ALLOCATE $320,000 FROM THE GENERAL FUND FOR THE PROJECT.

At its 12/4/01 meeting, the Chico Redevelopment Agency approved Minute Order No. RDA 4-01 authorizing the Executive Director to enter into an agreement with Eric Hart for financial assistance for the restoration of the Senator Theater tower and exterior improvements to the building. The Minute Order authorized a loan to Mr. Hart for the actual costs for the proposed exterior improvements in an amount not to exceed $320,000 to be paid over 25 years at a 4.5% interest rate, or the City’s interest at the time the loan is executed, whichever is lower. The Agency also approved Budget Modification RDA-01-02 05 to transfer redevelopment funds for the loan into a new capital project.
Subsequent to the approval of this loan, it was determined that this project would require prevailing wage labor rates, which will increase the project cost by an estimated 35-40%. The Economic Development Committee reconsidered the impacts prevailing wage labor will have on the project at its 1/10/02 meeting. The Committee recommended that staff research the possibility of using General Funds instead of Redevelopment Funds for this loan which would remove the prevailing wage requirement.

By memorandum dated 1/24/02, the City Manager/Executive Director submitted the recommendation that 1) the Chico Redevelopment Agency rescind the original Chico Redevelopment Agency Minute Order RDA 4-01 and Budget Modification RDA-01-02 05, and that 2) the City Council approve a City of Chico Minute Order authorizing the City Manager to enter into an agreement with Eric and Alison Hart for a $320,000 loan from the General Fund at the same loan terms and conditions that was previously approved by the Redevelopment Agency, and authorizing a supplemental appropriation to allocate $320,000 from the General Fund for this purpose. Approximately $240,000 of this General Fund expenditure will be offset by the funds the City is scheduled to receive over the next four years from the repayment of the outstanding loans in the City’s General Fund revolving loan program.

The Economic Development Committee recommended that the Agency rescind the previous Redevelopment Agency Minute Order and Budget Modification, and that the City Council approve this new City of Chico Minute Order.

Councilmember Jarvis expressed her concern over the change in funding sources and felt the change was an end-run around the prevailing wage requirement. Addressing the Council from the audience was Laurel Blankenship.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to send the recommendation back to the Economic Development Committee for additional review.

The motion failed due to the following vote:

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

A motion made by Councilmember Bertagna and seconded by Councilmember Keene to approve the staff recommendation as stated on the agenda.

The motion failed due to the following vote:

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

A motion was made by Councilmember Jarvis to send the proposed project back to the Economic Development Committee for further consideration died with a lack of a second.

A motion was made by Councilmember Bertagna and seconded by Mayor Herbert to approve the staff recommendation.

The motion failed due to the following vote:

**AYES:** Bertagna, Keene, Herbert  
**NOES:** Jarvis, Kirk, Nguyen-Tan  
**ABSENT:** None  
**DISQUAL:** Wahl
4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON DECEMBER 17, 2001

By memorandum dated 1/11/02, the Finance Committee provided a report on its meeting held on 12/17/01. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair.

COMMITTEE ITEM REQUIRING AGENCY ACTION

A. Consideration of Request From Simpson Housing Solutions For Extension of Redevelopment Agency’s Conditional Commitment — The Committee recommended (2-1, Nguyen-Tan opposed) that Simpson Housing Solution’s request for a one-year extension of the Agency’s conditional funding commitment of $1,500,000 from the Low & Moderate Income Housing Fund be denied. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to send the request back to the Finance Committee. The motion carried by a 7-0 vote.

COMMITTEE ITEMS REQUIRING NO AGENCY / COUNCIL ACTION

B. Approval of an Amendment to the City of Chico Fee Schedule 15.045 - Business License Tax Information

C. Acceptance of Report Regarding the Mortgage Subsidy Program Sale Price Limit

D. Consideration of the City of Chico 2002/03-2006/07 Five-year Capital Improvement Program

E. Review and Consideration of Housing Developer Concepts for Redevelopment Agency Owned Parcel at Humboldt Road and El Monte Avenue

F. Consideration of Request from Butte Humane Society for Advance Payment of 2002 and 2003 City Installments relating to Purchase of Shelter Addition

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

Adjourned at 8:15 p.m. to a City Council meeting.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 8:15 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

2. **CONSENT AGENDA** — A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the following Consent Agenda with Items 2.1., 2.2., 2.3., 2.4., and 2.5. removed and heard under Item 4.1.

2.1. **RESOLUTION NO. 86 01-02** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN DESIGNATION FOR APPROXIMATELY 51 ACRES GENERALLY LOCATED BETWEEN OLEANDER AND PALM AVENUES, NORTH OF THE CITY LIMITS (CITY OF CHICO) AND SOUTH OF EAST 10TH AND EAST LINDO AVENUES - GENERAL PLAN AMENDMENT NO. 01-05

ORDINANCE NO. 2240 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING APPROXIMATELY 51 ACRES (287 PARCELS) LOCATED IN THE CHICO VECINO NEIGHBORHOOD AND GENERALLY BOUNDED BY OLEANDER AND PALM AVENUES ON THE WEST AND EAST AND EAST 10TH AVENUE AND THE CITY LIMITS ON THE NORTH AND SOUTH, RESPECTIVELY - PREZONE 01-01 (CITY OF CHICO) - FINAL READING AND ADOPTION

ORDINANCE NO. 2241 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING .23 ACRES LOCATED AT THE NORTHEAST CORNER OF EAST 6TH AND OLEANDER AVENUES - REZONE 01-04 (CITY OF CHICO) - FINAL READING AND ADOPTION. — Item 2.1. was removed from the Consent Agenda by Councilmember Nguyen-Tan for further discussion under Item 4.1.

2.2. **RESOLUTION NO. 87 01-02** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CONNORS COURT ANNEXATION DISTRICT NO. 1. — This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion under Item 4.1.

2.3. **RESOLUTION NO. 88 01-02** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - FOREST AVENUE ANNEXATION DISTRICT NO. 5. — This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion under Item 4.1.

2.4. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST 11TH AVENUE ANNEXATION DISTRICT NO. 5. — This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion under Item 4.1.

2.5. **RESOLUTION NO. 89 01-02** — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST SACRAMENTO AVENUE ANNEXATION DISTRICT NO. 25. — This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion under Item 4.1.

2.6. **MINUTE ORDER NO. 02-02** — AUTHORIZING THE AIRPORT MANAGER TO EXECUTE AMENDMENT NO. 2 “LEASE OF REAL PROPERTY, CHICO MUNICIPAL AIRPORT, 100 PIPER AVENUE (CITY OF
Harold Schooler desired to amend his lease to be allowed to provide specialty aeronautical services in support of aircraft owners and operators, and for any other purpose necessary or normally incident to the conduct of such business. All other provisions of the Lease will remain in full force and effect. The Airport Commission approved the proposed amendment at its meeting of 12/18/01 and recommended Council approval.

2.7. MINUTE ORDER NO. 03-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TED AND LEORA SMITH TO ACQUIRE PROPERTY LOCATED AT 1577 EAST AVENUE AND AUTHORIZATION OF DISBURSEMENT OF RELOCATION BENEFITS (APN 048-210-012)

At its 01/15/02 closed session, the City Council authorized the negotiated purchase of 1577 East Avenue in connection with the City’s East Avenue widening project. Because the impacts of the project on the property require acquisition of the whole parcel, the owners are also entitled to statutory relocation benefits. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire the property for $300,000, and further authorizes the disbursement of relocation benefits as set forth in the minute order. The Assistant City Manager recommended approval of the minute order.

2.8. APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD DECEMBER 18, 2001 — removed from the Consent Agenda by staff for further clarification.


By memorandum dated 12/31/01, the Housing Officer previously distributed this Report to Council. The Report was available for public review in the City of Chico Housing Office. Community Redevelopment Law requires that the Chico Redevelopment Agency prepare and submit an annual report to the City Council, acting in its capacity as the Executive Board of the Agency, prior to December 31 and that the Council review and accept the report, or take any action deemed appropriate, at its first meeting occurring at least 21 days following receipt of the report. The Housing Officer recommended acceptance of the report.

The motion to approve the Consent Agenda, with Items 2.1., 2.2., 2.3., 2.4., and 2.5. heard under Item 4.1. and Item 2.8. removed for additional staff work, carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICTS: (A) NO. 24 (OATES BUSINESS PARK), AND (B) NO. 40 (HENSHW MANOR)

A. By memorandum dated 12/18/01, the Director of Public Works reported that this resolution will dissolve Chico Maintenance District No. 24, which was originally formed to provide for the operation and maintenance of the sanitary sewer lift station located at Aztec and Huss Drives within the Oates Business Park off Hegan Lane. The need for the district no longer exists because the operation and maintenance of the sanitary sewer lift station is now funded by a lift station surcharge established in conformance with Chico Municipal Code §15.36.062. The Director of Public Works recommended adoption of the Resolution.

The Mayor opened the hearing to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to adopt:

The motion carried by the following vote:

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

B. By memorandum dated 12/18/01, the Director of Public Works reported that this resolution would dissolve Chico Maintenance District No. 40, which was originally formed to provide for the operation and maintenance of the sanitary sewer lift station on Henshaw Avenue in the vicinity of Autumn Gold Drive. The need for the district no longer exists because the operation and maintenance of the sanitary sewer lift station is now funded by a lift station surcharge established in conformance with Chico Municipal Code §15.36.062. The Director of Public Works recommended adoption of the Resolution. The hearing was opened to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to adopt:

RESOLUTION NO. 91 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 40 (HENSHAW MANOR)

The motion carried by the following vote:

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

3.2. HEARING ON ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT (3454 AND 3455 BROOK VALLEY COMMONS, Lots 1 and 13 of Rolling Hills Village Subdivision, Assessor’s Parcel Nos. 011-830-023 and 011-830-035)

By memorandum dated 1/10/02, the Director of Public Works reported that the developer of Rolling Hills Village Subdivision, Tim Artel and Remainder LLC, have asked the City to abandon 10 feet of the 20-foot-wide public utility easement located on Lots 1 and 13 of the Rolling Hills Village Subdivision, 3454 and 3455 Brook Valley Commons, Assessor’s Parcel Nos. 011-830-023 and 011-830-035. The abandonment was required as a condition of a tentative map.

At its meeting of1/8/02, the City Council adopted a resolution of intention to abandon a portion of the public utility easement and scheduled a public hearing for 2/5/02. The Director of Public Works recommended adoption of the resolution. The hearing was opened to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 92 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (3454 AND 3455 BROOK VALLEY COMMONS, Lots 1 and 13 of Rolling Hills Village Subdivision, Assessor’s Parcel Nos. 011-830-023 and 011-830-035)

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
3.3. HEARING ON ABANDONMENT AND VACATION OF SANITARY SEWER AND STORM DRAIN EASEMENT (PETERSON SUBDIVISION, PHASE 1)

By memorandum dated 1/16/02, the Director of Public Works reported that the developer of Peterson Subdivision has asked the City to abandon a sanitary sewer and storm drain easement located within the boundaries of the Peterson Subdivision, Assessor’s Parcel No. 006-500-010. The easement was previously granted to the City for a portion of the Peterson Subdivision. However, Webb Homes has petitioned the City to abandon the easement since the easement and the facilities within it will no longer be necessary once the final subdivision map is recorded and new facilities are constructed within the roadways of the subdivision. At its meeting of 1/15/02, the City Council adopted a resolution of intention to abandon the sanitary sewer and storm drain easement and scheduled a public hearing for 2/5/02. The Director of Public Works recommended adoption of the resolution. The hearing was opened to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 93 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A SANITARY SEWER AND STORM DRAIN EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (PETERSON SUBDIVISION, PHASE 1, ASSESSOR’S PARCEL NO. 006-500-010)

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. RESOLUTION NO. 86 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN DESIGNATION FOR APPROXIMATELY 51 ACRES GENERALLY LOCATED BETWEEN OLEANDER AND PALM AVENUES, NORTH OF THE CITY LIMITS (CITY OF CHICO) AND SOUTH OF EAST 10TH AND EAST LINDO AVENUES - GENERAL PLAN AMENDMENT NO. 01-05

ORDINANCE NO. 2240 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING APPROXIMATELY 51 ACRES (287 PARCELS) LOCATED IN THE CHICO VECINO NEIGHBORHOOD AND GENERALLY BOUNDED BY OLEANDER AND PALM AVENUES ON THE WEST AND EAST AND EAST 10TH AVENUE AND THE CITY LIMITS ON THE NORTH AND SOUTH, RESPECTIVELY - PREZONE 01-01 (CITY OF CHICO) - FINAL READING AND ADOPTION

ORDINANCE NO. 2241 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING .23 ACRES LOCATED AT THE NORTHWEST CORNER OF EAST 6TH AND OLEANDER AVENUES - REZONE 01-04 (CITY OF CHICO) - FINAL READING AND ADOPTION

By memorandum dated 01/14/02, Senior Planner Tom Hayes reported that the City Council voted 4 -2 (Councilmember Bertagna absent), following a public hearing on 01/08/02, to approve a motion of intent to amend the General Plan land use designation for approximately 51 acres (13 blocks) of the Chico Vecino neighborhood located between Oleander and Palm Avenues and between East 10th and East Lindo Avenues and the city limits from Medium Density Residential to Low Density Residential and concurrently prezone and rezone said area from R2 Medium Density Residential to R1 to Low Density Residential zoning district. The Council reintroduced the ordinances, removing three parcels
(approximately 2 acres) in the vicinity of East 9th and Laburnum Avenues that will remain designated and prezoned for medium density residential development. The resolution and ordinances have been modified to reflect Council's motion of intent. A Negative Declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Councilmember Nguyen-Tan requested that this item be removed from the Consent Agenda in order to have additional discussion on how the neighbors could participate in the design of this development. Planning Director Seidler indicated that the Architectural Review Board makes sure that designs are compatible with the neighborhood and any decision of the ARB can be appealed to Council.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Kirk to adopt the negative declaration and the resolution and ordinances approving General Plan Amendment No. 01-05, Prezone No. 01-01 and Rezone no. 01-04, subject to findings contained in the staff report dated January 14, 2002.

The motion carried by the following vote:

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


By memorandum dated 12/21/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of five parcels, with a total area of 3.739 acres, located on Connors Court, east of Connors Avenue. The fully developed properties are designated and zoned for commercial and office use. The annexation was initiated to facilitate the reconstruction of the existing restaurant, and other properties were added to conform to LAFCo boundary standards. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification from staff regarding island annexation and possible ways to proactively annex these islands instead of a piecemeal fashion. It was explained that while LAFCo could implement the island annexation itself, the agreement with the County precludes the City from actively pursuing island annexations on its own within the nitrate compliance areas. Councilmember Nguyen-Tan suggested that the issue be referred to Internal Affairs for review.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to refer the annexation policy to the Internal Affairs Committee.

The motion failed by the following vote.

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

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt Resolution No. 87 01-02.
The motion carried by the following vote:

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


By memorandum dated 12/28/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 14.9 acres located on the east side of Forest Avenue, 420 feet south of East 8th Street. The subject property is designated for low density residential use and is prezoned R-1 Single Family Residential. The City Planning Commission has approved development of the 54 lot single family Shastan at Forest Avenue Subdivision on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification. Councilmember Jarvis asked that staff prepare a colored map showing all the annexations approved by year.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to adopt Resolution No. 88 01-02.

The motion carried by the following vote:

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


By memorandum dated 12/28/01, the Assistant Community Development Director forwarded a report on initiation of the annexation of 10.148 acres located between West 11th and West 12th Avenues, east of Fern Avenue. The subject property is designated for low density residential use and is prezoned R-1 Single Family Residential. The annexation is requested to facilitate future single family residential subdivisions on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification. Speakers from the audience included Jose Luiz Gonzales, Linda Jones, and David Barria. A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to continue this item to the 2/19/02 meeting and direct staff to meet with both the County and the neighbors.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
2.5. **RESOLUTION NO. 89 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST SACRAMENTO AVENUE ANNEXATION DISTRICT NO. 25.**

By memorandum dated 1/14/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of a single parcel at 1145 West Sacramento Avenue (Heinz). The parcel currently contains a four-unit apartment complex that has connected to the City sanitary sewer due to a failed septic system. The property is designated and zoned for medium density residential use by both the City and County. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification. A motion was made by Councilmember Keene and seconded by Councilmember Wahl to adopt Resolution No. 89 01-02.

The motion carried by the following vote:

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

Council recessed for a 10 minute at 9:15 p.m.

4.2. **(A) CONSIDERATION OF ADDITIONAL GROWTH AREAS AND THE POSSIBLE TIERING OF THOSE AREAS; AND (B) CONSIDERATION OF CONTACTING THE COUNTY OF BUTTE REGARDING JOINT AREA PLANNING, COORDINATION OF PLANNING FOR AREA 9 (NANCE CANYON) AND OTHER GROWTH AREAS**

At its 1/8/02 meeting, the City Council directed staff to initiate an early planning process for a portion of northwest Chico, including the Alkop Farm growth area (Area #1). In addition, the Council voted to continue discussion of the tiering of other growth areas and the possibility of conducting an advisory vote for growth areas on the agricultural side of the “Green Line.”

At the 1/8/02 Council meeting, Councilmember Jarvis requested that consideration of contacting the County regarding joint area planning, coordination of planning for Area 9 (Nance Canyon) and other growth areas also be agendized.

Council determined that Areas 1, 4, and 10 were immediate (first tier).

Council discussed whether or not Area 2 would be included in an Environmental Impact Review. Councilmember Keene stated that he was looking more towards a precise plan or feasibility study, not an EIR. Staff recommended that a feasibility study be used instead of a precise plan. Councilmember Jarvis asked for clarification on what a feasibility study would include. Planning Director Seidler indicated that staff would look at who owns property out there, talk to the people who own property, take at least an overview of the environmental setting, look at all the existing plans related to the Eaton bypass, look at whether there would be opportunities for connection up into Area 1 and then come back to Council to take the next step if it chooses to do so. Councilmember Jarvis asked if that would mean meeting with the neighbors in the area. Staff confirmed that the neighbors would be included in the process. A motion was made by Councilmember Keene and seconded by Councilmember Wahl to include Area 2 in the first tier, including a feasibility study. The motion carried 7-0.
A motion was made by Councilmember Bertagna, seconded by Councilmember Keene to include Area 5 in the first tier, including a feasibility study. The motion carried 7-0.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to include Areas 6 & 7 in the first tier, with a feasibility study. The motion carried by a 4-3 vote, with Jarvis, Nguyen-Tan and Kirk voting against.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to include Area 3 in the second tier. The motion carried by a 7-0 vote.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to have staff review the study that was already completed on areas 8 and 9 and initiate conversations with the County on the joint planning of these two areas. The Planning Director was directed to draft a letter for the Mayor's signature. The motion carried 7-0.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to table Area 11 until the completion of the Master Sewer Plan and then bring it back, possibly with Area 3. The motion carried 7-0.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to have the southerly area of area 12 added to the adjacent existing General Plan area if developer initiated. The motion carried 7-0.

4.3. CONSIDERATION OF PACIFIC FLIGHT SERVICES REQUEST FOR RENT RELIEF

After reviewing Pacific Flight Services’ financial documents, Councilmember Nguyen-Tan requested that the City Council consider a no-interest loan to Pacific Flight Services instead of a waiver of rent in response to the financial losses it sustained during the two weeks following September 11, 2001. The Council approved Minute Order No. 35-01 on 10/16/01, which provided rent relief for three months subject to documentation from Pacific Flight Services of its losses. This minute order also provided that any Councilmember could re-agendize this matter for further Council discussion. By memorandum dated 1/8/02, the Airport Manager provided additional information on this matter.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to uphold prior Council action granting Pacific Flight Services rent relief.

The motion carried by the following vote:

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

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JANUARY 8, 2002

By memorandum dated 1/15/02, the Internal Affairs Committee provided a report on its meeting held on 1/8/02. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee were listed below.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION:

A. Consideration of City of Chico Draft Neighborhood Traffic Management Program. The Committee recommended (3-0) that the eligibility threshold for local streets and collector streets in the draft Neighborhood Traffic Management Program be established at 45 points; and that the draft Program be forwarded to the City Council for public input and adoption.

In addition to the memorandum to the memorandum the Committee received from the Director of Public Works dated 12/19/01, the Council was provided with copies of a memorandum dated 1/29/02 from the Director of Public Works introducing and summarizing the NTMP for Council, as
well as copies of the Draft Neighborhood Traffic Management Program (NTMP).

A motion was made by Mayor Herbert and seconded by Councilmember Wahl to accept the draft and acknowledge that the full report will come back to Council for consideration. The motion carried 7-0.

B. **Consideration of Authority of Council Committees to Direct Staff to Perform Significant Amount of Work.** The Committee recommended (2-1, Wahl opposed) that the Council Committees be given the authority to give direction to staff that involves a significant amount of work only if the matter is of an emergency nature with time constraints, and only if the direction to staff is by unanimous vote of the Committee. No documents were provided for this matter.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to not accept the Committee’s recommendation. The motion carried by a 4-3 vote, with Jarvis, Nguyen-Tan and Kirk voting against.

**COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION**

C. **Consideration of Request for Pavement Undulations on Elm Street Between West 21st Street and West 23rd Street**

D. **Consideration of Traffic Calming Measures along West 11th Street Between Ivy and Salem Streets**

E. **Report Regarding Parking Issues Related to the Chico Beauty College**

4.5. **FUTURE MEETINGS**

Council directed staff to schedule a separate meeting for the hearing on the ordinance rezoning 20 acres located on the east side of State Highway Rout 32/Nord Avenue between West 8th Avenue and West Lindo Avenue (Rezone No. 01-03 – Sterling) on Tuesday, 3/12/02 between 6:30 – 9:30 p.m.

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

5. **BUSINESS FROM THE FLOOR**

Dolly Brown informed the Council that the City of Oroville just agreed to start a Youth Shadow Program.

Scot Gruendl addressed Council about his concerns on the tiering of growth areas.

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Memorandum dated 1/15/02 from the Risk Manager providing a report regarding the tort claims against the City which were denied during the quarter ending 12/31/01.

6.2. Memorandum dated 1/10/02 from the Finance Director reporting that the list of claims paid during the month of December 2001 has been produced and was available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

The meeting was adjourned at 11:10 p.m. to Tuesday, February 19, 2002 at 7:00 p.m., in Conference
Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: March 19, 2002

Deborah R. Presson, City Clerk
CALL TO ORDER — The Mayor called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

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

Absent: None

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Park Director Beardsley, Director of Public Works Ross, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works McKinley, Budget Officer Pierce

CONSENT AGENDA – No items

NOTICED PUBLIC HEARINGS – No items

REGULAR AGENDA

4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD JANUARY 28, 2002

By memorandum dated 2/02/02, the Finance Committee provided a report on its meeting held on 1/28/02.

COMMITTEE MATTERS REQUIRING AGENCY OR COUNCIL ACTION ON 2/19/02:

A. Consideration of Capital Projects to be Funded with 2001 CPFA Tax Allocation Bonds. In addition to the memorandum from the Executive Director of the Agency which the Committee received (dated 1/17/02), the Agency is being provided with a memorandum dated 2/4/02 from the Executive Director forwarding the list of capital projects which the Finance Committee recommended (3-0) to be funded with 2001 Chico Public Financing Tax Allocation Bond revenues. The recommended projects total $10,987,776 which leaves a reserve of approximately $938,892.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve the committee recommendations.

The motion carried by the following vote:

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

B. Approval of 2000-01 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency. The Committee recommended (3-0) that the 2000-01 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency be approved.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the committee recommendations.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
COMMITTEE MATTERS REQUIRING NO AGENCY OR COUNCIL ACTION ON 2/19/02.

C. Review and Consideration of Development Services Fee Study prepared by DMG Maximus

D. Consideration of Allocating $160,000 from the Community Park Fund (330) for DeGarmo Park

E. Status Report on Utility Users' Tax (UUT) Revenue and Collection Rate

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to accept the Finance Committee report.

The motion carried by the following vote:

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

5. ADJOURNMENT

Adjourned at 8:00 p.m. to a City Council meeting.
1. **CALL TO ORDER** — The Mayor called the meeting to order at 7:33 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

2. **CONSENT AGENDA** — Item 2.1. was removed from the agenda at the request of the applicant and will be heard at a subsequent meeting and 2.3. was removed and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING 20 ACRES LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32/NORD AVENUE, BETWEEN W. EIGHTH AVENUE AND W. LINDO AVENUE - REZONE 01-03 (STERLING)- INTRODUCTORY READING** — This item was removed from the agenda at the request of the developer.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 571 EAST 1ST AVENUE FROM R2 MEDIUM DENSITY RESIDENTIAL TO CC-TC COMMUNITY COMMERCIAL/TRANSIT CORRIDOR OVERLAY, REZONE 01-03 (DAVIS)- INTRODUCTORY READING**

By memorandum dated 1/24/02, Associate Planner Hanson reported that at its meeting of 12/20/01, the Planning Commission voted 5-1-1 (one absent and one opposed) to recommend approval of a rezone request by David and Dianna Davis. The request would rezone a 0.43 acre parcel located at 571 E. 1st Avenue from R2 Medium Density Residential to CC-TC Community Commercial with a Transit Corridor overlay zone to accommodate retail use on the ground floor and residential use on the second floor. The Planning Commission and Planning Director recommended that the City Council introduce the rezone ordinance for the subject property by reading of the title only and schedule the public hearing and adoption of the ordinance for the 3/5/02 City Council meeting.

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE, IN REGARD TO THE DEFINITIONS OF “DENSITY,” “MEDICAL SERVICES,” AND “OFFICE”; THE HEIGHT LIMITS OF GARAGES WITH SECOND FLOOR DWELLING UNITS; THE HEIGHT LIMITS OF PRIMARY STRUCTURES IN THE R3, R4, AND RD ZONING DISTRICTS; PARKING REQUIREMENTS FOR LARGE FAMILY DAY CARE HOMES; LANDSCAPE DEVELOPMENT STANDARDS; THE SIZE OF SECOND DWELLING UNITS; LIGHTS ON TELECOMMUNICATIONS TOWERS; AND OTHER TECHNICAL AND CLERICAL AMENDMENTS - INTRODUCTORY READING** — this item was heard under Item 4.1.

2.4. **RESOLUTION NO. 94 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE)**

By memorandum dated 1/16/02, the Assistant Community Development Director reported that City approval of the Silacci Subdivision requires the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This 31 lot single-family residential subdivision is located on the east side of Ceanothus Avenue 660 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, the City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.
2.5. **RESOLUTION NO. 95 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE)**

1389 East Avenue (Buckland). By memorandum dated 1/23/02, the Assistant Community Development Director reported that City approval of Parcel Map No. 00-9 requires the annexation of this property to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This three-lot subdivision is located on the southwest corner at the intersection of Ceanothus Avenue and East Avenue. Prior to annexation of properties within the City limits to a County Service Area, City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.

2.6. **RESOLUTION NO. 96 01-02 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC UTILITY EASEMENT AND A SANITARY SEWER AND EMERGENCY ACCESS EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (CORDES/ ASSESSOR’S PARCEL NO. 002-230-022)**

By memorandum dated 1/28/02, the Director of Public Works reported that property owner Jacquelyn Cordes has petitioned the City to abandon a 3-foot-wide public utility easement and a 40-foot wide sanitary sewer and emergency access easement located along Forest Avenue west of Notre Dame Boulevard and Bar Triangle Street, Assessor’s Parcel No. 002-230-022. Comments on the proposed abandonment were solicited from the City’s Police and Fire Departments as well as local utility companies, all of whom have advised that they have no objection to the abandonment. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing for 3/19/02.

2.7. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD DECEMBER 18, 2001 AND JANUARY 8, 2002**

The City Council was provided with copies of the minutes of its meeting held on 12/18/01 and 1/8/02.

The motion to approve the Consent Agenda as read, with Items 2.1. and 2.3. removed and heard under Item 4.1., carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** None  
**DISQUAL:** Bertagna — on Items 2.2., 2.3. and 2.4

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

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

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING VARIOUS SECTIONS OF TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE, IN REGARD TO THE DEFINITIONS OF “DENSITY,” “MEDICAL SERVICES,” AND “OFFICE”; THE HEIGHT LIMITS OF GARAGES WITH SECOND FLOOR DWELLING UNITS; THE HEIGHT LIMITS OF PRIMARY STRUCTURES IN THE R3, R4, AND RD ZONING DISTRICTS; PARKING REQUIREMENTS FOR LARGE FAMILY DAY CARE HOMES; LANDSCAPE DEVELOPMENT STANDARDS; THE SIZE OF SECOND DWELLING UNITS; LIGHTS ON TELECOMMUNICATIONS TOWERS; AND OTHER TECHNICAL AND CLERICAL AMENDMENTS - INTRODUCTORY READING**

By memorandum dated 2/08/02, Associate Planner Palmeri reported that at the Planning Commission meeting of 12/20/01, the Commission voted 6-0-1 (Alvistur absent) on items A, B, C, D, E, F, and H, and voted 5-0-1-1 (Monfort disqualified) on item G to recommend approval of text amendments to Title 19 Land Use and Development Regulations. The proposed amendments will modify and clarify several definitions,
amend multi-residential building heights, amend certain parking and landscaping requirements and second dwelling unit standards, and allow lighting on telecommunications towers with certain limitations. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption of the ordinance for the 3/5/02 City Council meeting. Councilmember Keene expressed his concern over the lighting standards for telecommunication towers and wanted to make sure that the requirements would protect the neighbors. Councilmember Bertagna disqualified himself from this discussion. The City Attorney recommended that the ordinance be introduced without the telecommunication tower requirements, which was referred to the Internal Affairs Committee and would come back at a subsequent meeting.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to introduce this ordinance as amended.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST 11TH AVENUE ANNEXATION DISTRICT NO. 5

By memorandum dated 2/12/02, the Assistant Community Development Director provided an update on the status of subdivision approvals for the properties located in the proposed annexation district, as requested by the City Council at the meeting of 2/5/02 when this proposal was first considered. The memorandum dated 12/27/01, previously provided to the Council, reported on the initiation of annexation proceedings for 10.148 acres located between West 11th and West 12th Avenues, east of Fern Avenue. The subject property is designated for low density residential use and is prezoned R-1 Single Family Residential. The annexation is requested to facilitate future single family residential subdivisions on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution. Speakers from the audience included Carlton M. Dalton, Jose Gonzales, Linda Jones, Jason Brogdend, David Barria, Steve Klein, and Pam Bjerke.

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

RESOLUTION NO. 97 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST 11TH AVENUE ANNEXATION DISTRICT NO. 5, contingent upon the approval of the subdivision of the Fiori property located by the County, that the annexation not be filed with LAFCo until such time, and that in the interim, LAFCo be notified of the Council’s action.

The motion carried by the following vote:

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

At 9:15 p.m. the Council recessed for a 10 minute break.
4.3. CONSIDERATION OF JOINT COUNTY AND CITY PLANNING FOR THE CHICO URBAN AREA

The City Council requested further discussion at this meeting regarding what efforts could be taken to improve the coordination between the City and County regarding development that occurs in and adjacent to the City’s Sphere of Influence. By memorandum dated 2/11/02, the Planning Director provided some initial background information regarding the issues of the City's Sphere of Influence, coordinated planning, and the application of development fees. The Planning Director recommended that the City Council direct staff to begin discussions with the interested parties to provide a more detailed report and recommendation in three to four months.

A motion was made by Councilmember Wahl for the formation of a sub-committee composed of Councilmembers Wahl, Keene, and Nguyen-Tan, to be established to work with the Butte County Board of Supervisors to formulate the basis for a joint powers agreement that would address planning standards, fees, responsibilities, staff, boundaries and other matters relating to the formation of a Greater Chico Area of Concern and that staff be available to assist as needed.

The motion carried by the following vote:

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

4.4. CONSIDERATION OF REQUEST FROM VICE MAYOR KIRK TO INCLUDE MERCY CATHOLIC HIGH SCHOOL AND CHAMPION CHRISTIAN SCHOOL STUDENTS IN THE CITY’S PROGRAM FOR STUDENT REPRESENTATION ON THE BIDWELL PARK & PLAYGROUND COMMISSION AND ARTS COMMISSION

By previous action the Council authorized a non-voting student representative position on both the Bidwell Park and Playground Commission and the Arts Commission. Vice Mayor Kirk was requesting the Council to consider including Mercy Catholic High School and Champion Christian School students in this student program.

A motion was made by Councilmember Kirk and seconded by Councilmember Jarvis to include Mercy and Champion students in the City’s youth programs including the Youth Shadow Council.

The motion carried by the following vote:

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

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA

4.5. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE CHAIRMAN BERTAGNA’S REQUEST FOR COUNCIL DIRECTION REGARDING HALLOWEEN RECOMMENDATIONS

By memorandum dated 2/14/02, Councilmember Bertagna, as Chair of the Internal Affairs Committee, forwarded his request for Council direction on the consideration of Halloween recommendations. At the 2/12/02 Internal Affairs Committee meeting, the Committee voted 3-0 to schedule a community discussion regarding the suggestions and the event itself sometime in March.

Chairman Bertagna recommended that the Council hold a single public meeting rather than separate meetings at both the Committee and Council level. Council concurred to set a public meeting for March 12, 2002 from 6:30 - 9:30 p.m. It was requested by Council that the advertising for this meeting be broad based and that the COP’s list be put in the Council boxes prior to the meeting so Council can determine if additional items are needed for the meeting on 3/12/02.
5. **BUSINESS FROM THE FLOOR**

Mary Brownhill and Linda Rowen addressed Council about their concerns over the proposed Sterling Apartments and contributions made to Councilmembers by the developer of this project.

6. **REPORTS AND COMMUNICATIONS**

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

6.1. Letter dated 2/8/02 from Councilmember Wahl requesting that an out-of-cycle funding request for Chico High School's Centennial Celebration be placed on the 2/25/02 Finance Committee agenda for review and recommendation, and agendized for Council consideration at its 3/5/02 meeting. Staff recommended referral to the Finance Committee.

6.2. Letter dated 2/6/02 from the Executive Board of the Chico Cat Coalition requesting emergency funding on a reimbursement basis. Staff recommended referral to the Finance Committee.

6.3. Letter dated 1/14/02 from Wayne Cook regarding a proposal for the purchase, rehabilitation and use of the old “Muni Building.” Staff recommended referral to the Finance Committee.

6.4. Letters dated 1/15/02 and 1/24/02 from Wayne Cook regarding (1) the purchase of the Morehead Building located at 336 Broadway Street, and the need for the purchase or long term lease of 20 additional parking spaces, and (2) parking for possible conversion of the second story of the Morehead Building for hotel use. Staff recommended referral to the Internal Affairs Committee.

6.5. Letter dated 2/4/02 from Jan Sneed, Chair of the Chico Area Recreation and Park District (CARD), providing dates and times in February that the Chico City Council and CARD Ad Hoc Committee could meet informally prior to a joint meeting of both agencies to discuss matters of mutual interest and concern. Staff is in the process of scheduling this meeting.


7. **ADJOURNMENT**

The meeting was adjourned at 9:25 p.m. to February 26, 2002, at 6:30 p.m. at Little Chico Creek Elementary School, 2090 Amanda Way.

Date Approved: April 2, 2002

___________________________________
Deborah R. Presson, City Clerk
1. CALL TO ORDER — Mayor Herbert called the meeting to order at 6:30 p.m. at the Little Chico Creek Elementary School Cafeteria, at 2090 Amanda Way. Prior to the Agency meeting, the housing project developers were available from 5:30 p.m. to 6:30 p.m. to discuss their project concepts and the development process in general with interested citizens.

1.1 Flag Salute

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

Absent: None

1.3 Introduction of City Staff — City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Director of Public Works Ross, Community Development Director Baptiste, Park Director Beardsley, Housing Officer McLaughlin, Projects Manager Wood, Assistant Director of Public Works McKinley, Planning Director Seidler, City Clerk Presson

2. CONSENT AGENDA — No items

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA

4.1 PUBLIC MEETING TO HEAR AND OBTAIN COMMUNITY INPUT ON HOUSING DEVELOPER CONCEPTS FOR DEVELOPMENT OF THE REDEVELOPMENT AGENCY-OWNED PARCEL AT HUMBOLDT ROAD AND EL MONTE AVENUE

At its meeting of 1/15/02, the Redevelopment Agency determined to hold a public workshop on the development of a 4.7 acre portion of the 14 acre site located adjacent to Little Chico Creek and Hank Marsh Junior High School as an affordable housing project. The Agency was provided again with the housing proposals that were submitted previously. At tonight’s meeting the Agency provided interested developers an opportunity to present housing development concepts for the site. The public was able to comment on the development concepts and provide input to the Agency on the proposed development.

At the time it scheduled this meeting, the Agency determined that no Agency discussion or action would take place tonight. Therefore, after the conclusion of the public comments, the Agency continued its discussion and any decision regarding the development of the site to March 19, 2002.

Public notices for this meeting were mailed to property owners and residential tenants in the neighborhood. In addition, Hank Marsh Junior High School and Little Chico Creek Elementary School provided a notice of this meeting to the parents of their students, and a display ad was placed in the local newspaper. Staff provided Council with an overview of the project and informed Council that the City had received nine proposals, three of which were unable to be here tonight. In addition, that Heritage Homes had withdrawn its proposal. Staff also informed Council that the Aquatic group was still interested in proceeding. They have preliminary site plans for four acres or less.

Presentations were made to the Council by:

- Robert Dillion representing Affordable Housing Development Corporation urged Council to spread the development out by allowing more of the 14 acres to be used versus the 4.7 currently being discussed.

- Tony Symnes representing Aspire Homes, felt that he could build 40 - 44 affordable homes with three to four bedrooms under $130,000. He mentioned that his development would not require the use of tax credits but instead a rezone of the property to R1 or R2.
• Gary Sannar representing Housing Authority of the County of Butte recommended the Council approve the use of the 4.7 acres for multi-family dwellings with lots of open space. The Housing Authority, however, was withdrawing from this project as a developer.

• David Ferrier representing Community Housing Improvement Program felt that the 4.7 acres should be utilized for affordable multi-family housing for very low income tenants. A project such as this would require tax credits and additional subsidies in order to make it work.

• Michael Orwitz representing OSM Investment Company indicated that his firm was looking more towards multi-family with perhaps 25 units per acre, with 100 - 120 units total. He felt that the number of units would be driven by that amount of open space desired.

Speakers from the audience in favor of multi-family dwellings being built included Isabel McCord, Kirk Monfort, Tami Ritter, Erin Farley, Robin Matley, Renee Viso and Karen Laslo. Martin LeFevre urged Council to retain the acreage as open space. Bill McCord felt that an actual wall behind the units would detract from the beauty of creek. Pavle Matic and Lin Jensen felt that the land should be used for affordable single family dwellings not more multi-family units.

4.2 ITEMS ADDED AFTER POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR

Frank Girardi addressed Council about his opposition to more multi-family dwellings in the area.

6. ADJOURNMENT

The Mayor adjourned the meeting at 8:05 p.m.

Date Approved: April 2, 2002

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
MARCH 5, 2002 – MINUTES
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH
WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2.—
CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition of property located at the southwest corner of Forest Avenue and State Highway Route 32, Assessor’s Parcel No. 002-050-171. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted is Lavina F. Miller, the property owner, or such persons designated as her agent for the purpose of negotiations.

1. CALL TO ORDER

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

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

ADJOURNMENT

Adjourned at 7:13 p.m. to a Regular City Council meeting in the Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation — Pastor Sam Allen, Calvary Chapel Chico

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

Absent: None

1.4. Proclamation proclaiming March 7, 2002 as “Arbor Day” in the City of Chico was received by Urban Forester Boza. The Mayor also received on behalf of the City, the Tree City Award presented by Bill Morrison, CDF.

1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works McKinley, Projects Manager Wood, Park Director Beardsley, Urban Forester Boza.

1.6. Closed Session Announcement — None

2. **CONSENT AGENDA** — A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to approve the following Consent Agenda with Items 2.7. and 2.8. being removed and heard under Item 4.1.:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) --AMENDMENT NO. 10 -- INTRODUCTORY READING**

By memorandum dated 2/5/02, the Director of Public Works reported on a request from the Downtown Chico Business Association (DCBA) to amend its original franchise agreement adopted 4/5/94. This ordinance will amend Section D of the franchise, entitled “Days and Times,” by changing the date of the Christmas Preview event from the third Sunday in November to the Sunday preceding Thanksgiving Day. All other provisions of the franchise remain unchanged. A public hearing has been scheduled for 4/2/02, a notice of which will be published and mailed to all franchisees and permittees who are authorized by the City to sell food and beverages from City streets and sidewalks. The Director of Public Works recommended introduction of the ordinance.

2.2. **RESOLUTION NO. 98 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO IN SUPPORT OF THE RECLASSIFICATION OF A SEGMENT OF STATE HIGHWAY ROUTE 32 FROM ITS CURRENT DESIGNATION AS A FREEWAY TO A CONTROLLED ACCESS HIGHWAY**

By memorandum dated 2/11/02, the Director of Public Works requested Council’s support in reclassifying a segment of State Highway Route 32 (from State Highway Route 99 to Humboldt Road) from a freeway to a controlled access highway. With the current freeway designation, traffic signals are considered interim traffic controls with the ultimate control being an interchange. Because there are no future plans to construct this segment of roadway as a freeway, the City and County are both interested in this reclassification and have requested the Butte County Association of Governments to pursue this process with Caltrans. In order to move forward with the process, Caltrans requires a resolution of support from the local agency. The Director of Public Works recommended adoption of the resolution.
RESOLUTION NO. 99 01-02 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MCGOWAN INDUSTRIAL PARK/ASSESSOR’S PARCEL NOS. 039-430-119 and 039-430-120)

By memorandum dated 2/4/02, the Director of Public Works reported that property owners Larry J. and Patricia A. Stephenson have petitioned the City to abandon a six-foot-wide public utility easement located between Lots 11 and 12 on Bellarmine Court within the McGowan Industrial Park, west of Meyers Drive, Assessor’s Parcel Nos. 039-430-119 & 120. Comments on the proposed abandonment were solicited from the City’s Police and Fire Departments as well as local utility companies, all of whom have advised that they have no objection to the abandonment. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing for 4/2/02.


By memorandum dated February 13, 2002, the Assistant Community Development Director forwarded a report on initiation of the annexation of 3.26 acres located at 402 West 12th Avenue. The subject property is designated for low density residential use and is prezoned R-1 Single Family Residential. The annexation is requested to facilitate future single family residential subdivisions on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

MINUTE ORDER NO. 04-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RONALD AND LEVITA METZGER TO ACQUIRE PROPERTY LOCATED AT 2496 CACTUS AVENUE AND AUTHORIZATION OF DISBURSEMENT OF RELOCATION BENEFITS (APN 048-210-005)

The City Council previously authorized negotiations with Ronald and Levita Metzger, owners of the property located at 2496 Cactus Avenue, in connection with the City’s East Avenue widening project. Because the impacts of the project on the property require acquisition of that portion of the parcel on which the house is located, the tenant currently residing in the house is also entitled to statutory relocation benefits. This minute order would authorize the City Manager to execute a sales agreement and other documents necessary to acquire the property for $121,000, subject to the terms set forth in the minute order, and further authorize the disbursement of statutory relocation benefits to the tenant as set forth in the minute order. The Assistant City Manager recommended approval of the minute order.

MINUTE ORDER NO. 05-02 — AUTHORIZATION FOR THE CITY MANAGER TO DONATE SURPLUS VIDEO PRODUCTION EQUIPMENT TO BUTTE COMMUNITY COLLEGE

Project Manager Wood reported the City owns various pieces of video production equipment originally purchased for a lending program which allowed City residents to borrow the equipment, free of charge, to make videos for airing on Cable Channel 11, the Public Access Channel. Because of low usage, monetary and organizational problems, the program was terminated by the City Council in June 2000 and the equipment has been in storage. By letter dated 1/23/02, Butte Community College requested that the City donate the equipment to it for use in the operation of Channel 11, the Public Access Channel, or for video production classroom instruction. The Community Access Users Group has previously recommended that the City dispose of the equipment. This Minute Order authorized the donation of the equipment to Butte Community College. The City Manager recommended approval of the Minute Order.
2.7. **MINUTE ORDER NO. 06-02 — APPROVAL OF CONSOLIDATION OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) AND THE BUTTE ANTI-DRUG AND GANG SPECIAL SUPERVISION UNIT (BASS) AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSOLIDATION** – this item was removed from the Consent Agenda at the request of Councilmember Keene and heard under item 4.1.

2.8. **APPROVAL OF FINANCE COMMITTEE’S RECOMMENDATION FOR A SUPPLEMENTAL ALLOCATION FROM THE GENERAL FUND FOR THE CHICO HIGH CENTENNIAL TO BE HELD SEPTEMBER 12-15, 2002** – this item was removed from the Consent Agenda at the request of Councilmember Jarvis and heard under item 4.1.

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

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

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON REZONE 01-03 (Davis) – 571 EAST FIRST AVENUE**

By memorandum dated 1/24/02, Associate Planner Hanson reported that at the Planning Commission meeting of 12/20/01, the Commission voted 5-1-1 with one absent and one opposed to recommend approval of a rezone request by David and Dianna Davis. The request would rezone a 0.43 acre parcel located at 571 E. 1st Avenue from R2 Medium Density Residential to CC-TC Community Commercial with a Transit Corridor overlay zone to accommodate retail use on the ground floor and residential use on the second floor. The City Council introduced this ordinance at its 2/19/02 meeting. Councilmember Bertagna disqualified himself from the discussion and subsequent vote. The hearing was opened to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to adopt the negative declaration and approve Rezone 01-03 (Davis) and adopt:

**ORDINANCE NO. 2242 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 571 EAST 1ST AVENUE FROM R2 MEDIUM DENSITY RESIDENTIAL TO CC-TC COMMUNITY COMMERCIAL/TRANSIT CORRIDOR OVERLAY, REZONE 01-03 (Davis)**

The motion carried by the following vote:

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

3.2. **HEARING ON TEXT AMENDMENTS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE** — this item was removed from the agenda and will be brought back at a subsequent meeting.
4. **REGULAR AGENDA**

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

2.7. **MINUTE ORDER NO. 06-02 — APPROVAL OF CONSOLIDATION OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) AND THE BUTTE ANTI-DRUG AND GANG SPECIAL SUPERVISION UNIT (BASS) AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSOLIDATION**

Butte County has two separate drug enforcement task forces in operation, the Butte Interagency Narcotics Task Force (BINTF) and the Butte Anti-Drug and Gang Special Supervision Unit (BASS). Chico Police has one officer assigned to BINTF and one officer assigned to BASS. In a mutual decision, both task forces have decided to dissolve BASS and form one larger task force. This Minute Order approved the consolidation of BINTF and BASS and authorized the City manager to sign the agreement for the consolidation. The Chief of Police recommended approval of this Minute Order.

Councilmember Keene asked that this item be removed from the Consent Agenda for further clarification on how further gang activity would be handled with the consolidation. The Chief of Police stated that the Council, by prior approval, had funded a gang task force made up of one sergeant and two officers. BINTF North will still focus on street level drugs and crimes which will also cover gangs.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to approve Minute Order No. 06-02.

The motion carried by the following vote:

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

2.8. **APPROVAL OF FINANCE COMMITTEE’S RECOMMENDATION FOR A SUPPLEMENTAL ALLOCATION FROM THE GENERAL FUND FOR THE CHICO HIGH CENTENNIAL TO BE HELD SEPTEMBER 12-15, 2002**

At its 02/25/02 meeting, the Finance Committee unanimously recommended approval of a General Fund allocation not to exceed $10,000 for expenses relating to a parade to be held on Saturday, 9/14/02 as part of the celebration of the Chico High Centennial. In recommending the request, the Committee added a “miscellaneous parade expense” category to allow the Centennial Committee to use the funding for other parade-related purposes if the Centennial Committee is not required to spend the amounts currently budgeted for insurance and traffic controls. If approved, the City would enter into a funding agreement with the non-profit organization designated by the Centennial Committee to serve as its fiscal receiver for the funds. The Council was provided with a copy of the Centennial Committee’s funding request and a copy of the General Fund(001) fund summary which reflects the 06/30/02 estimated fund balance. A confirming Supplemental Appropriation will be prepared allocating an amount not to exceed $10,000 from the General Fund for parade expenses in connection with the Chico High Centennial.

Councilmember Jarvis requested that this item be removed from the Consent Agenda for further clarification on why this request was not part of the normal funding cycle. Councilmember Keene and Wahl both indicated that the funds were needed now in order for the 100-year celebration to be held and that it was anticipated that thousands of people could possibly visit the City for this event. It was confirmed that the school district was also participating in the funding and any monies left over would be returned to the City.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve an amount not to exceed $10,000 from the General Fund for parade expenses in connection with the Chico High Centennial, with any monies left over returned to the City.
The motion carried by the following vote:

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

4.2. INITIAL CONSIDERATION OF AN APPEAL BY JOHN DITTES AND JOSEPHINE GUARDINO OF THE BIDWELL PARK AND PLAYGROUND COMMISSION’S JANUARY 28, 2002 DECISION TO PROCEED WITH ENVIRONMENTAL REVIEW OF TRAIL PROPOSAL FOR UPPER BIDWELL PARK.

By memorandum dated 2/20/02, the Park Director reported that the Bidwell Park and Playground Commission authorized staff to proceed with environmental review of a trail proposal for Upper Bidwell Park. The proposal includes upgrading existing trails, potential development of new trails and closing others as part of a comprehensive program. This decision has been appealed by John Dittes and Josephine Guardino, who are proposing suspension of the current planning/environmental review project and initiation of a new planning process. Josephine Guardino addressed Council regarding the need to hear the appeal. Woody Elliott and Racquel Siler also urged Council to hear the appeal. Dave Wood opposed hearing the appeal due to his belief that the process did work.

Staff indicated that there was a timing issue due to some botanical work that needed to be done starting in March. The appellants were requesting that the City complete an overall resource plan first and then design the trail in the least impacted area. The City Manager indicated that while this would be one approach to determine the trail alignment, the current approach of performing the EIR on the recommended trail alignment is also a legal approach. Either action would require an EIR. Councilmember Keene indicated that he felt that all issues such as whether the trail needs to be moved or elevated in some areas would be addressed in the EIR and that the key was to provide public access to this very beautiful area. The City Council has the option of taking no action, thereby upholding the Park Commission’s decision, or scheduling the appeal for a public hearing at a subsequent meeting. The Park Director recommended the City Council not hear the appeal.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to take no action, thereby upholding the Park Commission’s decision.

The motion carried by the following vote:

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

4.3. INITIAL CONSIDERATION OF AN APPEAL BY GEORGE AND CATHI GRAMS OF THE BIDWELL PARK AND PLAYGROUND COMMISSION’S JANUARY 28, 2002 DECISION TO REQUIRE REMOVAL OF THE LANDSCAPING AND IRRIGATION FROM CITY PROPERTY IN LINDO CHANNEL

By memorandum dated 2/20/02, the Park Director reported that the Bidwell Park and Playground Commission denied the request of George and Cathi Grams, 1045 Sir Williams Court, to retain landscaping and irrigation behind their home on City property adjacent to Lindo Channel. Citing that the request was beyond the Commission’s authority under the City Council approved Lindo Channel encroachment resolution guidelines, the Commission voted 4-1 to deny the request. Speaking in favor of hearing the appeal was George Grams.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to schedule the appeal for a public hearing.

The motion carried by the following vote:
Councilmember Jarvis requested staff to agendize a policy discussion of Lindo Channel encroachments after Council has heard the Grams' appeal.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON FEBRUARY 12, 2002

By memorandum dated 2/22/02, the Internal Affairs Committee provided a report on its meeting held on 2/12/02.

COMMITTEE ITEM REQUIRING COUNCIL ACTION:

A. Approval of Recommendation from the Parking Place Commission to Create a Passenger Loading Zone Adjacent to the Entrance of the Proposed Diamond Hotel on West 4th Street between Broadway and Salem. The Committee recommended (3-0) approval of the Parking Place Commission recommendation to establish the “Passenger Loading Zone” designation at this location, which will require the removal of a bicycle parking space plus one metered parking space.

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

RESOLUTION NO. 101-01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 728

The motion carried by the following vote:

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

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION:

B. Consideration of Request for a Local Ordinance to Limit Access to all Forms of Tobacco for Sale.

C. Consideration of Recommendation from the Parking Place Commission to amend the Chico Certified Farmers’ Market Franchise Agreement.

D. Consideration of Issues related to the (Unsponsored) Halloween Event in Chico.

4.5. FUTURE MEETINGS

The City Council was requested to consider scheduling:

A. Council will consider the Manzanita/Bruce Road Environmental Impact Report on May 7, 2002.

B. A joint meeting with the Chico Area Recreation and Park District Board of Directors to address park issues of mutual concern. The City Manager will meet with the Mayor and then CARD to set the agenda and then will bring it back to Council to set the date for the meeting.

C. The Biennial Appreciation Dinner in June for the Council’s Board members and Commissioners. Council appointed Councilmembers Kirk and Nguyen-Tan to assist the City Clerk with planning the event.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA — None
3. **BUSINESS FROM THE FLOOR** — None

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

6.1. Memorandum dated 2/22/02 from the Art Projects Coordinator forwarded a recommendation from the Arts Commission to approve Mountain Valley Art's request for $29,974 from the Redevelopment Agency Art Fund 380 to fund the Chico Open Board Art (COBA) 2002 project. Staff recommended referral of this request to the Finance Committee.

6.2. Memorandum dated 2/12/02 from the Finance Director reported that the list of claims paid during the month of January 2002 had been produced and was available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.3. Memorandum dated 2/19/02, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget. The Assistant City Manager was requested to provide Council with additional information regarding #7 in the report.

5. **ADJOURNMENT**

Adjourned at 9:15 p.m. to Tuesday, March 12, 2002, at 6:30 p.m. in the Council Chamber for a meeting regarding Halloween issues.

Date Approved: April 2, 2002

___________________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Herbert called the meeting to order at 6:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

Absence: None

1.3. Introduction of City Staff – City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Police Captain Maloney, Fire Chief Brown, Project Manager Wood, Police Captain Viegas, Lieutenant Carrillo.

2. **CONSENT AGENDA** – No items

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ISSUES AND ACTIONS RELATED TO THE (UNSPONSORED) HALLOWEEN EVENT IN CHICO**

At its meeting of 2/12/02, the Internal Affairs Committee recommended that a public meeting be held regarding Halloween issues, specifically focusing on the first eight recommendations made by City Department Heads, who had attended the 2001 Halloween event, as outlined in the City Manager's memorandum to the City Council dated 11/28/01.

At that meeting, Councilmember Jarvis requested more detailed information regarding recommendation number one for implementation of a "no-mask" ordinance in the same area as the glass-free zone during the late evening and early morning hours on Halloween, including a definition of "mask." She also requested more information regarding how gang activity was being addressed during the Halloween event.

The City Council was provided with binders containing a memorandum dated 3/4/02 from the Chief of Police providing the additional information requested, as well as:

1. Previously provided memoranda
   a. Memorandum from Chief of Police dated 2/18/02
   b. Memorandum from City Manager dated 11/28/06
   c. Memorandum from Chief of Police dated 11/26/02

2. List of Action Items adopted by City Council at its meeting of 5/15/01

3. Chico Halloween Arrest Statistics

4. Letter from Enloe Hospital

5. Previous recommendations from the Special Events Task Force

6. Memorandum from Chief of Police reporting on St. Patrick's Day events

7. California State University, Chico Residence Hall Information
8. Information from Other Communities
   a. San Luis Obispo
   b. Santa Barbara
   c. Palm Springs
   d. Harvard’s 12-Step Plan
   e. Other Colleges/University Approach to Alcohol Use
   f. Frequently Asked Questions Concerning Alcohol Use
   g. News Reports Concerning Mardi Gras Activities in 2001

The City Manager opened the meeting with an overview of the Halloween event and why the Council has spent a considerable amount of time over the past few years trying to get the alcohol out of this event. While progress has been made, there is still concern over direct and indirect costs, last year’s multiple stabbings and cars being overturned. The City Manager stressed that the Council needed to look at related controls that work towards eliminating or closing down the event.

Council discussed the possibility of a “No-Mask” Ordinance. The Chief of Police indicated that during his research he could find no other communities that implemented such a law. Councilmember Jarvis wanted to know exactly what a “No-Mask” Ordinance would prohibit, who it would apply to and at what time of the evening it would go into effect. There was Council concurrence to not consider the implementation of a “No-Mask” Ordinance at this time.

The City Manager discussed the potential benefits of implementing DUI checkpoints and recommended that Council seriously consider this option. Councilmember Bertagna expressed his concern over paying some law enforcement agencies, but expecting others to just participate at their own cost. The Chief stated that last year he did talk to all the heads of neighboring agencies. Council requested that the Chief was to make certain there was an understanding with local agencies that the City would be seeking and paying for outside help. In addition, agreements would need to be obtained. Councilmember Nguyen-Tan asked if there was an estimate on the dollar value of the donated officer’s time. The Chief responded that it would be difficult to estimate. However, the 1999 Halloween report included an estimation of $40,000 to outside agencies.

Councilmember Nguyen-Tan felt that parking should be discouraged on 5th even while recognizing that it would be an inconvenience for the people in the area. The City Manager also thought the Council should look at closing the City parking lots by using volunteers, along with working with the University to close its parking lots.

Council discussed full enforcement of all laws pertaining to the curfew, drunk in public, and indecent exposure, etc.

The Council opened the item up to the audience in order to receive public comments.

Speaking in favor of DUI checkpoints and keeping the event alcohol free was Marian Gage and Sharon Chambers. Urging Council to acknowledge Halloween as an event, with different events taking place in several locations and charging admission was Charlie Pruesser, Mario Sagastume and Bob Ray. Harjot Kandola, representing the Youth Shadow Council, indicated that the Youth Shadow Council felt that alternative events such as a Battle of the Bands or a costume contest might help, along with more public bathrooms, and the presence of more law enforcement, especially the mounted units. It was also suggested that Council adopt an ordinance prohibiting costume props that could be dangerous. Aaron Ross Swain with the Associated Students indicated that the AS group would work hand in hand with the police. Sean Simonds suggested that parking be prohibited from 1st and Wall to 1st and Main which would allow for a safer flow of cars. Sandy Acebo, Vice President of Butte College indicated that the College supports zero tolerance with a firm commitment for change. Monica Gage questioned the ability to make the event more family oriented when most of the people in attendance are students who are not from the area.
The public portion of the meeting was concluded and Council resumed their discussion.

Councilmember Bertagna stated for the record that he wanted the event to be over with and that he wanted it stopped. He urged Council to take actions to end what takes place on the evening of Halloween.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to stop the event. Councilmember Jarvis stated for the record that she couldn’t support the motion because she believes that there are responsible people who can party without alcohol.

The motion carried by the following vote:

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

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to authorize DUI checkpoints and directed the Chief of Police to provide Council with a report on how many would be needed and in what areas, along with contacting CHP for their assistance in setting up DUI checkpoints on the highway.

The motion carried by the following vote:

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

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to not bring in the additional lighting or portable restrooms and to not have any street closures. The Chief of Police was also instructed to provide Council with a detailed report on the possible ramifications of not closing streets, not putting out additional lights and providing portable restrooms. Councilmember Nguyen-Tan stated for the record that he couldn’t support the motion because he was not supportive of removing the portable lighting. He would, however, support the removal of portable restrooms. Vice Mayor Kirk stressed that she wanted to make sure that these actions would work for the police and not make things more difficult.

The motion carried by the following vote:

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

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to direct the Chief of Police to come back with a report which would include the specifics for the number of officers needed to fully staff the event, including the DUI checkpoints, and provide Council with an estimate on all additional costs, along with the development of a full staffing plan.

The motion carried by the following vote:

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

Councilmember Jarvis also asked the Chief of Police to look at increasing our gang unit force on patrol. Council also discussed how to get the message out that there wasn’t going to be a Halloween event in the City of Chico, with an emphasis on enforcement of all laws.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to have staff prepare a public relations proposal to include a consistent message that there will not be an event, and bring it back to Council for approval. Councilmember Nguyen-Tan stated that he wanted to see the proposal before approving any expenditures on billboards and ads.
The motion carried by the following vote:

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

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to direct staff to work on onsite and offsite alcohol sales and to pursue closing public parking lots.

The motion carried by the following vote:

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

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS – None

7. ADJOURNMENT

The meeting adjourned at 9:05 p.m. to Tuesday, March 19, 2002, at 7:00 p.m. in Conference Room No. Two if a closed session is scheduled, followed by an adjourned regular meeting in the Chamber at 7:30 p.m.

Date Approved: April 16, 2002

___________________________________
Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
MARCH 19, 2002 – MINUTES

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street, to discuss negotiations with the City’s real property negotiator regarding the proposed acquisitions relating to the East/Esplanade intersection project, listed as follows:

<table>
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<tr>
<th>Property Owner</th>
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</thead>
<tbody>
<tr>
<td>Susan McCulloch &amp;</td>
<td></td>
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<tr>
<td>Michael Etchandy</td>
<td>2516 Esplanade</td>
<td>006-071-069</td>
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<tr>
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<td>2539 Esplanade</td>
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The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER

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

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF VARIOUS PARCELS FOR THE EAST/ESPLANADE INTERSECTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are as follows:

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2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney will review the following: State of California on behalf of Department of Toxic Substances Control v. City of Chico, et al., U.S. District Court, Eastern District of California, Case No. CIV-02-0442 LKK DAD(Central Chico Plume) (Gov. Code Sec. 54956.9(a).)
2.3. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

Adjourned at 7:25 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Herbert called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Reverend Robert Roberts, Redeemer Lutheran Church

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

Absent: None

1.4. Introduction of City Staff – City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Finance Director Martin, Chief of Police Efford, Director of Public Works Ross, Assistant Director of Public Works McKinley, Public Works Administrative Manager Halldorson Community Development Director Baptiste, Management Analyst Herman, Park Director Beardsley, Housing Officer McLaughlin, Sr. Planner Hayes, Arts Project Coordinator Gardner.

1.5. Closed Session Announcement – None

2. **CONSENT AGENDA**

2.1. **RDA MINUTE ORDER NO. 1-02 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO AMEND THE OWNER’S PARTICIPATION AGREEMENT WITH A & L OF CHICO TO PROVIDE FOR REIMBURSEMENT OF DEVELOPMENT IMPACT FEES AND COSTS FOR THE DEVELOPMENT OF PHASE II OF THE UNIPRISE (a.k.a. UNITED HEALTH CARE) EXPANSION PROJECT** – This item was removed from the Consent Agenda for further discussion.

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

4. **REGULAR AGENDA**

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

2.1. **RDA MINUTE ORDER NO. 1-02 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO AMEND THE OWNER’S PARTICIPATION AGREEMENT WITH A & L OF CHICO TO PROVIDE FOR REIMBURSEMENT OF DEVELOPMENT IMPACT FEES AND COSTS FOR THE DEVELOPMENT OF PHASE II OF THE UNIPRISE (a.k.a. UNITED HEALTH CARE) EXPANSION PROJECT** – This item was removed from the Consent Agenda for further discussion at the request of Councilmember Nguyen-Tan.

At its meeting on 5/16/00, the Chico Redevelopment Agency approved Minute Order RDA 2-00 authorizing the Executive Director to enter into an Owner’s Participation Agreement (OPA) with A & L of Chico (property owner) for reimbursement of $132,911 in public improvement costs for the development of the Uniprise (a.k.a. United Health Care) facility constructed on its property at 2080 20th Street (Phase I). At its 4/4/01 meeting, the Economic Development Committee reviewed another request from Uniprise for additional assistance for the construction of a Phase II expansion of the project, which was to include the construction of another 52,000 sq. ft building on the property to accommodate an additional 350 employees.

The Committee recommended approval of (1) reimbursement of up to $125,000 in development impact fees paid for the Phase II expansion, (2) reimbursement of $14,500 in 20th Street reimbursement fees paid for Phase I, and (3) a $150,000 loan to Uniprise to be used for working capital. Subsequent to the Committee’s review of this request, Uniprise is now requesting that the Agency consider the Committee’s recommendations for the reimbursement of development impact fees and the street improvement fees, but is not requesting the working capital loan from the Agency.
This Minute Order authorized the Executive Director to amend the Owner’s Participation Agreement with A & L of Chico dated 6/4/01 to provide for additional assistance for development of Phase II of the Uniprise project. The additional assistance would provide for reimbursement of up to $125,000 in development impact fees and $14,500 in 20th Street reimbursement fees paid for Phase I to be paid over a 10-year period based on 50% of the tax increment generated by the project. The Economic Development Committee recommended approval of the Minute Order. The City Manager provided Council with background information on this owner’s participation agreement.

A motion was made by Councilmember Nguyen-T an and seconded by Vice Mayor Kirk to approve RDA Minute Order No. 1-02 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO AMEND THE OWNER’S PARTICIPATION AGREEMENT WITH A & L OF CHICO TO PROVIDE FOR REIMBURSEMENT OF DEVELOPMENT IMPACT FEES AND COSTS FOR THE DEVELOPMENT OF PHASE II OF THE UNIPRISE (a.k.a. UNITED HEALTH CARE) EXPANSION.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF SPECIFIC LOCATION, HOUSING TYPE, ANY DESIGN CONSIDERATIONS, AND TARGETED HOUSEHOLD TYPE FOR DEVELOPMENT OF THE REDEVELOPMENT AGENCY-OWNED PARCEL AT HUMBOLDT ROAD AND EL MONTE AVENUE

At its meeting of 2/26/02, the Redevelopment Agency held a workshop and public hearing on the development of a 4.7 acre portion of the property located on the north side of Little Chico Creek adjacent to Marsh Junior High School. The Agency heard presentations from residential developers regarding the development constraints and benefits of the property. The general public also provided input to the Agency on the property’s development. The Agency was provided with a memorandum dated 3/13/02 from the Housing Officer summarizing the 2/26/02 workshop, as well as copies of the housing concept proposals previously provided for that meeting. The Agency previously indicated that at its meeting tonight it will consider a specific location for the housing project, the housing type to be developed (rental or ownership) and the targeted household type (families, seniors, disabled, or a combination). The Agency would also address site design parameters, such as location of parking, unit density, and building heights. As previously indicated on 2/26/02 after the public hearing was held, tonight’s discussion will be limited to Redevelopment Agency Members. A petition signed by 80 neighbors was given to the City Clerk to be included in the record. This petition urged Council to retain the 11+ acres for a community park.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to direct staff to:

• send out the Request for Proposals (RFP’s) to the same developers who had already responded to the earlier request; and
• put RFP in Council boxes when developed; and
• 60 day minimum RFP period; and
• creative design to enhance attractiveness of site and safety of area; and
• move forward on the remaining property by having the ad hoc park committee and representatives of CARD look at it now, giving the private group time some type of time frame; and
• designating the housing type to be “multi-family”; and
• to be built on the southern portion of the property; and
• mixture of 2 and 3 stories, clustering and maximizing open space; and
• parking lot to be on the Notre Dame side instead of by the creek; and
• no solid wall by the creek, but some type of low barrier may be acceptable for safety of the children; and
• creative design to enhance attractiveness of site and safety of area, and
• as little City funding as possible.
The motion carried by the following vote:

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

4.3. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION FOR AUTHORIZATION OF A SUPPLEMENTAL APPROPRIATION ALLOCATING $29,974 FOR THE CHICO OPEN BOARD ART (COBA) 2002 PROJECT

At its meeting of 3/11/02 the Finance Committee (3-0):

A. Recommended approval of Mountain Valley Art's request for $29,974 from the Chico Merged RDA Fine Arts Fund (380) to fund the Chico Open Board Art (COBA) 2002 project, with the conditions that COBA submit a plan for increasing private business sponsorship of the program, a plan for increasing program income (fund raising), and that an audit be performed for the program; and

B. Directed staff to work with Mountain Valley Arts on options and locations for display of the art works.

The Agency was provided with the memorandum dated 2/22/02 from the Arts Projects Coordinator forwarding the recommendation for approval of this request from the Arts Commission and transmitting the COBA proposal. Greg Payne addressed Council regarding this program.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Nguyen-Tan to approve the funding request, with a supplemental appropriation to confirm the Council’s allocation of $29,974 from the Chico Merged RDA Fine Arts Fund (380) to be processed after this meeting.

The motion carried by the following vote:

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

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

Adjourned at 8:21 p.m. to a City Council meeting.
1. **CALL TO ORDER** — Mayor Herbert called the adjourned regular Chico City Council Meeting to order at 8:21 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

Absent: None

2. **CONSENT AGENDA** — Items 2.3. and 2.6. were removed from the Consent Agenda and heard under Item 4.1. for further discussion. A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.23 ACRE PARCEL AT 2280 CEANOTHUS AVENUE - REZONE 01-05 (CAVANESS) - INTRODUCTORY READING**

By memorandum dated 02/26/02, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of February 7, 2002, the Commission voted 5-0-2 (Sanders and Alvistur disqualified) to forward a recommendation of approval to the City Council for a proposed rezone of a 0.23 acre parcel located at 2280 Ceanothus Avenue, Assessor’s Parcel No 048-660-002, from R1 Low Density Residential (2.01 to 6 units per acre) to R2 Medium Density Residential (4.01 to 14 units per acre). The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Planning Commission and Planning Director recommended that the City Council: 1) introduce the rezone ordinance by the reading of the title only; and 2) schedule a public hearing for the adoption of the rezone ordinance (Rezone 01-05 Cavaness) at the 4/2/02 City Council meeting.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING 4.4 ACRES AT 2352 AND 2380 ALAMO AVENUE AND 30 DALLAS COURT - REZONE 01-07 (KILBOURNE) - INTRODUCTORY READING**

By memorandum dated 02/26/02, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of 2/7/02, the Commission voted 5-0-1-1 (Stone abstained; Monfort absent) to forward a recommendation of approval to the City Council for a proposed rezone of 4.4 acres located at 2352 and 2380 Alamo Avenue and 30 Dallas Court, Assessor’s Parcel Nos. 042-560-004, 006, and 007, from R1 Low Density Residential (2.01 to 6 units per acre; 4,500 square foot minimum lot size) to RS-20 Suburban Residential (0.2 to 2 units per acre; 20,000 square foot minimum lot size). A negative declaration of environmental impact is proposed pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: 1) introduce the rezone ordinance by the reading of the title only; and 2) schedule a public hearing for the adoption of the rezone ordinance (Rezone 01-07 Kilbourne) at the 4/2/02 City Council meeting.

2.3. **APPROVAL OF MINUTE ORDER NO. 07-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO ACQUISITION OF RIGHT OF WAY AT SHR 99 AND CARMICHAEL DRIVE FOR FUTURE IMPROVEMENT OF INTERCHANGE AT E. PARK AVENUE AND STATE HIGHWAY ROUTE 99 - AP NOS. 005-570-003/005-570-004 - (GUILLON INDUSTRIAL PROPERTIES/MASTER & MOHOMED)** — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan and heard under Item 4.1.
2.4. RESOLUTION NO. 103 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INDICATING THE INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (3% @ 60 RETIREMENT PLAN - MISCELLANEOUS MEMBERS)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (3% @ 60 RETIREMENT PLAN - MISCELLANEOUS MEMBERS) — INTRODUCTORY READING

By memorandum dated 3/6/02, the Personnel Director reported that Council adoption of a resolution and ordinance is required to authorize amending the City’s contract with the Public Employees’ Retirement System (PERS) to add the 3% at 60 retirement formula for miscellaneous employees. These modifications were previously approved by the City Council. This amendment to the PERS plan would be effective June 30, 2002. The City Manager and Personnel Director recommended adoption of the proposed resolution and introductory reading of the ordinance.

2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 01-02 32 ALLOCATING $165,000 FROM THE COMMUNITY PARK FUND TO THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR THE DESIGN OF DEGARMO PARK

At its 1/28/02 meeting, the Finance Committee recommended (3-0) approval of a supplemental appropriation allocating $165,000 from the Community Park Fund to CARD for the environmental review of the proposed DeGarmo Community Park and preparation of a drainage plan along with plans and specifications for first phase improvements to include youth ball fields, parking, utilities, landscaping, and infrastructure; and that CARD prepare a detailed work plan showing how this money would be spent to accompany this recommendation when it was submitted to the City Council in approximately 30 days, or whenever CARD had completed the plan. The Council was provided with copies of a letter dated 3/7/02 from Mary Cahill, General Manager of CARD, providing information regarding the funding request for DeGarmo Park.

This Supplemental Appropriation would allocate $165,000 from the Community Park Fund (330) for DeGarmo Park design and environmental assessment costs. The City Council was also provided with copies of Supplemental Appropriation No. 01-02 32 and the Community Park Fund (330) Fund Summary which reflects the 06/30/02 estimated fund balance.

2.6. APPROVAL OF ONE TIME EXEMPTION TO THE CHICO MUNICIPAL CODE SECTION 12R.08.263 - GENERAL PERMIT CONDITIONS - BIDWELL BOWL ALLOWING THE USE OF AMPLIFIED SOUND FOR EXTENDED PERIODS OF TIME DURING THE 5/4/02 CELEBRATION OF YOUTH AND ART MUSIC FAIR IN CHILDREN’S PLAYGROUND — this item was removed from the Consent Agenda and heard under Item 4.1.

2.7. APPROVAL OF CITY COUNCIL MINUTES OF JANUARY 15 AND FEBRUARY 5, 2002

The City Council was provided with copies of the minutes from its meetings held on 1/15/02 and 2/5/02.

The motion to approve the Consent Agenda as read, with Items 2.3. and 2.6. removed and heard under Item 4.1. carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: None
3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON AMENDMENT TO THE CITY OF CHICO 2001 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY)

At its meeting of 2/25/02, the Finance Committee considered this matter and recommended (2-1, Nguyen-Tan opposed) that the Development Impact Fees for Street Facilities be amended based on approval of amendments #1 and #2 below which would add the following state highway projects to the 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study); and that #3 and #4 below be continued 30 days in order to request the Butte County Association of Governments to pursue additional State funding for these projects:

1. The addition of two traffic signals and additional lanes at both north and south bound on and off ramps of State Highway Route (SHR) 99 at Eaton Road to be funded by developer fees, with the condition that State funding be pursued for a 50/50 split and that this cost allocation will be considered further;
2. The acquisition of right of way along SHR 99 at the northwest corner of Skyway/East Park overpass parallel to Carmichael Drive to be funded by developer fees;

Continue 30 days to pursue the possibility of more State funding:

3. The addition of a traffic signal at Oak Way and SHR 32 to be funded one-half by developer fees and one-half by state highway funds; and
4. The addition of a traffic signal at Glenwood Avenue and SHR 32 to be funded one-half by developer fees and one-half by state highway funds.

The City Council was provided with the memorandum dated 2/18/02 from the Public Works Administrative Manager which the Committee received, a new memorandum dated 3/8/02 transmitting revised pages of the Nexus Study reflecting the Committee’s recommendation. The hearing was opened to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to accept the Finance Committee’s recommendations listed above and to adopt:

RESOLUTION NO. 104 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 266 – TRANSPORTATION FACILITY FEES)

The motion carried by the following vote:

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

Council recessed for a ten-minute break at 8:40 p.m.

3.2. HEARING ON TEXT AMENDMENTS TO TITLE 19, ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS,” OF THE CHICO MUNICIPAL CODE

By memorandum dated 2/08/02, Associate Planner Palmeri reported that at the Planning Commission meeting of 12/20/01, the Commission voted 6-0-1(Alvistur absent) on items A, B, C, D, E, F, and H, and voted 5-0-1-1(Monfort disqualified)on item G, to recommend approval of text amendments to Title 19 Land Use and Development Regulations. The proposed amendments will modify and clarify several definitions, amend multi-residential building heights, and amend certain parking and landscaping requirements, and second dwelling unit standards. The below ordinance received introductory reading at Council’s meeting of 2/19/02 after being revised to delete the section regarding lights on telecommunications towers.

The hearing was opened to the public. No one spoke and the hearing was closed.
A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to find that pursuant to Section 15162 of the California Environmental Quality Act (CEQA) and based on the Environmental Impact Report certified for the 1994 Chico General Plan, no further environmental review is required for the proposed text amendment; and adopt the below ordinance by the reading of the title only.


The motion carried by the following vote:

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

3.3. HEARING ON ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENT AND A SANITARY SEWER AND EMERGENCY ACCESS EASEMENT (CORDES/ASSESSOR’S PARCEL NO. 002-230-022)

By memorandum dated 2/20/02, the Director of Public Works reported that the property owner, Jacquelyn Cordes, petitioned the City to abandon a three-foot-wide public utility easement and a forty-foot-wide sanitary sewer and emergency access easement located along Forest Avenue west of Notre Dame Boulevard and Bar Triangle Street, to allow for future development of the property. At its meeting of 2/19/02, the City Council adopted a resolution of intention to abandon the easements and set a public hearing for 3/19/02. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 104 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT AND A SANITARY SEWER AND EMERGENCY ACCESS EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (CORDES, ASSESSOR’S PARCEL NO. 002-230-022)

The motion carried by the following vote:

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

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

2.3. **APPROVAL OF MINUTE ORDER NO. 07-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE DOCUMENTS RELATING TO ACQUISITION OF RIGHT OF WAY AT SHR 99 AND CARMICHAEL DRIVE FOR FUTURE IMPROVEMENT OF INTERCHANGE AT E. PARK AVENUE AND STATE HIGHWAY ROUTE 99 - AP NOS. 005-570-003/005-570-004 - (GUILLON INDUSTRIAL PROPERTIES/MASTER & MOHOMED) — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further clarification.**

At its 1/10/02 meeting, the Economic Development Committee considered the opportunity offer from Guillon Industrial Properties, currently in escrow for the purchase of two parcels on Carmichael Drive from Ahmed Shiraz Mohomed and Toral Master, to allow the City to purchase 1.57± acres along the rear of the parcels and adjacent to SHR 99 at fair market value estimated to be $307,751.40 ($4.50/square foot) for right-of-way needed for the future improvement of the interchange at E. Park Avenue and SHR 99. This minute order would authorize the City Manager to execute documents relating to the acquisition of this property, subject to verification of the fair market value by an appraisal and other terms set forth in the minute order. A confirming supplemental appropriation allocating funding from the Street Facility Improvement Fund (Fund 308) will be prepared in the amount of $320,000. The Council was provided with a copy of the Street Facility Improvement Fund (Fund 308) fund summary which reflected the 06/30/02 estimated fund balance. The City Manager recommended approval of the minute order.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve Minute Order No. 07-02.

The motion carried by the following vote:

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

2.6. **APPROVAL OF ONE TIME EXEMPTION TO THE CHICO MUNICIPAL CODE SECTION 12R.08.263 - GENERAL PERMIT CONDITIONS - BIDWELL BOWL ALLOWING THE USE OF AMPLIFIED SOUND FOR EXTENDED PERIODS OF TIME DURING THE 5/4/02 CELEBRATION OF YOUTH AND ART MUSIC FAIR IN CHILDREN'S PLAYGROUND — this item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.**

By memorandum dated 3/1/02, the Park Director reported that in response to an Application and Permit for Park use, the Bidwell Park and Playground Commission (BPPC) developed and approved a series of conditions allowing for extended periods of amplified sound in the Bidwell Bowl during the Celebration of Youth and Art Music Fair scheduled for 5/4/02. However, Council approval is required as the conditions exceed the conditions in the Chico Municipal Code limiting the time amplified sound can be used during any one event to twenty (20) minutes. The limited exemption is intended to allow the event sponsors and neighbors to assess different sound arrangements intended to avoid adverse impacts on the adjacent neighborhood. The Bidwell Park and Playground Commission and Park Director recommended approval.

Councilmember Wahl disqualified himself from the discussion and left the dias. Councilmember Bertagna asked for clarification on what type of music was going to be played, why amplification was needed in that small of an area and why was the Council being asked to reconsider a matter that was considered 8 years ago. Mayor Herbert also stated that he felt that when citizens bring issues forward for resolution they should feel confident that they won’t have to bring it back year after year.

A motion was made by Councilmember Nguyen-Tan to approve the limited exemption. The motion failed.
due to the following vote:

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

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON FEBRUARY 25, 2002

By memorandum dated 3/4/02, the Finance Committee provided a report on its meeting held on 2/25/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEMS REQUIRING COUNCIL ACTION ON 3/19/02:

A. Acceptance of Financial Audit of the Downtown Chico Business Association for Fiscal Year Ending June 30, 2001 — A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene for acceptance of the Financial Audit of the Downtown Chico Business Association for fiscal year ending 6/30/01.

The motion carried by the following vote:

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

B. Acceptance of the Community Organization Compliance Audits for FY 2000-01 and Approval of the Remediation Actions for New Unity, Inc. and Northern California AIDS Foundation – Subsequent to the 2/25/02 Finance Committee meeting, the Finance Director received additional information from New Unity and Northern California AIDS Foundation. By memorandum dated 3/8/02, the Finance Director provides an updated status on both organizations and supplementary recommendation on Northern California AIDS Foundation as follows: Based on the Council’s prior acceptance of a Finance Committee recommendation to take no further action if the Northern California AIDS Foundation could demonstrate insolvency, and based on the submittal of documentation sufficient to demonstrate insolvency, the Finance Director is recommending no further action on the audit findings for the Northern California AIDS Foundation.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna for the acceptance of the Community Organization Compliance Audits for FY 2000-01, and approval of the following staff recommendations for remediation of major audit findings:

1. New Unity, Inc.: legal action or assignment to a collection agency, whichever staff determines is most appropriate, to secure reimbursement of the funds in the amount of $1,344.
2. Northern California AIDS Foundation: If the organization was not able to demonstrate insolvency as previously directed by the City Council, legal action or assignment to a collection agency (whichever staff determines is most appropriate) to secure reimbursement of the funds in the amount of $2,940.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Jarvis
C. **Approval of Supplemental Appropriation to Fund Chico Urban Area Automatic Aid Communications.** A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna for approval of Supplemental Appropriation No. 01-02 33 in the amount of $13,563 from the General Fund to fund Chico Urban Area Automatic Aid Communications.

SUPPLEMENTAL APPROPRIATION NO. 01-02 33 ALLOCATING $13,563 FROM THE GENERAL FUND FOR CHICO URBAN AREA AUTOMATIC AID COMMUNICATIONS

The motion carried by the following vote:

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

D. **Approval of an Amendment to the City of Chico 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study).** Council considered this matter as Item 3.1 under Public Hearings on tonight’s agenda.

COMMITTEE ITEMS REQUIRING NO COUNCIL ACTION ON 3/19/02

E. **Consideration of Out-of-Cycle Funding Request for Chico High School’s Centennial Celebration.** This request was approved by the City Council at its meeting of 3/5/02.

F. **Review of 2002-2003 Annual Plan for the Community Development Block Grant (CDBG) Program and the Home Investment Partnerships Program (Home).** The Committee recommendation on this matter will be considered by the City Council on 4/2/02, when the first of two public hearings on the Annual Plan is scheduled.

G. **Consideration of the City of Chico 2002/03-2006/07 Five-Year Capital Improvement Program (CIP).** Due to time constraints the Committee agreed (3-0) to continue this matter its work session scheduled for 3/11/02.

H. **Business from the Floor — Request from Michael Jones for Information regarding Proposition 12 Revenues and Expenditures.** Assistant City Manager Dunlap indicated she would ensure the information was provided to Mr. Jones.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to accept the 2/25/02 Finance Committee Report. The motion carried 7-0.

4.3. **APPOINTMENT TO FILL VACANCY ON PARKING PLACE COMMISSION**

By memorandum dated 1/28/02, the City Clerk reported the resignation of Commissioner William Dudman effective 1/23/02. A notice of the unscheduled vacancy was posted in this office and at the Butte County Public Library on 1/28/02. The vacancy is for a term expiring 1/1/05, and the person appointed must fulfill one of the special membership requirements of owning or leasing property, or being employed by a business located in the Downtown Parking and Business Improvement Area. Advertisements were placed in the Chico Enterprise Record and the Chico News & Review seeking applicants. The Council was provided with copies of the applications received from Ali Sarsour and Marc Lucena, and appointed Marc Lucena by Council vote.

4.4. **FUTURE MEETINGS**

The City Council was requested to schedule:

A. A meeting to consider the General Plan Amendment, Rezone, and Development Agreement for the Sterling Housing Project proposed for Highway 32 just north of West Eighth Avenue — not needed at this time.
B. A joint meeting with the Chico Area Recreation & Park District (CARD) Board of Directors — staff to come back with available dates for CARD.

C. A joint meeting with the Butte County Board of Supervisors — April 16, 2002 at 3:00 - 5:00 p.m. during the Council all day work session which Council agreed would begin at 8:30 a.m.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA – No items

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS – No items

7. ADJOURNMENT

Adjourned at 9:24 p.m. to Tuesday, April 2, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved:

________________________________________________________________________

Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition relating to the East/Esplanade intersection project, listed as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
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<tr>
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<td>2519 Esplanade</td>
<td>006-150-067</td>
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ITEMS ADDED AFTER THE POSTING OF THE AGENDA:

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.3, 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 relating to the East/Esplanade intersection project, listed as follows:

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<td>006-071-069</td>
</tr>
<tr>
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<td>2539 Esplanade</td>
<td>006-530-028</td>
</tr>
<tr>
<td>L.L. K. Holding Company, L.L.C.</td>
<td>2540 Esplanade</td>
<td>006-060-060</td>
</tr>
<tr>
<td>Towne &amp; Country of Chico</td>
<td>2545 Esplanade</td>
<td>006-530-015</td>
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The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER

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

Absent: None

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION RELATING TO APN 006-150-067 FOR THE EAST/ESPLANADE INTERSECTION PROJECT (GASAMAT OIL OF COLORADO) — Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted are as follows:

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2.3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF VARIOUS PARCELS FOR THE EAST/ESPLANADE INTERSECTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are as follows:

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3. ADJOURNMENT

Adjourned at 7:10 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

1.2. Invocation – Youth Pastor David Jorgensen, Pleasant Valley Baptist Church

1.3. Proclamation proclaiming April as Child Abuse Prevention Month

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Asst. Community Development Director Sellers, Assistant Director of Public Works Martinez, Management Analyst Wood, Park Director Beardsley, Dev. Engineer Johnson, Fire Marshall Meyers, Public Works Administrative Manager Halldorson, Housing Specialist Burkland, Sr. Planner Murphy, Urban Forester Boza

1.5. Closed Session Announcement — None

4.2. **DISCUSSION AND CONSIDERATION OF ACTION REGARDING UNAUTHORIZED TREE REMOVAL AT THE TERRA BELLA SUBDIVISION, INCLUDING REQUIREMENT FOR A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND OTHER POSSIBLE REMEDIES** — this item was moved to be heard first.

By memorandum dated 3/26/02, the Planning Director provided background on this Subdivision and the Environmental Impact Report (EIR) prepared for it, issues for consideration related to tree removal on the project site, and recommendations for additional environmental review. The City Council may consider and act on this information as well as impose any other remedies, including penalties, it may determine to be appropriate. The Planning Director presented an overview of what occurred at the site and after his review recommended that the City Council approve the requirement that a supplemental to the EIR be prepared.

Andrew Meghdadi apologized to the Council for causing so much distress in the community. He indicated he was still looking into the situation, however he did accept full responsibility for what happened. He pledged to work with City staff and Council to come up with a resolution that would benefit the City. Bill Ward, Attorney-at-Law, spoke on behalf of Mr. Meghdadi and urged Council to give his client time to review what happened prior to taking any Council action. Mr. Ward indicated that the arborist decided on the trees to be removed. However, the original arborist had been replaced with a second arborist from Associated Arborist, Inc. and Mr. Ward and Mr. Meghdadi had not yet had an opportunity to see why a new map outlining the tree removal was created and who created it. On behalf of his client, Mr. Ward asked for 45 days in order to prepare a response.

Comments protesting the cutting of the trees were heard from Karen Laslo, Patrick Kelly, John Hollister, Denny Shafer, George Leaver, Marlene Pyshora, Dr. Mark Keech, Catherine Fish, and Cindy Biddle on behalf of Meg Burgen.

A motion was made by Councilmember Wahl and seconded by Councilmember Nguyen-Tan to direct staff to begin a supplemental EIR which addresses the taking of the trees, a full explanation from the developer as to how this happened, agendize a future discussion of safeguards that will help to prevent this from happening again, to direct staff to make tree cutting in violation of a permit a crime, have the City Attorney investigate the requirement for Meghdadi to have a business license and penalties for failure to have a one, all calls for removal of tree complaints to be followed up on immediately, a formal letter drafted from the Council to the State Licensing Board, and a higher level of scrutiny for this developer on any future
projects that he may bring forward for approval by the City.

The motion carried by the following vote:

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

In addition, Councilmember Jarvis asked that the City Attorney provide additional information regarding the ability to record a violation against property and Councilmember Wahl asked that the Council be advised of the total cost for the staff effort due to the situation that occurred.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to have Internal Affairs look into the development of a tree ordinance.

The motion carried by the following vote:

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

4.4. INTERNAL AFFAIRS COMMITTEE REPORT ON MEETING HELD 3/12/02 – this item was moved up and heard at this time.

D. Consideration of Recommendation for Direction to Staff to Draft an Ordinance to Limit Access to all Forms of Tobacco for Sale. The Committee (3-0) recommended that the City Council direct the City Attorney to draft an ordinance which would limit access to all forms of tobacco for sale by requiring that the products be kept behind the counter or be locked up, but which would (1) exempt certain specific types of tobacco retailers from these regulations if it would cause undue hardship, (2) prohibit persons under the age of 18 years old from entering the tobacco retail stores that are exempted from the regulations unless accompanied by an adult and (3) provide for compliance with the ordinance within 180 days after its effective date.

The Council was provided with copies of the letters received from Marian Gage and Bonnie Boelens (provided to the Committee for its meeting of 2/12/02) requesting adoption of such an ordinance, as well as a new letter dated 3/18/02 from Ellen Michels, Butte County Health Education Specialist, submitting additional information in support of the proposed ordinance and a copy of the draft ordinance that was distributed at the Committee meeting.

Speaking in support of the drafting of an ordinance was Gary Ledford and Alicia Davis. Ellen Michaels from the Butte County Department of Health responded to Council questions.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to direct the City Attorney to draft an ordinance as outlined by the Committee.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: Wahl
ABSENT: None
DISQUAL: None
2. **CONSENT AGENDA** — Item 2.2 was removed from the Consent Agenda and heard under Item 4.1. The 3/12/02 minutes were removed from Item 2.4 for further review. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.22 ACRE PORTION OF PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 011-480-099 FROM OS1 PRIMARY OPEN SPACE TO OC OFFICE COMMERCIAL AND A 0.03 ACRE PORTION OF PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 011-480-002 FROM OC OFFICE COMMERCIAL TO OS1 PRIMARY OPEN SPACE REZONE 01-6 (EPICK, INC.) - INTRODUCTORY READING

By memorandum dated 3/12/02, Associate Planner Palmeri reported that at its meeting of 2/07/02, the Planning Commission voted 7-0-0 on consent to recommend Council approval of a rezone from OS1 Office Residential to OC Office Commercial for a 0.22 acre portion of the California Lake and from OC Office Commercial to OS1 Primary Open Space for a 0.03 acre portion of 901 Bruce Road (RZ 01-6/Epick Inc., applicant). The properties are identified as Assessor’s Parcel No. 011-480-099 and Assessor’s Parcel No. 011-480-002 and are designated Open Space and Office on the General Plan Diagram. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the 4/16/02 City Council meeting.

2.2. **RESOLUTION NO. 105 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12R.32.080 ENTITLED, “VEHICLE PARKING IN UPPER PARK” OF THE CHICO MUNICIPAL CODE** — this item was removed from the Consent Agenda at the request of Councilmember Keene for further discussion under Item 4.1.

2.3. **RESOLUTION NO. 106 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090**

By memorandum dated 3/15/02, the Personnel Director requested authorization to destroy obsolete recruitment and chronological files. Such routine records destruction is allowed pursuant to Government Code Section 34090. The records identified for destruction are two or more years old. The City Attorney has consented to destruction of the records specified in this resolution. Records to be destroyed will be shredded and recycled. The Personnel Director recommended adoption of the resolution.

2.4. **APPROVAL OF CITY COUNCIL MINUTES FOR MEETINGS HELD FEBRUARY 19, FEBRUARY 26, MARCH 5, AND MARCH 12, 2002**

The City Council was provided with copies of the minutes from its meetings held on 2/19/02, 2/26/02, 3/5/02, and 3/12/02. The minutes of 3/12/02 were removed for further review and will be approved at a subsequent meeting.

The motion to approve the Consent Agenda as read, with Item 2.2 removed and heard under Item 4.1 and the minutes of 3/12/02 removed for additional review carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None
3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON 2002-2003 DRAFT ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM**

By memorandum dated 3/20/02, the Housing Officer reported that the City will receive $1,558,000 of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds for the 2002-2003 program year. The memorandum includes a list of proposed housing and community development activities recommended by the Finance Committee at its 2/25/02 meeting for inclusion in the City’s draft Annual Plan. This evening the City Council will conduct the first of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the Department of Housing and Urban Development (HUD). A second hearing and adoption of the final Plan will be scheduled for Council’s meeting of 5/21/02. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt a draft Annual Plan, and direct staff to publish the draft Annual Plan as part of a 30 day public comment period.

The motion carried by the following vote:

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

3.2. **HEARING ON AMENDMENT 10 TO THE DOWNTOWN CHICO BUSINESS ASSOCIATION FRANCHISE AGREEMENT**

By memorandum dated 3/6/02, the Director of Public Works reported on a request from the Downtown Chico Business Association (DCBA) to amend its original franchise agreement adopted 4/5/94. This ordinance will amend Section D of the franchise, entitled “Days and Times,” by changing the Christmas Preview event from “the third Sunday afternoon and evening in November” to “the Sunday preceding Thanksgiving Day.” In most years, the third Sunday in November is actually the Sunday preceding Thanksgiving, but in some years it falls on the fourth Sunday. Making this change will address the issue.

All other provisions of the franchise remain unchanged. The below ordinance received introductory reading at Council’s meeting of 3/5/02. The Director of Public Works recommended adoption of the ordinance. The hearing was opened to the public. No one spoke and the hearing was closed.

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

**ORDINANCE NO. 2244 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) —AMENDMENT NO. 10**

The motion carried by the following vote:

- **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
- **NOES:** None
- **ABSENT:** None
- **DISQUAL:** None
3.3. HEARING ON APPEAL BY GEORGE AND CATHI GRAMS OF THE BIDWELL PARK AND PLAYGROUND COMMISSION DECISION TO REQUIRE REMOVAL OF THE LANDSCAPING AND IRRIGATION FROM CITY PROPERTY IN LINDO CHANNEL

By memorandum dated 3/20/02, the Park Director reported that the Bidwell Park and Playground Commission (BPPC) denied the request of George and Cathi Grams, 1045 Sir Williams Court, to retain landscaping and irrigation behind their home located on City property adjacent to Lindo Channel. Citing that the request was beyond the Commission's authority under the City Council approved Lindo Channel encroachment resolution guidelines, the Commission voted 4-1 to deny the request. At its meeting of 3/5/02 the City Council scheduled a hearing on this appeal for 4/2/02.

The hearing was opened to the public. George and Cathi Grams asked Council for the same consideration shown to other people on temporarily holding off on removing the encroachments until legislation goes into effect. Mr. Grams indicated that there was a financial hardship. John Gillander urged Council to treat the Grams as it had others. John Ost requested that prior to Council taking action that Fish and Game should go out and look at the elderberry bushes that have been cut.

The hearing was closed to the public. A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to deny the appeal.

The motion failed due to the following vote:

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

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to grant the appeal allowing the Grams to retain their landscaping, irrigation and fence until legislation is adopted or two years, whichever came first.

The motion carried by the following vote:

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

Council took a 5 minute break at 10:30 p.m.

3.4. HEARING ON ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MCGOWAN INDUSTRIAL PARK/ASSESSOR'S PARCEL NOS. 039-430-119 AND 039-430-120)

By memorandum dated 3/6/02, the Director of Public Works reported that property owners Larry J. and Patricia A. Stephens petitioned the City to abandon a six-foot-wide public utility easement located between Lots 11 and 12 on Bellarmine Court within the McGowan Industrial Park, west of Meyers Drive, Assessor’s Parcel Nos. 039-430-119 & 120, to allow for future development of the properties. At its meeting of 3/5/02, the City Council adopted a resolution of intention to abandon the easement and set a public hearing for 4/2/02. The Director of Public Works recommended adoption of the resolution.
The hearing was opened to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to adopt:

RESOLUTION NO. 107 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A SIX-FOOT-WIDE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (MCGOWAN INDUSTRIAL PARK / ASSESSOR’S PARCEL NOS. 039-430-119 AND 039-430-120)

The motion carried by the following vote:

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

3.5. HEARING ON REZONE 01-07 (KILBOURNE) AFFECTING 4.4 ACRES LOCATED AT 2350 AND 2380 ALAMO AVENUE AND 30 DALLAS COURT, ASSESSOR’S PARCEL NOS. 042-560-004, 006 AND 007

By memorandum dated 03/20/02, Senior Planner Sigona reported that at the Planning Commission meeting of 2/7/02, the Commission voted 5-0-1-1 (Stone abstained; Monfort absent) to forward a recommendation of approval to the City Council for a proposed rezone of 4.4 acres located at 2352 and 2380 Alamo Avenue and 30 Dallas Court, Assessor’s Parcel Nos. 042-560-004, 006, and 007, from R1 Low Density Residential (2.01 to 6 units per acre; 4,500 square foot minimum lot size) to RS-20 Suburban Residential (0.2 to 2 units per acre; 20,000 square foot minimum lot size). A negative declaration of environmental impact is proposed pursuant to the California Environmental Quality Act (CEQA). The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to adopt a negative declaration and adopt the below ordinance approving Rezone 01-07 (Kilbourne) by final reading of the title only. The rezone ordinance received introductory reading at Council’s meeting of 03/19/02.

ORDINANCE NO. 2245 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING 4.4 ACRES AT 2352 AND 2380 ALAMO AVENUE AND 30 DALLAS COURT - REZONE 01-07 (KILBOURNE)

The motion carried by the following vote:

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

3.6. HEARING ON REZONE 01-05 (CAVANESS) AFFECTING A 0.23 ACRE PARCEL AT 2280 Ceanothus Avenue, Assessor’s Parcel No. 048-660-002

By memorandum dated 03/20/02, Senior Planner Sigona reported that at the Planning Commission meeting of 2/7/02, the Commission voted 5-0-2 (Sanders and Alvistur disqualified) to forward a recommendation of approval to the City Council for a proposed rezone of a 0.23 acre parcel located at 2280 Ceanothus Avenue, Assessor’s Parcel No 048-660-002, from R1 Low Density Residential (2.01 to 6 units per acre) to R2 Medium Density Residential (4.01 to 14 units per acre). The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The hearing was opened to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to find that no
environmental review is required for the rezone as it is exempt pursuant to section 15061(b)(3) of the California Environmental Quality Act, and adopt the below ordinance approving Rezone 01-05 (Cavaness) by final reading of the title only. The rezone ordinance received introductory reading at Council’s meeting of 03/19/02.

ORDINANCE NO. 2246 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.23 ACRE PARCEL AT 2280 Ceanothus Avenue - Rezone 01-05 (Cavaness)

The motion carried by the following vote:

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

3.7. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 521, PM 01-12 (KASSEBAUM / ZAA T)

By memorandum dated 2/28/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 521. As a condition of approval of a subdivision map for this development, generally located on the west side of Springfield Drive, north of the Chico Mall, the developers, Kassebaum and Zaat Development LLC, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation within the Springfield Drive median and the landscaping and irrigation along SHR 99. Operation and maintenance costs for the median will be shared with the City of Chico, based upon average daily traffic counts. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owner within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 108 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 521 — PM 01-12 (KASSEBAUM/ZAAT)

The motion carried by the following vote:

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

3.8. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 518, STONEHILL SUBDIVISION

By memorandum dated 3/4/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 518. As a condition of approval of a subdivision map for this subdivision, generally located on the west side of Bruce Road and south of the terminus of Palo Alto Street, the developers, David and Jonna Jones, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation of the back of fence buffer strip along Bruce Road, within the Bruce Road median, the storm drainage detention facility, and a portion of the interior park. All costs have been calculated at 9% of the total which will eventually include Husa Ranch. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt:
RESOLUTION NO. 109 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 518 — STONEHILL SUBDIVISION)

The motion carried by the following vote:

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

3.9. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 519, WINDCHIME OF CHICO LLC

By memorandum dated 3/6/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 519. As a condition of approval of a subdivision map for this development, generally located on Bruce Road between the Enloe Outpatient facility and Lakewest Drive, the developers, Windchime of Chico, have consented to the formation of this district for the operation, maintenance, and future replacement of one-half of the landscaping and irrigation within the Bruce Road median. Operation and maintenance costs for a portion of the median will be shared equally with Nob Hill Subdivision, which is directly across from this development. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owner within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 110 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 519 — WINDCHIME OF CHICO LLC)

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. RESOLUTION NO. 105 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12R.32.080 ENTITLED, “VEHICLE PARKING IN UPPER PARK” OF THE CHICO MUNICIPAL CODE

By memorandum dated 3/1/02, the Park Director reported that the Bidwell Park and Playground Commission (BPPC) supports the ability to remove unattended or abandoned vehicles from City parks and playgrounds. Currently, vehicles may remain in Upper Park for up to seven days during a removal notification process. Abandoned vehicles may be the subject of vandalism and create public safety problems. As proposed, the Chico Municipal Code would be changed to allow the removal of abandoned vehicles from City parks and playgrounds and recovery of the cost of such removal from the owner. The Bidwell Park and Playground Commission and Park Director recommended adoption of the Resolution. Councilmember Keene had requested that this item be removed from the Consent Agenda for further discussion. He was concerned over only allowing 12 hours for removal of a vehicle and felt that more time should be allowed.
A motion was made by Councilmember Wahl and seconded by Councilmember Keene to adopt Resolution 105 01-02 as amended to “72” hours instead of “12” for the removal of a vehicle left in the park.

The motion carried by the following vote:

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

4.2. DISCUSSION AND CONSIDERATION OF ACTION REGARDING UNAUTHORIZED TREE REMOVAL AT THE TERRA BELLA SUBDIVISION, INCLUDING REQUIREMENT FOR A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND OTHER POSSIBLE REMEDIES — this item was moved to the beginning of the agenda and heard first.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MARCH 11, 2002

By memorandum dated March 15, 2002, the Finance Committee provided a report on its meeting held on 3/11/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

COMMITTEE ITEM REQUIRING COUNCIL ACTION ON 4/2/02:

A. Consideration of the City of Chico 2002/03-2006/07 Five-Year Capital Improvement Program (CIP). The Committee recommended (3-0) that the 2002/03-2006/07 Five-Year Capital Improvement Program (CIP) be forwarded to the City Council for adoption with the previous revisions recommended by the Committee, as well as the following revisions made at today’s meeting: (1) removal of the Municipal Services Center Building Remodel, which will come back to Committee for further consideration; and (2) that the category for “Internet Streaming Video System” be broadened to: “E-Government Solutions.” The Council was provided with a memorandum dated 3/25/02 from the Director of Public Works transmitting a summary of the Committee’s recommendations and the revised CIP dated 3/11/02.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the CIP with a revision to the description of the Manzanita/Bruce project (page 57) to delete the word “full” (full urban improvements).

The motion carried by the following vote:

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

COMMITTEE ITEMS REQUIRING NO COUNCIL / AGENCY ACTION ON 4/2/02:

B. Approval of Increase in Fees for Vehicle for Hire Driver’s Permits and to show a breakdown of each related fee in the fee structure. Removed from Committee’s 3/11/02 agenda and will be brought back with annual revisions to City’s Fee Schedule.

C. Consideration of Arts Commission Recommendation for Approval of the Chico Open Board Art Project. Approved by the Redevelopment Agency on 3/19/02 as recommended by the Committee.

D. Continued Review and Consideration of Development Services Fee Study prepared by DMG Maximus. Continued to Committee’s 3/25/02 meeting.
E. **Consideration of Proposal from Wayne Cook for the Purchase, Rehabilitation and Use of the Old Municipal Building at Fifth and Main Streets.** Committee authorized staff to send out Requests for Proposals again due to renewed interest and inquiries received by staff regarding the building.

F. **Consideration of Request for Direction from Simpson Housing Solutions regarding Proposed Housing Project Site.** The Committee took no action on this matter and Simpson Housing is proceeding to comply with the requirements of the Agency’s conditional funding commitment.

4.4. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON MARCH 12, 2002**

By memorandum dated 3/19/02, the Internal Affairs Committee provided a report on its meeting held on 3/12/02. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair.

**COMMITTEE ITEMS REQUIRING COUNCIL ACTION:**

A. **Consideration of Request from Rakesh Joshi to remove the Median on the Skyway just West of Bruce Road.** The Committee recommended (2-1, Bertagna opposed) denial of the request by Rakesh Joshi to remove a segment of the median on the Skyway just west of Bruce Road to allow left turns into the Skyway Beacon gas station/mini-mart. Rakesh Joshi addressed Council about his proposed new design that would safely allow for a cut in median to allow traffic flow into his business. Staff discussed the possibility of combining entry ways for this business along with another one that might be interested in opening up that area.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to send the request back to the Planning Commission for review of the new design and to see if a joint solution could be worked out. Staff was directed to send a letter to the Planning Commission informing the Commission that Council supports this request.

The motion carried by the following vote:

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

4.4. **INTERNAL AFFAIRS COMMITTEE REPORT ON MEETING HELD 3/12/02**

B. **Consideration of Text Amendment to Title 19 of the Chico Municipal Code, entitled “Land Use and Development Regulations,” regarding Cell Tower Lights.** This matter was on the Committee’s consent agenda with no recommendation. Consistent with the full Council’s previous action, it is recommended that Title 19 **not** be amended regarding cell tower lights, and that use permits with conditions that result in conflicts between the Municipal Code’s prohibition on cell tower lights and the Airport Land Use Commission’s (ALUC) requirement for red lights on cell towers under certain circumstances be referred back to the Planning Commission for a modification to delete this condition, with the understanding that such instances might require action by the City Council overriding the determination made by ALUC. Councilmember Bertagna disqualified himself from the discussion and subsequent action.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to not amend Title 19 in regards to cell tower lights.

The motion carried by the following vote:

AYES: Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Bertagna
C. **Consideration of Request from Wayne Cook to Lease 20 Parking Spaces in the Parking Structure at 4th and Salem Streets.** The Committee recommended (3-0) that the option for lease of 20 parking spaces (location to be determined) to Wayne Cook if and when the Morehead Building is operational as a hotel in approximately four years be conceptually approved, pending input from the Downtown Chico Business Association (DCBA) after its Board of Directors meeting on 3/26/02.

The Council was provided with copies of a letter dated 3/26/02 from the DCBA Board of Directors outlining its position on this matter. Katrina Davis indicated that the Board did conceptually support the request contingent on the replacement of the 60 parking places with restriping or a new structure.

D. **Consideration of Recommendation for Direction to Staff to Draft an Ordinance to Limit Access to all Forms of Tobacco for Sale.** — this item was moved to be heard at the beginning of the meeting.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to accept the 3/12/02 Internal Affairs report.

The motion carried by the following vote:

<table>
<thead>
<tr>
<th>AYES:</th>
<th>Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOES:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>None</td>
</tr>
<tr>
<td>DISQUAL:</td>
<td>None</td>
</tr>
</tbody>
</table>

**COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION ON 4/2/02:**

E. **Approval of the Director of Public Works Recommendation on a Request for Pavement Undulations along Neal Dow Avenue between Palmetto Avenue and East Fifth Avenue.** Staff recommendation approved to apply Neighborhood Traffic Management Plan for analysis.

F. **Approval of Request to Improve the Sight Distance Adjacent to the Driveways at the Butte County Courthouse on Oleander Avenue.** Internal Affairs Committee Resolution adopted implementing this request by removing parking spaces to improve sight distance.

G. **Acceptance of Report on Recycling of Computers, TV’s, and other Electronic Equipment.** Report accepted by Committee.

H. **Consideration of Recommendation to Adopt Traffic Regulation Amendment Number 737 which will Remove Five Parking Spaces at 1102 Mangrove Avenue.** Continued by Committee for staff to conduct neighborhood meeting.

I. **Reports and Communications – Memorandum dated 2/19/02 from the Director of Public Works reporting on a review of the pedestrian refuge located on East First Avenue at Laburnum Avenue.** To be agendized for Committee consideration at the request of Chair Bertagna.

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

5. **BUSINESS FROM THE FLOOR** — None
6. **REPORTS AND COMMUNICATIONS**

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


6.2. Memorandum dated 3/8/02 from the Finance Director reporting that the list of claims paid during the month of February 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

The Mayor adjourned the meeting at 11:37 p.m. to Tuesday, April 16, 2002, at 8:30 a.m. in the Council Chamber for an all-day work session.

Date Approved: May 7, 2002

___________________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 1.4-A, 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 relating to the East/Esplanade intersection project, listed as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasamat Oil of Colorado</td>
<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
</tbody>
</table>

The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER
   1.1. Flag Salute
   1.2. Roll Call
   1.3. Introduction of City Staff

1.4. CLOSED SESSION (These matters were considered at 1:15 p.m.)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION RELATING TO APN 006-150-067 FOR THE EAST/ESPLANADE INTERSECTION PROJECT (GASAMAT OIL OF COLORADO). Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted are as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
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</thead>
<tbody>
<tr>
<td>Gasamat Oil of Colorado</td>
<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
</tbody>
</table>

B. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

1.5. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council will review the City Manager's performance. (Gov. Code Section 54957.)

2. CONSENT AGENDA – No items

3. NOTICED PUBLIC HEARINGS – No items

REGULAR AGENDA

4.1. BUDGET REVIEW

Agency staff reviewed the financial status of the Chico Merged and Greater Chico Urban Area
Redevelopment Project Areas and related funds. The Chico Redevelopment Agency was provided with and considered the following documents:

A. Chico Merged Redevelopment Project Area Fund Five Year Trends

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

C. Status of Proposed Merger (no written report)

D. Low and Moderate Income Housing Fund Summary

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MARCH 25, 2002

By memorandum dated 4/2/02, the Finance Committee provided a report on its meeting held on 3/25/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair.

COMMITTEE ITEMS REQUIRING AGENCY / COUNCIL ACTION ON 4/16/02:

A. Consideration of Development Services Fee Study prepared by DMG Maximus. The Committee recommended (2-1, Nguyen-Tan opposed) that the Development Services Fees be revised as recommended in the Development Services Fee Study with the following revisions:

1. That $75,000 in overhead, indirect costs for Building Use, City Council, City Clerk, 75% of Personnel, and Treasury be removed from the calculations as suggested by the Committee.
2. That the remaining $231,000 in General Fund subsidy for development fee services be removed by reducing the hourly rates.
3. That a report and analysis be brought back to the Committee six months after the fees are implemented in order to adjust the fees if it is determined that they are too high or too low.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to not authorize the Finance Committee recommendation.

The motion failed due to the following vote:

AYES: Jarvis,

B. Consideration of Request from the Housing Authority of the County of Butte for Funding for Senior Housing Project on Park Avenue. The Committee recommended (3-0) a conditional funding commitment for a loan from the Redevelopment Agency’s Low & Moderate Income Housing Fund in the amount of $2.8 million to the Housing Authority of the County of Butte for a senior housing project on the block bounded by Park Avenue, 13th Street, Oakdale Avenue and 12th Street, subject to the conditions outlined in the Housing Officer’s memorandum of 3/19/02.

C. Consideration of Request from Youth for Change for Assistance for Rehabilitation of its Transitional Housing Project. The Committee recommended (3-0) approval of a loan from the Redevelopment Agency in a reduced amount of $75,000 to Youth for Change for rehabilitation of an apartment building (identifying the landscaping, storage, and interior painting as non-crucial work items) to serve former foster youth participating in its Transitional Housing Program. The Agency is being provided with a copy of the Low and Moderate Income House Fund (371) Fund Summary which reflects the 06/30/02 estimated fund balance.

RDA RESOLUTION NO. 01-02 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO YOUTH FOR CHANGE TO FACILITATE THE REHABILITATION OF PROPERTY LOCATED AT 710 WALNUT AVENUE, CHICO, CALIFORNIA, AS A LOW INCOME HOUSING PROJECT

SUPPLEMENTAL APPROPRIATION NO. RDA 01-02 13, ALLOCATING FUNDS FOR THE YOUTH
D. Consideration of Request from the Chico Cat Coalition for Supplemental Funding in the Amount of $3,300 for Fiscal Year 2001-02. The Committee recommended (3-0) approval of the supplemental funding request from the Chico Cat Coalition for Fiscal Year 2001-02 in the amount of $3,300, and that staff be directed to implement a public relations campaign informing the public of the serious consequences of abandoning cats in Bidwell Park. The City Council is being provided with a copy of the Park Fund (002) Fund Summary which reflects the 06/30/02 estimated fund balance.

SUPPLEMENTAL APPROPRIATION NO. 01-02 42 ALLOCATING FUNDS TO THE CHICO CAT COALITION FOR CONTINUATION OF ITS OPERATION THROUGH THE REMAINDER OF THE 2001-02 FISCAL YEAR

E. Consideration of Report on Utility Users’ Tax (UUT) Revenue and the Status of the Reduced Collection Rate. The Committee recommended (2-1, Nguyen-Tan opposed) that the reduced Utility User Tax collection rate of 3.9% remain in place another three months (until 9/30/02) and that a report and analysis be brought back to the Committee for further consideration in three months.

In addition to the information the Committee received, the City Council is being provided with a memorandum dated 4/3/02 from the Finance Director transmitting the below resolution which must be adopted if the Council concurs with the Committee’s recommendation.

Also included in the memorandum is a detailed analysis of the revenue increase due to the increase in utility rates. Should Council wish to simply offset the increase, the below resolution may be modified at today’s meeting to set the collection rate at 4.75%, which is the rate recommended by the City Manager. (If no action is taken, the reduced UUT collection rate of 3.9% will expire on 6/30/02 and be returned to 5%).

RESOLUTION NO. 112 01-02 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING CONTINUATION OF THE COLLECTION RATE OF 3.9% FOR THE ELECTRICITY AND GAS UTILITY USERS’ TAX UNTIL SEPTEMBER 30, 2002

F. Consideration of Revisions to Mortgage Subsidy Program (MSP) Sales Price Limits. The Committee recommended (3-0) that the Mortgage Subsidy Program Sales Price Limit be raised from $135,000 to $150,000, that the subsidy levels be increased by $5,000 for each income group, and that staff provide a report back to the Committee on the housing market three months after implementation of these revisions.

COMMITTEE ITEMS REQUIRING NO AGENCY / COUNCIL ACTION ON 4/16/02. (Copies of all documents provided to the Committee are available for review in the offices of the City Council and the City Clerk.) A verbal report may be given by the Committee Chair regarding the below items if requested by Council

G. Approval of 50/50 Cost Split with the State for Addition of Signalization and Improvements to the Eaton Road Intersection with State Highway Route (SHR) 99 to the 2001 Nexus Study. Confirmed by Committee and approved by Council on 3/19/02.

H. Consideration of Follow-up Information on the 2002-2003 Annual Plan for the Community Development Block Grant (CDBG) Program and the Home Investment Partnership (Home) Program. Committee’s recommendation considered at first of two City Council public hearings on the Annual Plan held on 4/2/02.
4. **ITEMS ADDED AFTER POSTING OF THE AGENDA**

5. **ADJOURNMENT**

Adjourn to a City Council meeting.

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — APRIL 16, 2002**

Chico Municipal Center, Council Chamber, 421 Main Street

1. **CALL TO ORDER**

1.1. Roll Call

2. **CONSENT AGENDA**

2.1. **RESOLUTION NO. 111 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING WEEDS, RUBBISH, REFUSE AND/OR DEBRIS A PUBLIC NUISANCE AND SETTING A TIME TO HEAR OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS**

By memorandum dated 4/1/02, Projects Manager Wood reports that the Lot Cleaning/Weed Abatement Program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to inspect properties located within the City limits and determine which properties contain weeds, rubbish, refuse and/or debris which constitute a fire hazard, or may become a fire hazard, if not abated.

Adoption of this resolution declares that noxious, combustible, or dangerous weeds and/or rubbish, refuse and/or debris existing on the properties set forth on Exhibit “A” attached to the resolution, constitute, or have the potential to constitute, a public nuisance which must be abated. The resolution also sets a public hearing for Tuesday, 5/7/02. The purpose of the hearing is to consider all objections to the proposed removal of weeds, rubbish, refuse and/or debris, and the assessment of the cost of such removal and to set a deadline for the removal of weeds, rubbish, refuse and/or debris. The Projects Manager recommends adoption of the resolution.

2.2. **RESOLUTION NO. 113 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - BRUCE ROAD ANNEXATION DISTRICT NO. 3.**

By memorandum dated 3/27/02, the Assistant Community Development Director forwards a report on initiation of the annexation of 36.26 acres located on the west side of Bruce Road, 650 feet north of State Highway Route 32 and south of the Nob Hill Subdivision. The subject property is designated for low density residential use and is prezoned R-1 Single Family Residential. The City Planning Commission has approved development of the Husa Ranch project (69 lot single family residential and 188 apartment units) on the site. Property owners are listed in the cover page of the Council report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommends adoption of the resolution.

2.3. **RESOLUTION NO. 114 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - HOLLY AVENUE ANNEXATION DISTRICT NO. 4.**

By memorandum dated 3/27/02, the Assistant Community Development Director forwards a report on the initiation of annexation proceedings for a single 8,850 square foot parcel at 2218 Holly Avenue. The parcel proposed for annexation contains a single family residence. The site is designated and prezoned for low density residential use. The annexation has been initiated to allow connection to the sanitary sewer system. The Assistant Community Development Director recommends adoption of the
2.4. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 01-02 43 TO AUTHORIZER RECEIPT OF REIMBURSEMENT FUNDS IN THE AMOUNT OF $206,056 FROM THE FEDERAL AVIATION ADMINISTRATION/TRANSPORTATION SECURITY AGENCY

By memorandum dated 04/01/02, the Airport Manager reports that due to increased security requirements at the Chico Municipal Airport following the terrorist attacks of 9/11/01, the City was required by the Federal Aviation Administration to implement heightened security measures. The U.S. Department of Transportation has offered supplemental funds to help defray the costs of the additional security requirements. A reimbursement request in the amount of $206,056 was submitted to the Federal Aviation Administration/Transportation Security Agency, and subsequently authorized for the full amount. Prior to disbursement of the funds, the Federal Aviation Administration will provide a grant agreement to the City for execution. The City Manager is authorized under the authority provided by Annual Budget Policy No. D.9. to execute the grant agreement. The Council has been provided with a copy of the Airport Fund (856) Fund Summary which reflects the 6/30/02 estimated fund balance. The Airport Manager recommends approval of Supplemental Appropriation No. 01-02 43.

2.5. ACCEPTANCE OF REPORT FROM THE CHIEF OF POLICE PROPOSING ADDITIONAL POLICE STAFFING FOR 2002-03

At its meeting held 11/21/01, the City Council considered the addition of 14 Police employees over a two year period contingent on whether funds were lost to the State. The Council approved nine positions effective January 1, 2002, and requested that the Chief of Police submit a report for consideration at today’s meeting which outlines the additional positions that would be requested in 2002-03, including the proposed addition of one canine. The Council requested that the report include the formula on which the staffing needs were based and a recruiting analysis which includes a salary survey, incentive pay, and information regarding finder’s fees. By memorandum dated 04/01/02, the Chief of Police submits the requested report. At this time it does not include the requested salary data. The City Manager recommends that this report be accepted and scheduled for consideration at the Council’s budget work session in November 2002.

2.6. APPROVAL OF CITY COUNCIL MINUTES OF MEETING HELD ON MARCH 12, 2002

The Council is being provided with copies of the minutes from its meeting held on 3/12/02.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON REZONE NO. 01-6 (EPICK, INC.)

By memorandum dated 4/3/02, Associate Planner Palmeri reports that at its meeting of 2/07/02, the Planning Commission voted 7-0 on consent to recommend Council approval of a rezone from OS1 Office Residential to OC Office Commercial on a 0.22 acre portion of California Park Lake property, and from OC Office Commercial to OS1 Primary Open Space on a 0.03 acre portion of 901 Bruce Road (RZ 01-6/Epick Inc., applicant). The properties are identified as Assessor’s Parcel No. 011-480-099 and Assessor’s Parcel No. 011-480-002 and are designated Open Space and Office on the General Plan Diagram. The Planning Commission and Planning Director recommend that the City Council determine that no environmental review is required and approve Rezone 01-6 (Epick, Inc.). The below ordinance received introductory reading at Council’s meeting of 4/2/02.

ORDINANCE NO. 2247 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.22 ACRE PORTION OF PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 011-480-099 FROM OS1 PRIMARY OPEN SPACE TO OC OFFICE COMMERCIAL AND A 0.03 ACRE PORTION OF PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 011-480-002 FROM OC OFFICE COMMERCIAL TO OS1 PRIMARY OPEN SPACE REZONE 01-6 (EPICK, INC.) – FINAL
PRESENTATION REGARDING THE BIG CHICO CREEK ECOLOGICAL PRESERVE

Dr. Roger Lederer from the Biological Sciences Department at California State University, Chico, will give a presentation (approximately 15 minutes) regarding the Big Chico Creek Ecological Preserve. The City Council had previously requested that a presentation from the University regarding the Preserve be arranged.

CLOSED SESSION (These matters were considered at 1:15 p.m.) ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 1.4-A, 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 relating to the East/Esplanade intersection project, listed as follows:

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<td>006-150-067</td>
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</table>

The City’s negotiator is City Manager Tom Lando 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).

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION RELATING TO APN 006-150-067 FOR THE EAST/ESPLANADE INTERSECTION PROJECT (GASAMAT OIL OF COLORADO). Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted are as follows:

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</tbody>
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B. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

1.5. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council will review the City Manager's performance. (Gov. Code Section 54957.)

The Council reconvened from Closed Session at 2:20 p.m.

Closed Session Announcement — None

5. CONSENT AGENDA – No items
6. **NOTICED PUBLIC HEARINGS** – No items

4.3. **GENERAL BUDGET REVIEW**

In the event the City Council takes action on any budget item, a confirming administrative supplemental appropriation and/or budget modification will be processed following today’s meeting.

City staff will provide an overview of the 2001-02 annual budget. The City Council is being provided with and may consider the following budget documents:

A. General and Park Funds Projected Trends

B. Memorandum from the City Manager dated 03/29/02 containing recommendations to achieve a balanced budget in 2002-03 with a reasonable reserve.

C. Summary of Estimated Fund Balances

D. Capital Project Status Report

E. Preliminary Draft 2002-03 Major and Minor Capital Project Request Summaries

4.4. **CONSIDERATION OF ADMINISTRATION STRATEGIC PLAN**

The City Council is being provided with and may consider the five-year strategic plan for Administration which includes the City Manager, City Clerk, and Personnel Offices.

4.5. **YEAR IN REVIEW PRESENTATION**

The City Manager will present a slide show of operations and major projects accomplished in 2001-02.

4.6. **TOP ISSUES FOR 2002-03**

By memorandum dated 4/10/02, the City Manager provided a list of issues identified by the City Council and department heads which are anticipated to be major issues for the City Council in 2002-03.

4.7. **CONSIDERATION OF: (1) ALLOCATION OF FUNDS FOR ANIMAL SHELTER ARCHITECTURAL DESIGN SERVICES; (2) BUTTE HUMANE SOCIETY BUSINESS PLAN AND FINANCIAL INFORMATION; AND (3) ANIMAL SHELTER OPERATING COSTS AND FUNDING**

These matters were given preliminary consideration by the City Council at its 01/15/02 work session and continued to today’s work session. The Council requested that a business plan with financial and other information be provided for Council review by the Butte Humane Society (BHS), which operates the Animal Shelter under contract with the City.

By memorandum dated 4/2/02, the Risk Manager provided information regarding the need for a new animal shelter facility, staff research and design recommendations, and the costs and funding of architectural design fees. The cost of a new facility is estimated to range between $800,000 and $1,500,000, depending on the type of construction selected, with architectural design fees in the range of $96,000 to $180,000. Staff is recommending the allocation of $143,000 for design fees, overhead and contingencies, based on an estimated future facility construction cost of $1,000,000. Funding of these costs is recommended to be budgeted from Fund 338, the Police Protection Building and Facility Fund (59% - $84,370), and from Fund 301, the Building and Facility Improvement Fund (41% - $58,360). If the City Council approves the allocation of funds, a confirming administrative supplemental appropriation will be processed after today’s meeting.

As requested by the Council, a business plan has been prepared by BHS and a copy has been provided to the Council with the agenda materials. Cathy Augros, President of BHS, will be present to discuss the plan and answer Council questions.
By memorandum dated 4/2/02, the Risk Manager also provided background information regarding the operating services agreement between the City and BHS, including the monthly cost to the City for such services, and a summary of the costs of operating the Shelter, by both BHS and if the Shelter were operated by the City.

The City Manager recommends that the Council approve the requested allocation of $143,000 for the design of a new animal shelter.

4.8. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON ITS MEETING HELD 03/14/02

By memorandum dated 4/2/02, the Economic Development Committee provided a report on its meeting held on 3/14/02, at which time the matters listed below were considered. All Committee members were present: Council member Kirk, Chair, and Council members Keene and Wahl.

A. APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO FUND A REVOLVING LOAN FUND PROGRAM FOR REHABILITATION OF HISTORIC PROPERTIES

The Economic Development Committee recommended establishment of a revolving loan fund program for the rehabilitation of historic commercial properties and allocation of $500,000 from the City’s General Fund (001) to establish the program. If the City Council approves the Committee’s recommendation, a confirming administrative supplemental appropriation will be processed following today’s meeting.

B. CONSIDERATION OF A REQUEST FROM THE BUTTE COUNTY ECONOMIC PARTNERSHIP FOR ASSISTANCE IN CONDUCTING A SURVEY TO ESTABLISH A LOCAL PREVAILING WAGE RATE FOR BUTTE COUNTY

The Committee considered a request from the Butte Economic Partnership for financial assistance from the City for a portion of the costs to conduct a prevailing wage rate survey within Butte County. Once the survey is completed, the Partnership intends to petition Department of Industrial Relations to establish a separate and local independent prevailing wage survey area for Butte County. The Partnership is requesting that the City provide $10,000 for the survey from the General Fund (001), and is also requesting financial assistance from private contractors and other local agencies. The Committee did not make a recommendation regarding this request. If the City Council approves the Partnership’s request, a confirming administrative supplemental appropriation will be processed following today’s meeting.

4.9. CONSIDERATION OF REQUEST FOR PERMANENT YOUTH SHADOW CITY COUNCIL PROGRAM IMPLEMENTATION

The City Manager is requesting direction on whether or not to include the Youth Shadow City Council Program as a routine item in the City’s budget. The Council is being provided with a letter dated 3/25/02 from Dolly Brown with a series of requests regarding this program.

4.10. CONSIDERATION OF JOINT MEETING WITH BUTTE COUNTY BOARD OF SUPERVISORS

The Council had agreed to meet with the Board of Supervisors today from 3:00 to 5:00 p.m. However, at its meeting of 4/9/02, the Board declined to schedule a meeting with the City Council until after the new County Administrative Officer, Scott McIntosh, is seated, which is scheduled to occur on 4/22/02. At today’s meeting the Council may wish to discuss the issues it would like to be considered at the joint meeting, and suggest possible dates.

4.11. CONSIDERATION OF LOCAL AGENCY FORMATION COMMISSION (LAFCo) ANNEXATION POLICY

The Assistant Community Development Director will discuss the current LAFCo policy regarding annexation and request City Council direction.
4.12.  FUTURE MEETINGS

The City Council is requested to discuss the status of the Draft Environmental Impact Report (EIR) for the widening of Manzanita Avenue, Chico Canyon Road, and Bruce Road, which is scheduled to be considered by the City Council at its 5/7/02 meeting. Should the City Council wish to have a full analysis of the neighborhood proposal for this project, the meeting on this matter will need to be delayed.

4.13.  ITEMS ADDED AFTER POSTING OF THE AGENDA

7.  BUSINESS FROM THE FLOOR

Members of the public may address the Council at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Council cannot take any action at this meeting on requests made under this section of the agenda.

8.  REPORTS AND COMMUNICATIONS – None

9.  ADJOURNMENT

Adjourn to Tuesday, May 7, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEMS NO. 2.1 AND 2.2, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session in the Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m. to discuss:

A. Item 2.1. Negotiations with the City’s real property negotiator regarding the proposed acquisition relating to the East/Esplanade intersection project, listed as follows:

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<tr>
<td>Patel Family Revocable Trust</td>
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</tr>
</tbody>
</table>

B. Item 2.2. Negotiations with the City’s real property negotiator regarding the proposed acquisitions affecting the following:

<table>
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</thead>
<tbody>
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<td>Marigold Elementary School</td>
<td>048-210-014</td>
</tr>
<tr>
<td>Chico Unified School District</td>
<td>Pleasant Valley High School</td>
<td>048-660-001</td>
</tr>
<tr>
<td>Sondra Moran, et al</td>
<td>NW Corner - East/Marigold</td>
<td>048-740-023</td>
</tr>
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</table>

The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER

1.1. Roll Call

2. CLOSED SESSION

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITIONS NEEDED FOR THE EAST/ESPLANADE INTERSECTION PROJECT (VARIOUS OWNERS AS LISTED). Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted are as follows:

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2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PARCELS FOR EAST AVENUE RECONSTRUCTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:
Property Owner          Property Address          Assessor's Parcel No.
Chico Unified School District  Marigold Elementary School  048-210-014
Chico Unified School District  Pleasant Valley High School  048-660-001
Sondra Moran, et al           NW Corner - East/Marigold     048-740-023

2.3. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

3. **ADJOURNMENT**

Adjourned at 7:30 p.m. to a regular City Council meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Herbert called the regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.

1.1. Flag Salute

1.2. Invocation – Moment of Silence

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

Absent: None

1.4. A. Proclamation proclaiming May as “Mental Health Month” was received by Debbie Barton, Department of Behavior Health.

B. Proclamation proclaiming May 6-12, as “National Arson Awareness Week” was received by Fire Chief Brown.

1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Community Development Director Baptiste, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Fire Chief Brown, Management Analyst Wood, Park Director Beardsley, Sr. Development Engineer Alexander, Senior Planner Zalusky

2. **CONSENT AGENDA** — Items 2.1. and 2.2. were removed from the Consent Agenda and heard under Item 4.2. for further discussion. A motion was made Councilmember Keene and seconded by Councilmember Nguyen-Tan to approved the following Consent Agenda:

2.1. **RESOLUTION NO. 115 01-02** — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WEST 11TH AVENUE ANNEXATION DISTRICT NO. 6 — At the request of Councilmember Jarvis, this item was removed from the Consent Agenda and heard under item 4.2. for further discussion.

2.2. **RESOLUTION NO. 116 01-02** — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WHITE AVENUE ANNEXATION DISTRICT NO. 4

At the request of Councilmember Jarvis, this item was removed from the Consent Agenda and heard under item 4.2. for further discussion

2.3. **RESOLUTION NO. 117 01-02** — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A 9-FOOT PORTION OF PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (LABURNUM AVENUE AND EAST 9TH AVENUE – CASEY) / ASSESSOR’S PARCEL NO. 003-352-007)

By memorandum dated 4/2/02, the Director of Public Works reported that property owner William Casey has petitioned the City to abandon a 9-foot portion of public right-of-way located along Laburnum and East 9th Avenues, Assessor’s Parcel No. 003-352-007. Comments on the proposed abandonment were solicited from the City’s Police and Fire Departments as well as local utility companies, all of whom have advised that they have no objection to the abandonment. The Director of Public Works recommended adoption of this resolution which will schedule a public hearing for 6/18/02.

2.4. **ORDINANCE NO. 2248** — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE
By memorandum dated 4/22/02, the Personnel Director reported that Council adoption of an ordinance is required to authorize amendment of the City's contract with the Public Employees' Retirement System (PERS) to add the 3% at 60 Retirement formula for miscellaneous employees. These modifications were approved as part of the most recently approved Memoranda of Understanding and Pay and Benefits Resolutions between the City and all miscellaneous employee groups, and would be effective 6/30/02. The proposed ordinance was introduced on 3/19/02, and the final reading and adoption are part of this agenda. The proposed Resolutions approve amendments to the City's agreements with Service Employees International Union (SEIU), Chico Police Officers Association (CPOA), Confidential Employees, and Management Team to implement the cost sharing provisions of the agreement, and to make other minor changes in the application of the agreements. The City Manager and Personnel Director recommended final adoption of the proposed ordinance and approval of the proposed Resolutions.

2.5. MINUTE ORDER NO. 08-02 — APPROVAL OF MERIT INCREASE FOR CITY MANAGER THOMAS J. LANDO

Based on the City Council's evaluation of the City Manager's performance, this Minute Order provides for a technical adjustment of the City Manager's base pay, and a merit increase of 3% to become effective 7/1/02.

2.6. MINUTE ORDER NO. 09-02 — AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR THE USE OF SPACE LOCATED AT THE CITY OF CHICO WATER POLLUTION CONTROL PLANT
The United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), has been granted the exclusive use of approximately 3,000 square feet of ground space at the City’s Water Pollution Control Plant for use as a wind profiler site for its Central California Ozone Study. For this service, NOAA pays to the City $200 per month for electrical usage. NOAA staff and representatives are permitted unrestricted access to the property for any purpose relating to their research. NOAA is requesting a one-year extension to its current letter. If this minute order is approved, the Letter Agreement would be extended for the period of 4/16/02 through 4/16/03. The Director of Public Works recommended approval of this minute order.

2.7 APPROVAL OF MINUTE ORDERS AUTHORIZING ACQUISITION OF VARIOUS PROPERTIES ON EAST AVENUE AS LISTED BELOW

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of the following properties in connection with the City’s East Avenue widening project. The listed minute orders, if approved by the City Council, will authorize the City Manager to execute documents for the needed acquisitions. The Assistant City Manager recommended adoption of the below minute orders.

A. MINUTE ORDER NO. 10-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 2505 CACTUS AVENUE (APN 048-070-031) - RITCHEY

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way, a public utility easement and a temporary construction easement for $2,800.

B. MINUTE ORDER NO. 11-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1560 EAST AVENUE (APN 048-070-036) - STAPP

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way, a public utility easement and temporary construction easement for $4,800.

C. MINUTE ORDER NO. 12-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1582 EAST AVENUE (APN 048-070-024) - EGGEN/CAYWOOD

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way, a public utility easement and a temporary construction easement for $2,000.

D. MINUTE ORDER NO. 13-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT SOUTH SIDE OF EAST AVENUE NEAR CACTUS (APN 048-760-015) - CLARK

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way and a temporary construction easement for $5,500.

E. MINUTE ORDER NO. 14-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACQUIRE PROPERTY LOCATED AT SOUTHEAST CORNER OF CACTUS AND EAST AVENUES (APN 048-760-014) - SCALLY

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way for $9,300.

2.8 APPROVAL OF MINUTE ORDERS AUTHORIZING ACQUISITION OF VARIOUS PROPERTIES NEEDED FOR IMPROVEMENT OF THE EAST AVENUE/ESPLANADE INTERSECTION AS LISTED BELOW
At its 4/02/02 closed session meeting, the City Council authorized the negotiated purchase of the following properties in connection with the City’s improvement of the East Avenue/Esplanade intersection. The listed minute orders, if approved by the City Council, will authorize the City Manager to execute documents for the needed acquisitions. The Assistant City Manager recommended approval of the below minute orders.

A. MINUTE ORDER NO. 15-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED ON THE ESPLANADE (APN 006-530-015) - TOWNE AND COUNTRY OF CHICO

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way and a temporary construction easement for $2,600.

B. MINUTE ORDER NO. 16-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 2539 ESPLANADE (APN 006-530-028) - DUNN

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way and a temporary construction easement for $42,000.

2.9. APPROVAL OF FINANCE COMMITTEE RECOMMENDATION FOR SUPPLEMENTAL APPROPRIATION NO. 01-02 46 FOR PROFESSIONAL LEGAL SERVICES IN CONNECTION WITH THE PROPOSED CABLE TELEVISION FRANCHISE TRANSFER FROM AT&T BROADBAND TO AT&T COMCAST CORPORATION

At its meeting of 4/22/02 the Finance Committee recommended (2-0, Keene absent) approval of this supplemental appropriation. The Council is being provided with the memorandum dated 04/18/02 from the City Manager which the Committee received recommending approval of a supplemental appropriation in the amount of $10,000 from the CATV Community Access Fund (208) for professional legal services in connection with the pending request for approval of a transfer/change of control of the AT&T cable franchise. The Council is also being provided with copies of the supplemental appropriation and a copy of the CATV Community Access Fund (208) fund summary which reflects the estimated 06/30/02 fund balance. The City Manager and Finance Committee recommended approval of Supplemental Appropriation No. 01-02 46.

2.10. APPROVAL OF MINUTES FROM CITY COUNCIL MEETINGS HELD ON MARCH 19, 2002, AND APRIL 2, 2002

The City Council is being provided with copies of the minutes from its meetings held on 3/19/02 and 4/2/02.

The motion to approve the Consent Agenda as read, with items 2.1. and 2.2. removed and heard under Item 4.2., carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Bertagna on Item 2.9. only

3. NOTICED PUBLIC HEARINGS
3.1. HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING THEIR ABATEMENT AND REMOVAL

By memorandum dated 4/15/02, Projects Manager Wood reported that the purpose of tonight’s hearing is to consider all objections to the removal of weeds, rubbish, refuse and/or debris. Notice of the hearing was mailed to all property owners on the list attached to the resolution as Exhibit “A”.

The resolution will establish Friday, 5/31/02 as the last day for abatement and removal of weeds.

The Projects Manager recommended adoption of the resolution. The hearing was opened to the public. Rhonda Pearson asked for clarification on what was required for the removal of weeds. The hearing was closed.

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

RESOLUTION NO. 123 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING OBJECTIONS TO RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR
DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT AND REMOVAL OF THE
WEEDS, RUBBISH, REFUSE AND/OR DEBRIS, AND PROVIDING FOR AN ASSESSMENT OF THE
COST OF SUCH ABATEMENT AND REMOVAL

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. CONSIDERATION OF CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT PREPARED FOR
THE PROPOSED WIDENING OF MANZANITA AVENUE, CHICO CANYON ROAD, AND BRUCE ROAD
BETWEEN EAST AVENUE AND STATE ROUTE 32, AND APPROVAL OF A SPECIFIC PROJECT
DESIGN.

By memorandum dated 4/30/02, the Planning Director and Senior Planner Zalusky provide information
on the proposed widening of the Manzanita Avenue Corridor to achieve acceptable levels of service
associated with build out of the City’s General Plan, and on the environmental impact report (EIR)
prepared for this project, including several project alternatives for the constrained segment of Manzanita
Avenue between the Lindo Channel bridge and Centennial Avenue. The alternatives that Sr. Planner
Zalusky described are as follows:

Alternative 1: No improvements to the constrained segment
Alternative 2: Construct the standard four-lane configuration and expand the roadway westward
Alternative 3: Modify the constrained segment to include two lanes with an additional center left-turn
lane
Alternative 4: Construct four lanes that are narrower than the standard City configuration
Alternative 5: Maintain two lanes but construct roundabouts at two intersections

Two additional alternatives have been proposed by the public as well:

Plan B: Two lanes in the constrained segment with roundabouts at Hooker Oak and Vallombrosa
Avenues
DiGiovanni Alternative: Larger roundabouts than proposed in Plan B

Staff has more recently provided another alternative for Council consideration:

Modified Plan B: Plan B between the Lindo Channel and Big Chico Creek bridges, modified to
eliminate a call button at Vallombrosa Avenue intersection, and with standard frontage improvements,
with bridges widened for pedestrian, bicycle, and equestrian traffic.

Staff recommended that the City Council certify the Final EIR and approve the Modified Plan B alternative.

Speakers from the audience included Catherine Fish, Alan Gair, Doug Pressall, Michael Pike, N.
McDermott, Doug Morrison, Mark W Kitch, Celeste Worden, Pete Mannerino, Robert G Main, Kevin
Sweeney, Glenn Dunning, Dave Murray, Kathie Russo, Carolyn Dorn, Francine Gair, Leanne Fault,
Randy Larsen, Bill McDermott, Tom DiGiovanni and Rhonda Pearson.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene to certify the EIR,
selecting the Modified Plan B, somewhat revised, including a signalized intersection at Wildwood with
two lanes to Lindo Channel, expanded Sandy Gulch bridge for non-auto use, two lanes with roundabouts
at Vallombrosa, separate non-auto pathway, no call buttons at roundabouts, a pedestrian crossing at
Hooker Oak on both sides as recommended by staff, no new creek crossing on Big Chico Creek, bridge
under crossings at Big Chico Creek, left hand turn lane on Centennial, to have it remain two lanes to
California Park, no relocation of PG&E poles, widen the bridge at Big Chico Creek, direct staff to prepare
a final resolution, take out as few as possible trees, and no curbs, gutters or sidewalks along the constrained route.

A friendly amendment was requested by Councilmember Jarvis that staff research the possibility of using some type of appropriate material in lieu of the standard curb, gutter and sidewalks on the west side. The amendment was accepted.

The motion failed due to the following vote:

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

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan for the same motion as previously made by Councilmember Wahl, except no widening of the bridge at Big Chico Creek, send the non-auto bridge to the Park Commission for consideration and request that staff find some recommendation (i.e., call button, debit card) for a way to cross Manzanita.

The motion failed by the following vote:

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

A motion was made by Councilmember Jarvis to continue this matter to another meeting not open for public comment, with staff to provide additional information about the possibility of maintaining the bridge over Big Chico Creek at two lanes with information back to the Council on how the left turn lane would work and how people can get safely across Manzanita.

The motion failed by the following vote:

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

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Keene to bring this item back to the next meeting, not opening it up for public comment, with staff to provide additional information regarding the widening of the bridge over Big Chico Creek.

The motion carried by the following vote:

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

4.2. ITEMS REMOVED FROM THE CONSENT AGENDA


By memorandum dated 4/8/02, the Assistant Community Development Director forwarded a report on
the initiation of annexation proceedings for a single 8690 square foot parcel at 320 West 11th Avenue. The parcel proposed for annexation contains a single family residence. The site is designated and prezoned for low density residential use. The annexation has been initiated to allow connection to the sanitary sewer system and abandonment of the failed septic system. The Assistant Community Development Director recommended adoption of the resolution.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to adopt Resolution No. 115 01-02.

The motion carried by the following vote:

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

2.2. RESOLUTION NO. 116 01-02 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - WHITE AVENUE ANNEXATION DISTRICT NO. 4

2769 White Avenue (Womack). By memorandum dated 4/8/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of a single parcel at 2769 White Avenue. The parcel currently contains a six-unit apartment complex that has connected to the City sanitary sewer due to a failed septic system. The property is designated and zoned for medium density residential use by both the City and County. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to adopt Resolution No. 116 01-02.

The motion carried by the following vote:

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

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS

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

6.1. Memorandum dated 4/11/02, from the Internal Affairs Committee providing a Report on its meeting held on 4/9/02. No City Council action is required on any of the matters considered at the Committee's April meeting at this time; and therefore, this Report is being submitted to Council under this section of tonight's agenda. Copies of all reports considered by the Committee at its 4/9/02 meeting are available
for review in the office of the City Council.

6.2. Memorandum dated 4/16/02 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.3. Memorandum dated 4/17/02 from Risk Manager transmitting report of denial of claims against the City for the quarter ending 3/31/02.

6.4. Memorandum dated 4/12/02 from the Finance Director reporting that the list of claims paid during the month of March 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

The meeting was adjourned at 12:05 a.m. to Tuesday, May 21, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: June 4, 2002

___________________________________
Deborah R. Presson, City Clerk
1. CALL TO ORDER — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street for Closed Session.

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

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney will review the following: Moua, et al. v. City of Chico, et al., U.S. District Court of Eastern California, Case No. CIV-S-02-0923 DFL JFM (Gov. Code Sec. 54956.9(a).)

2.3. CONFERENCE WITH LEGAL COUNSEL — ANTIPOATED LITIGATION: Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)

3. ADJOURNMENT

Closed Session was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:35 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Presentation of Colors by Girl Scout Troop 95 and Flag Salute

1.2. Invocation – Pastor Richard Hoyt Jr., Community Church of God

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

                                                Absent: None

1.4. The Mayor presented Mayor’s Awards to:

a. Girl Scout Troop 95
b. Judy Alberico
c. Robert & Kathleen Burtman

1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Fire Chief Brown, Project Manager Wood, Park Director Beardsley, Housing Officer McLaughlin, Sr. Development Engineer Alexander, Development Engineer Johnson, Fire Inspector Fickert, Planner Sigona, Housing Specialist Burkland, and Senior Planner Zalusky.

1.6. Closed Session Announcement – None

2. **CONSENT AGENDA** – No items

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON APRIL 22, 2002**

By memorandum dated 4/23/02, the Finance Committee provided a report on its meeting held on 4/22/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. (Chair Keene arrived late at 4:30 p.m., and was absent during Items A, B, and D.) The matters considered by the Committee are listed below.

**COMMITTEE ITEMS REQUIRING COUNCIL / AGENCY ACTION:**

A. **Consideration of Community Housing and Credit Counseling Center’s (CHCCC) Request For Annual Program Funding in the Amount of $26,780.** The Committee recommended (2-0, Keene absent) approval of the CHCCC funding for its annual program in the amount of $26,780 from the Agency’s Low and Moderate Income Housing Fund, with the condition that future funding requests be accompanied by feedback and evaluation of the program by its clients in order to determine its impact.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve the CHCCC funding for its annual program in the amount of $26,780. The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
B. **Consideration of Staff Recommendation on Requests from North Valley Catholic Social Services (NVCSS) regarding the Forest Manor Housing Project.** The Committee recommended (2-0, Keene absent) approval of a one-year extension on the Agency's loan in order for NVCSS to obtain the project funding for the Forest Manor Housing Project, as recommended by staff.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve:

'*CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. 02-02 — AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO THE “LOAN AGREEMENT CHICO REDEVELOPMENT AGENCY LOW AND MODERATE INCOME HOUSING PROGRAM SENIOR RENTAL HOUSING PROJECT AT HARTFORD DRIVE, CHICO, CALIFORNIA (CHICO REDEVELOPMENT AGENCY / NORTHERN VALLEY CATHOLIC SOCIAL SERVICES,” EXTENDING THE PERFORMANCE TERM ONE YEAR*

The motion carried by the following vote:

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

C. **Consideration of City Manager Recommendation that Husa Ranch Park be Classified as a Neighborhood Park.** The Committee recommended (3-0) that the Husa Ranch park, which is to be established adjacent to the Nob Hill area park as a requirement of approval of the subdivision, be classified as a Neighborhood Park, and therefore, eligible for park fee credits or reimbursement.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve Husa Ranch Park be classified as a “Neighborhood Park.”

The motion carried by the following vote:

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

**COMMITTEE ITEMS REQUIRING NO COUNCIL / AGENCY ACTION**

D. **Consideration of Park Funding Issues and the Basic Park Facility Development Impact Fees.** Due to time constraints, this matter was continued to a Committee workshop meeting to be scheduled in June.

E. **Consideration of Supplemental Appropriation for Professional Legal Services in Connection with the Proposed Cable Television Franchise Transfer from AT&T Broadband to AT&T Comcast Corporation.** The Committee’s recommendation for approval was submitted to the City Council at its meeting of 5/7/02.

F. **Consideration of Amendment to the City of Chico Fee Schedule - Airport Fees.** Due to time constraints, this matter was continued to a workshop meeting of the Committee to be scheduled in June.

G. **Consideration of Revisions to Campaign Financing Reporting Requirements.** Due to time constraints, this matter was continued to a workshop meeting of the Committee to be scheduled in June.
A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to accept the 4/22/02 Finance Committee meeting report.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Bertagna on Item 2.1 only

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

6. **ADJOURNMENT**

The Redevelopment Agency Meeting was adjourned at 7:50 p.m. to a City Council meeting.
1. **CALL TO ORDER** — Mayor Herbert called the adjourned regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:50 p.m.

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

2. **CONSENT AGENDA** — Item 2.2. and 2.9. were removed from the Consent Agenda and heard under item 4.2. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.12 OF THE CHICO MUNICIPAL CODE REGARDING CUSTOMER SERVICE REGULATIONS APPLICABLE TO CABLE TELEVISION FRANCHISES — INTRODUCTORY READING**

At its meeting of 5/14/02, the Internal Affairs Committee recommended (3-0) adoption of this ordinance which would amend various provisions of Chapter 5.12 of the Chico Municipal Code regarding cable communications systems franchises. The Council was provided with the memorandum the Committee received from Assistant City Attorney Barker, dated 5/7/02, transmitting the proposed ordinance. Most of the amendments are in regard to the customer service regulations and would 1) amend the provisions regarding telephone answering standards and reporting requirements; 2) address dispute resolution procedures adopted by cable franchisees; and 3) make various non-substantive grammatical corrections. The Assistant City Attorney and Internal Affairs Committee recommended adoption of the Ordinance.

2.2. **RESOLUTION NO. 124 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 96 99-00, IN REGARDS TO UNDERGROUND DISTRICT NO. 14, AREA A, TO INCLUDE LANGUAGE TO ALLOW FOR THE USE OF RULE 20 FUNDS FOR THE CONVERSION OF ELECTRIC SERVICE PANELS TO ACCEPT UNDERGROUND SERVICE — this item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion under Item 4.2.**

2.3. **RESOLUTION NO. 125 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 14 HILLARY LANE / A.P. NO. 007-560-027**

By memorandum dated 4/26/02, the Director of Public Works reported that in accordance with a petition from the property owner, Chico Church of Religious Science, by Carolyn McKeown, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 4/26/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system. The Director of Public Works recommended adoption of the resolution.

2.4. **RESOLUTION NO. 126 01-020 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 848 W 2ND AVENUE / A.P. NO. 043-142-016**

By memorandum dated 4/26/02, the Director of Public Works reported that in accordance with a petition from the property owners, William R. Neuman and Barbara I. Neuman, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 4/26/02 attached to the resolution.
These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.5. MINUTE ORDER 17-02 — APPROVAL OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET FOR FY 2002/03.

By Minute Order No. 06-02, adopted 03/05/02, the City Council approved consolidation of the Butte Interagency Task Force (BINTF) and Butte Anti-Drug and Gang Special Supervision Unit (BASS); the minute order also authorized execution of the revised Butte Interagency Narcotics Task Force Memorandum of Understanding which effected the consolidation of BINTF and BASS operations and authorizes the City to participate, along with various other agencies in Butte County, in a task force targeting the illegal production, distribution, and use of narcotics and other controlled substances. The Memorandum of Understanding is extended on a year-to-year basis, and provides that each participating agency shall approve or disapprove the BINTF budget by no later than June 30th of each year. This Minute Order authorizes the City Manager to grant approval of the BINTF General Budget for FY 2002/03. The Chief of Police recommended approval of the Minute Order.

2.6. MINUTE ORDER NO. 18-02 — AUTHORIZATION FOR CITY MANAGER TO DONATE SURPLUS POLICE UNIFORMS TO BUTTE COMMUNITY COLLEGE POLICE DEPARTMENT

Chico Police Officers receive a uniform allowance to purchase new uniforms. When the uniforms become unserviceable, or the officer leaves the department, the uniforms are stored in Building 400 at the Municipal Services Center. There are currently dozens of uniforms being stored. The Butte Community College Police Department has requested that the Chico Police Department donate approximately thirty sets of these uniform shirts and pants for use by their department. The Chief of Police recommended approval of the Minute Order.

2.7. MINUTE ORDER NO. 19-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 2532 ESPLANADE (APN 006-072-032) - MOCK FAMILY TRUST

At its 4/2/02 closed session, the City Council authorized the negotiated purchase of right-of-way in connection with the City’s improvement of the East Avenue/Esplanade intersection. This minute order would authorize the City Manager to execute a sales agreement and other documents necessary to acquire right-of-way for $3,200. The Assistant City Manager recommended approval of the Minute Order.

2.8. APPROVAL OF THE ECONOMIC DEVELOPMENT COMMITTEE’S RECOMMENDATIONS FOR PRIORITY PROJECTS FOR THE 2002-03 UPDATE OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) FOR THE TRI-COUNTY ECONOMIC DEVELOPMENT DISTRICT

By memorandum dated 5/13/02, the Economic Development Committee submitted a request from the Tri-County Economic Development Corporation (TCEDC) for a list of priority projects for the City of Chico to be included in the 2002-03 update of the Comprehensive Economic Development Strategy (CEDS). The Committee reviewed the proposed list at its meetings on 4/23/02 and 5/9/02 and recommends that City Council approve submitting the City’s 2001-02 list of priority projects with no revisions or additions to the TCEDC for the 2002-03 annual update. The annual list of projects for the CEDS is due to the Federal Economic Development Administration by 7/31/02.

2.9. ACCEPTANCE OF REPORT REGARDING STATE FUNDING FOR TRAFFIC SIGNALS AT INTERSECTIONS OF STATE HIGHWAY 32 WITH GLENWOOD AVENUE AND OAK WAY — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion under Item 4.2.

The motion to approve the Consent Agenda as read, with Items 2.2. and 2.9. being removed and heard under Item 4.2., carried by the following vote:
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROPOSED WIDENING OF MANZANITA AVENUE, CHICO CANYON ROAD, AND BRUCE ROAD BETWEEN EAST AVENUE AND STATE ROUTE 32, AND APPROVAL OF A SPECIFIC PROJECT DESIGN.**

The City Council held a public meeting on this matter on 5/7/02 and heard comments from the public. The public comment portion of the meeting was closed and the matter continued to this evening for further information from staff and deliberation by Council, and no further comments from the public will be heard this evening. By memorandum dated 5/15/02, the City Manager provided background on the motion introduced at the 5/7/02 Council meeting and issues associated with the crossing of Big Chico Creek. The City Manager recommended that the Council approve a motion of intent to certify the environmental impact report and adopt Modified Plan B point by point as described in the introduced motion, along with the proposed widening of the Chico Creek Bridge, and direct staff to prepare a resolution with findings of fact. Mayor Herbert disqualified himself from the discussion and left the dias.

A motion was made by Councilmember Wahl and seconded by Councilmember Nguyen-Tan to approve a motion of intent to certify the environmental impact report and adopt Modified Plan B, with the following points included and to direct staff to prepare a resolution with findings of fact:

1. The transition from four lanes to two lanes south of Wildwood Avenue and from the transition with Chico Canyon Road/California Park Drive will be made as soon as practical and kept to a minimum.
2. Develop a two-lane roadway section from the transition through the corridor to a transition point north of California Park Drive. The roadway section should consist of two lanes of traffic with two bike lanes, gravel shoulders throughout the constrained area except where curbs, gutters, and sidewalks currently exist, and a bus stop. Decomposed granite sidewalks will be constructed where sidewalks currently do not exist. No additional parking will be installed.
3. Widen the Lindo Channel Bridge.
4. Roundabouts should be designed and installed at the intersections of Manzanita Avenue, Hooker Oak Avenue, and Vallombrosa Avenue and will be subject to a peer review process.
5. Pedestrian/bicycle/equestrian crossing at Manzanita Avenue will be provided without a signal. This will be provided either on the bridge or at Centennial.
6. Modifications to the Manzanita Bridge at Big Chico Creek provides widening to accommodate two lanes of traffic, left turn lanes, and 17 feet for pedestrian/bicycle use on each side of the roadway.
7. Left turn pockets will be provided at the intersections of Manzanita Avenue with Centennial and Chico Canyon Roads.
8. Staff will minimize the impacts on power transmission and distribution lines.
9. The engineering design of the traffic enhancing facilities along the constrained section will honor the physical position of specimen trees and will make a strong effort to protect and save all such trees within the limits of good engineering practice, as well as utilizing peer review. Only three trees will ultimately be removed: a Catalpa, an Oak, and an Ash. These trees will be replaced on a ten to one ratio.
10. An under-crossing shall be provided at the Big Chico Creek Bridge.
11. A separate pedestrian/bicycle/equestrian path should be developed on the east side of the roadway from approximately Centennial Avenue to Lindo Channel.
12. Include a pedestrian bridge approximately 75' west of Manzanita Avenue, pending appropriate environment review.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl
NOTICED PUBLIC HEARINGS

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 515, LONGBOARD SUBDIVISION

By memorandum dated 4/11/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 515. As a condition of approval of a subdivision map for this subdivision, generally located on the east side of Floral Avenue, north of East Avenue, the developers, Baker and Baker Construction, have consented to the formation of this district for the operation, maintenance, and future replacement of 50% of the landscaping and irrigation of the median within Floral Avenue, and the landscaping, irrigation, weed control, and fencing of the storm drainage detention facility within the subdivision. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid for by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The hearing was opened to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 127 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 515 — LONGBOARD SUBDIVISION)

The motion carried by the following vote:

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

3.2. FINAL HEARING ON THE 2002/2003 ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS

By memorandum dated 5/3/02, the Housing Officer reported on the 2002-2003 Annual Plan for the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. The memorandum includes the 2002/2003 Proposed Annual Plan adopted by Council at its 4/02/02 meeting and published for a 30 day comment period. There were no comments received during the public review period. In the event comments are received subsequent to the preparation of this agenda, they will be provided to Council. The Council was provided with previous staff reports regarding the CDBG/HOME Programs. The Council was also provided with a Minute Order which authorized the City Manager to establish an internal loan for the advance funding of the Citrus-Vecino storm drainage improvements.

At this meeting, the City Council conducted the second of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the Department of Housing and Urban Development (HUD). The hearing was opened to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Keene and seconded by Councilmember Jarvis to:
1) consider any citizen input from the 30 day comment period and the Public Hearing and make any revisions to the “2002-2003 Proposed Annual Plan;” 2) adopt the final “2002-2003 Proposed Annual Plan” after considering public comments on the Plan and making appropriate modifications, if any; 3) authorize the City Manager to submit the “2002-2003 Proposed Annual Plan” to the Department of Housing and Urban Development (HUD) along with the required certifications; and 4) approve the below Minute Order which authorizes the City Manager to establish an internal loan for the advance funding of the Citrus-Vecino storm drainage improvements.

MINUTE ORDER NO. 20-02 — _AUTHORIZATION FOR THE CITY MANAGER TO ESTABLISH AN INTERNAL LOAN FOR ADVANCE FUNDING OF THE CITRUS-VECINO STORM DRAINAGE IMPROVEMENTS. THE INTERNAL LOAN WILL BE REIMBURSED WITH ANNUAL PAYMENTS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

The motion carried by the following vote:

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

3.3. HEARING ON VIOLATIONS BY AT&T OF CHICO MUNICIPAL CODE PROVISIONS (SECTION 5.12.168) REGARDING CUSTOMER SERVICE REGULATIONS FOR CABLE TELEVISION FRANCHISEES

By memorandum dated 5/14/02, Assistant City Attorney Barker reported on violations by AT&T of Chico Municipal Code Section 5.12.168, the City's customer service regulations for cable television franchisees, and proposes a resolution for the violations whereby AT&T would provide a $2.00 coupon to each customer, which may be applied to the customer's monthly bill, and which would provide the City with a total of $15,000. The City Manager recommended approval of the proposed resolution of this violation. The hearing was opened to the public. Matthew A. Rives addressed Council regarding his concerns with the service received from AT&T. The hearing was closed. Council concurred that when the refund is to be mailed, a display ad would be needed as a reminder to the citizens to look for the $2.00 coupon included in their AT&T statement.

A motion was made by Vice Mayor Kirk and seconded by Mayor Herbert to approve the proposed resolution of this violation.

The motion carried by the following vote:

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

3.4. HEARING ON APPEAL BY DRAKE HOMES OF THE DENIAL OF THE BRENTWOOD VESTING TENTATIVE SUBDIVISION MAP (S 01-08) AND PLANNED DEVELOPMENT PERMIT 01-09 - 82.5 ACRES NORTHWEST OF EATON ROAD AND THE ESPLANADE

By memorandum dated 5/7/02, Planning Division staff reported that on 5/2/02, the Planning Commission denied a subdivision map and planned development permit to create zoning classifications and subdivide 82.5 acres located west of The Esplanade, north of the west terminus of Eaton Road. The applicant proposes to create 186 lots on approximately 49.45 acres for single family residential development at a density of 3.7 units per acre; 4.8 acres for neighborhood commercial uses located on the west side of The Esplanade; 16.4 acres for multi-family residential development (14.01 to 22 units per acre density range); and a 1.4 acre site for storm water detention. Zoning classifications are also proposed pursuant to the requirements of the applicable PMU Planned Mixed Use zoning district.
as follows: R1 Low Density Residential, CN Neighborhood Commercial and R3 Medium-High Density Residential.

Citing that the required findings could not be made due to inconsistency with the Chico General Plan (Mixed-Use Neighborhood Core), the intent of the PMU zoning district, and that the applications are premature since it is not known how the project would integrate with comprehensive planning for the potential growth area surrounding the site, the Planning Commission voted 4-1-1-1 (one opposed, one absent, one disqualified) to deny the subdivision and planned development permit.

The Planning Commission recommended that the project be denied or final action delayed until after a specific plan or precise plan is prepared for the surrounding area. The City Council has the option of upholding the decision of the Planning Commission, thereby denying the applications; approving the applications with or without conditions; delaying action to the extent allowed by State law; or delaying action for a specified time mutually agreed upon by the City and the applicant.


Councilmember Nguyen-Tan urged Council to delay action as allowed by state law in order to allow for a comprehensive plan to be prepared for this area. Vice Mayor Kirk indicated that her concern was not with the proposed growth area but with the Brentwood plan with the main focus being on the transition areas. It was felt that additional time would allow the developer and staff to come up with something more acceptable.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to continue this item for thirty days in order to get additional answers regarding signalization, traffic calming, and the proposed buildings on Eaton Road.

The motion failed by the following vote:

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

Councilmember Bertagna stated that this area was excluded from the growth area discussions held in December due to the fact that Council knew this development was proposed. He stated that it is the people that make the neighborhoods, not the homes.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to uphold the appeal thereby approving the applications with conditions of Parcel C and D with their buildings located on the north side of the property, maximum distance, landscaping along the sound wall, and that the park be included in the nearby north area and adopt the following resolution:

RESOLUTION NO. 128 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING BRENTWOOD VESTING TENTATIVE SUBDIVISION MAP, S-01-08 AND PLANNED DEVELOPMENT PERMIT 01-09 (DRAKE HOMES)

The motion carried by the following vote:

AYES: Bertagna, Keene, Wahl, Herbert
NOES: Jarvis, Kirk, Nguyen-Tan
ABSENT: None
DISQUAL: None
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF MANZANITA AVENUE WIDENING PROJECT EIR & DESIGN** — this item was considered immediately after the Consent Agenda.

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

2.2. **RESOLUTION NO. 124 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 96 99-00, IN REGARDS TO UNDERGROUND DISTRICT NO. 14, AREA A, TO INCLUDE LANGUAGE TO ALLOW FOR THE USE OF RULE 20 FUNDS FOR THE CONVERSION OF ELECTRIC SERVICE PANELS TO ACCEPT UNDERGROUND SERVICE** — this item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.

By memorandum dated 4/30/02, Senior Development Engineer Alexander reported that at its meeting of 2/15/00, the City Council adopted Resolution No. 96 99-00 which established Underground District No. 14, Area A located on East Avenue between Ceanothus Avenue and the Chico Elk’s Lodge. The California Public Utility Commission has recently revised Rule 20 regulations to allow the use of Rule 20 funds for the conversion of electric service panels to accept underground service. This resolution will amend Resolution 96 99-00 by allowing PG&E to use a portion of Rule 20 funds to provide up to $1500 per service entrance to businesses/residences within District 14A to accept underground service. The Director of Public Works recommended adoption of the Resolution.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to adopt Resolution No. 124 01-02.

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

2.9. **ACCEPTANCE OF REPORT REGARDING STATE FUNDING FOR TRAFFIC SIGNALS AT INTERSECTIONS OF STATE HIGHWAY 32 WITH GLENWOOD AVENUE AND OAK WAY** — this item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.

By memorandum dated 5/14/02, the Director of Public Works presented information from the Department of Transportation (Caltrans) District 3, indicating that Caltrans is open to discussion on a 50/50 cost sharing for traffic signal installation at these intersections. At its meeting of 2/25/02 the Finance Committee recommended that the State be contacted regarding funding assistance for these signals before including them in the Nexus Study for calculation of development impact fees. At its meeting of 3/19/02 the City Council accepted the Finance Committee recommendation that inclusion of these projects in the Nexus Study be continued to pursue State funding. The City Manager recommended acceptance of the report regarding State funding for the signals, and that inclusion of these two projects in the Nexus Study be considered again by the Finance Committee at its meeting of 6/6/02, with the Committee recommendation to be submitted to Council for a hearing at its meeting of 6/18/02.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Kirk to accept the report and direct staff to include discussion of state funding for traffic signals during the 6/6/02 Finance Committee Meeting and include this report in the information provided to the Council when it considers the Sterling project on 6/24/02.

The motion carried by the following vote:
4.3. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION REGARDING DEVELOPMENT SERVICES FEE STUDY PREPARED BY DMG MAXIMUS

At its meeting of 3/25/02, the Finance Committee recommended (2-1, Nguyen-Tan opposed) that the Development Services Fees be revised as recommended in the Development Services Fee Study with the following revisions:
1. That $75,000 in overhead, indirect costs for Building Use, City Council, City Clerk, 75% of Personnel, and Treasury be removed from the calculations as suggested by the Committee.
2. That the remaining $231,000 in General Fund subsidy for development fee services be removed by reducing the hourly rates.
3. That a report and analysis be brought back to the Committee six months after the fees are implemented in order to adjust the fees if it is determined that they are too high or too low.

The City Council considered this recommendation at its meeting of 4/16/02, at which time no action was taken due to a tie vote (3-3), and the matter was continued. Staff is requesting Council majority direction on how to proceed, after which a resolution amending the City's fee schedule will be prepared and brought back for adoption at a future meeting. The City Council was provided with a new memorandum dated 5/14/02 from the Community Development Director, as well as the following documents previously provided: an excerpt of the relevant portion of the Finance Committee's Report on its 3/25/02 meeting; memorandums to the Finance Committee from the Community Development Director dated 3/4/02 and 3/19/02; and the "Review of Building, Planning and Engineering Fees Final Draft Report" by Maximus dated February 2002.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to direct staff to make the following changes:

A. That $75,000 in overhead, indirect costs for Building Use, City Council, City Clerk, 75% of Personnel, and Treasury be removed from the calculations as suggested by the Committee; and

B. That the remaining $231,000 in General Fund subsidy for development fee services also be removed by reducing the hourly rates for planning and engineering development services thereby having the current level of fee collection for development services remain the same; and

C. That a report and analysis be brought back to the Committee within six months after the fees are implemented in order to adjust the fees if it is determined that they are too high or too low.

The motion carried by the following vote:

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

4.4. APPOINTMENT TO FILL VACANCY ON PLANNING COMMISSION

By letter dated 4/20/02, Sharon Stone resigned from the Planning Commission effective immediately. This resignation creates a vacancy, the term of which expires 1/01/05. The City Council acknowledged the resignation and directed staff to advertise for additional applicants.

4.5. APPOINTMENT TO FILL VACANCY ON ARTS COMMISSION

By letter dated 4/02/02, Debra Lucero Austin resigned from the Arts Commission effective immediately.
This resignation creates a vacancy, the term of which expires 1/01/05. The City Council acknowledged the resignation and directed staff to advertise for additional applicants.

4.6. **CONSIDERATION OF REQUEST FOR STATUS REPORT ON THE DEREGULATION OF SOLID WASTE COLLECTION IN THE CITY OF CHICO**

By memorandum dated 4/29/02, Councilmembers Jarvis and Nguyen-Tan requested a report on the status of the deregulation of solid waste collection in the City. Councilmember Jarvis requested a copy of the staff report that was prepared for the Finance Committee when it considers this issue.

4.7. **FUTURE MEETINGS** – This item was tabled for consideration at the 5/23/02 Council meeting.

A. By letter dated 5/6/02 from the Chico Area Recreation and Park District (CARD) Board of Directors, the City Council is requested to schedule a joint meeting and perhaps a joint park tour to address park issues of mutual concern to CARD and the City.

B. The City Council was requested to consider scheduling a meeting with the Chico Unified School District to address issues of mutual concern.

C. The City Council was requested to determine whether it wishes to schedule a separate meeting for the hearing on the General Plan Amendment / Sterling Rezone for 20 acres located on the east side of State Highway Route 32/Nord Avenue, between W. Eighth Avenue and W. Lindo Avenue.

D. The City Council was requested to indicate if and when it would like to schedule a presentation on the final Economic Development Analysis for the full Council, or whether the presentation should be made to the Economic Development Committee.

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

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


7. **ADJOURNMENT**

Adjourned at 12:20 a.m. to Thursday, May 23, 2002, at 7:00 p.m. in the Council Chamber for a joint meeting with the Council’s Boards and Commissions.

Date Approved: June 18, 2002

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Chamber, 421 Main Street.

1.1. Flag Salute

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

Absent: None

Staff present: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Finance Director Martin, Urban Forester Boza, Arts Project Coordinator Gardner, Budget Officer Pierce, and Administrative Analyst Young

2. **CONSENT AGENDA** – No items

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

4. **REGULAR AGENDA**

4.1. **MEETING WITH CITY COUNCIL BOARDS & COMMISSIONS**

The City Council scheduled today’s meeting as part of its 2002-03 Budget Calendar. A memorandum was sent on 4/15/02 from the City Clerk asking Boards and Commissions if there were any issues they wished to discuss with the Council at tonight’s meeting, and the responses received are listed below. (All Boards and Commissions are not listed since some did not have any matters to discuss with Council.)

A. **Arts Commission** – By memorandum dated 5/15/02, the Arts Commission submitted a proposal for a budget policy change which would take a portion of the Transient Occupancy Tax (TOT) revenue currently allocated to economic development and tourism and allocate it for promotion of the arts to tourists and relocation consultants.

Present: Commissioners Barrett, Busch, Crawford, Growdon and Nichols.

Absent: Commissioner Roos

Commissioner Barrett reviewed the Commission’s accomplishments during the past year and presented its proposal that Budget Policy F.2 (b) be revised to allocate five percent ($6,750) of the ten percent of Transient Occupancy Tax (TOT) currently allocated to economic development and tourism for promotion of the arts to tourists and relocation. Chico had been included in the fall, 2002 edition of the book, “100 Best Small Art Towns in America,” and it was expected that this would create an increased demand for arts information in 2003. The Commission had begun discussions with the Chamber of Commerce regarding promotion of the arts aspects of Chico to tourists, and if the Council agreed, would have a fully developed plan to submit when the budget process began in 2003.

Councilmembers commended the Commission for the hard work and projects which had been accomplished.

B. **Planning Commission** – Due to lack of a quorum, the Planning Commission canceled its portion of tonight’s joint meeting. The Council had been provided with a copies of a memorandum dated 5/16/02 from the Planning Commission requesting discussion of:

1. Future Design & Function of the Planned Eaton Road Extension from the Esplanade West to Highway 32

2. Preparation of a Specific Plan or Precise Plan for the Northwest Early Planning Area
The City Council addressed the following matter at this point in the meeting before returning to its joint meeting with the Park Commission.

4.2. **FUTURE MEETINGS** (this item was continued from Council’s meeting of 5/21/02)

A. By letter dated 5/6/02 from the Chico Area Recreation and Park District (CARD) Board of Directors, the City Council was requested to schedule a joint meeting and perhaps a joint park tour to address park issues of mutual concern to CARD and the City.

The Council scheduled a joint dinner meeting with CARD for Monday, 6/17/02, from 6:00 - 8:00 p.m. in Conference Room No. One.

B. The City Council was requested to consider scheduling a meeting with the Chico Unified School District to address issues of mutual concern.

The Council scheduled a joint dinner meeting with the Chico Unified School District Board of Directors for Wednesday, 7/24/02, from 6:00 - 8:00 p.m. in Conference Room No. One.

C. The City Council was requested to determine whether it wished to schedule a separate meeting for the hearing on the General Plan Amendment / Sterling Rezone for 20 acres located on the east side of State Highway Route 32/Nord Avenue, between W. Eighth Avenue and W. Lindo Avenue.

The Council scheduled a separate meeting to hear the Sterling Rezone / General Plan Amendment for Monday, 6/24/02, from 7:00 - 10:00 p.m. in the Chamber.

D. The City Council was requested to indicate if and when it would like to schedule a presentation on the final Economic Development Analysis for the full Council, or whether the presentation should be made to the Economic Development Committee. The City Manager suggested if the full Council would like to hear this presentation, that it be scheduled for the City Council’s meeting of 7/16/02.

The Council directed staff to schedule 45 minutes for this presentation at its adjourned regular meeting on 7/16/02.

4.1. **JOINT MEETING WITH CITY COUNCIL BOARDS & COMMISSIONS (Cont’d)**

C. **Bidwell Park and Playground Commission.** By memorandum dated 4/29/02, the Park Commission requested discussion of the following:

1. Park Department Five Year Strategic Plan
2. Future of Neighborhood Parks
3. Tree Preservation Ordinance

Present: Commissioners Candela, Coggins, Dunning, Kidd, Schreiber, and Student Commissioner Schreiber
Absent: Commissioners Tzikas and Wood

Chair Coggins reviewed the Commission’s memorandum, including (1) its request that the Council support its Five-Year Strategic Plan, including additional funding for maintenance and tree workers and additional equipment; (2) its offer of help and support in encouraging development of neighborhood parks; and (3) its request for direction in formulating a recommendation regarding a tree preservation ordinance.

Councilmembers informed the Commissioners that consideration of development of a tree preservation ordinance had been referred to the Council’s Internal Affairs Committee for a recommendation.

At the conclusion of the joint meeting with Boards and Commissions, the Council directed that the agenda prepared for next year’s meeting be less specific, allowing for general discussion of any issues of interest, and also that the agenda items not be strictly timed.
5. **BUSINESS FROM THE FLOOR** – None

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

7. **ADJOURNMENT** – The meeting was adjourned at 7:55 p.m. to Tuesday, June 4, 2002, at 9:00 a.m. in the Council Chambers for an all-day work session.

   Date Approved: July 2, 2002

_________________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 1.3-B, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session at 11:00 a.m. to discuss negotiations with the City’s real property negotiator regarding the proposed acquisitions relating to the East/Esplanade intersection project, listed as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan McCulloch &amp; Michael Etchandy</td>
<td>2516 Esplanade</td>
<td>006-071-069</td>
</tr>
<tr>
<td>Patel Family Revocable Trust</td>
<td>2509 Esplanade</td>
<td>006-150-061</td>
</tr>
<tr>
<td>Gasamat Oil of Colorado</td>
<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
</tbody>
</table>

Added to the Agenda by a unanimous vote:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evelyn Arline Kenyon</td>
<td>1442 East Avenue</td>
<td>048-740-020</td>
</tr>
</tbody>
</table>

The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER — Mayor Herbert called the meeting to order at 9:00 a.m. in the Chico Municipal Center, Council Chamber, 421 Main Street. Council concurred to adjourn to Closed Session at 11:00 a.m. and then break for lunch from 12:00 noon to 2:00 p.m.

1.1. Flag Salute

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

1.3. Introduction of Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Community Development Director Sellers, Airport Manager Grierson, Fire Chief Brown, Budget Officer Pierce, Management Analyst Carroll, Park Director Beardsley, Housing Officer McAulhlin, Public Works Administrative Manager Halldorson, Arts Project Coordinator Gardner, Accountant Hennessy, Accountant Vidners, Information Systems Director McEnespy

A. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF VARIOUS PARCELS FOR THE EAST/ESPLANADE INTERSECTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are as follows:
CLOSED SESSION ITEM ADDED AFTER POSTING OF THE AGENDA

In order to consider the following matter, the City Council determined by a unanimous vote that there was a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to add the following item to the agenda to be heard at 11:00 a.m. when Council adjourns to Closed Session:

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF APN 048-740-020 (KENYON) FOR EAST AVENUE RECONSTRUCTION PROJECT.

Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

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</tr>
</thead>
<tbody>
<tr>
<td>Evelyn Arline Kenyon</td>
<td>1442 East Avenue</td>
<td>048-740-020</td>
</tr>
</tbody>
</table>

The motion to add this item to the agenda carried by the following vote:

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

1.4. Closed Session Announcement – None

2. CONSENT AGENDA

2.1. ACCEPTANCE OF THE CHICO OPEN BOARD ART (COBA) PROJECT AUDIT FOR THE PERIOD 5/1/01 THROUGH 11/30/01

By memorandum dated 5/21/02, the Agency Treasurer forwarded the Chico Open Board Art (COBA) audit for the agreement period beginning 5/1/01 and ending 11/30/01 as prepared by R. J. Ricciardi, Certified Public Accountant. The compliance audit was conducted as requested by the Agency at its 3/19/02 meeting. The Agency Treasurer recommended acceptance of the audit.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to accept the COBA Project audit.

The motion carried by the following vote:

AYES: Jarvis, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Bertagna, Keene
DISQUAL: None
B. ACCEPTANCE OF FUNDRAISING STRATEGIES FOR FUNDRAISING BY THE CHICO OPEN BOARD ART (COBA) PROJECT

At its 3/19/02 meeting, the Agency requested Mountain Valley Arts to provide an outline of fundraising strategies for the 2003 COBA project. The Agency was provided with copies of the information provided by COBA.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to accept the COBA Project fundraising strategies.

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS – No items

4. REGULAR AGENDA

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Councilmember Keene arrived at 9:20 a.m. and Councilmember Bertagna arrived at 9:50 a.m.
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4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. REDEVELOPMENT BUDGET REVIEW

A. General Budget Review

The Executive Director provided an overview of the 2002-03 Proposed Chico Redevelopment Agency Budget, including a review of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas Five Year Trends, the Operating Budget, and the Low and Moderate Income Housing Fund Summary. In addition, the Executive Director reviewed the proposed Redevelopment Plan Merger, Humboldt Road disposal site and remediation, Educational Revenue Augmentation Fund shift included in the State’s proposed budget, use of photovoltaic power for the Chico Municipal Center buildings, and assistance to Butte County in acquiring property for expansion of the Chico Courthouse.

B. Capital Budget Review

By memorandum dated May 17, 2002, the Executive Director forwarded Redevelopment Project Analyses on all 2002-03 requests for new redevelopment funded capital projects.

C. Conclude Redevelopment Agency Budget Review

In order to review both the 2002-03 Proposed City Budget and the 2002-03 Proposed Redevelopment Budget prior to the Agency taking action, the resolution adopting the 2002-03 Tentative Budget has been moved to the end of the City budget review agenda (City Council Agenda Item No. 4.2).

5. ITEMS ADDED AFTER POSTING OF THE AGENDA

6. ADJOURNMENT

Adjourned at 9:45 a.m. to a City Council meeting.
1. **CALL TO ORDER**

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

Absent: None

2. **CONSENT AGENDA** – Item 2.18 was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to approve the following items:

2.1. **ORDINANCE NO. 2249 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.12 OF THE CHICO MUNICIPAL CODE REGARDING CUSTOMER SERVICE REGULATIONS APPLICABLE TO CABLE TELEVISION FRANCHISES – FINAL READING & ADOPTION**

At its meeting of 5/14/02, the Internal Affairs Committee recommended (3-0) adoption of this ordinance which would amend various provisions of Chapter 5.12 of the Chico Municipal Code regarding cable communications systems franchises. The Council provided with the memorandum the Committee received from Assistant City Attorney Barker, dated 5/7/02, transmitting the proposed ordinance. Most of the amendments are in regard to the customer service regulations and would 1) amend the provisions regarding telephone answering standards and reporting requirements; 2) address dispute resolution procedures adopted by cable franchisees; and 3) make various non-substantive grammatical corrections. This ordinance received introductory reading at the City Council meeting 5/21/02. The Assistant City Attorney and Internal Affairs Committee recommended adoption of the Ordinance.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND THE AFFORDABLE HOUSING DEVELOPMENT CORPORATION INC. FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE – INTRODUCTORY READING**

By memorandum dated 05/14/02, Senior Planner Sigona reported that at the Planning Commission meeting of 5/2/02, the Commission voted 6-0 (Francis absent) to forward a recommendation of approval to the City Council for adoption of an ordinance approving a development agreement between the City and the Affordable Housing Development Corporation Inc. for development of a 113-unit housing project for low and very low income senior households on 1.6 acres identified as 1240 Park Avenue. The development agreement authorizes ground-floor residential occupancy in a CC Community Commercial zoning district and provides a density bonus of up to 75 units per acre with a reduction in required off-street parking as an incentive pursuant to State law. Assisting HACB in the purchase and development of the project will be the Affordable Housing Development Corporation, Inc. whose name appears on the agreement. A mitigated negative declaration of environmental impact is proposed pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only, and schedule a public hearing and final adoption for 6/18/02.

2.3. **RESOLUTION NO. 129 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE ASSISTANT CITY MANAGER TO SUBMIT AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES UNDER THE URBAN STREAM RESTORATION GRANT PROGRAM FOR THE LINDO CHANNEL GREENWAY, NICOLE LANE, AND BROOKWOOD WAY BANK STABILIZATION PROJECT (12603)**

By memorandum dated 5/21/02, the Park Director reported that the California Department of Water Resources has tentatively awarded a $324,136 grant under the Urban Stream Restoration Program to Streamminders and the City of Chico. The grant is for preparation of plans and specifications and construction of a stream bank protection project in the vicinity of Nicole Lane and Brookwood Way along the Lindo Channel Greenway (12603).
The grant funds were included in the 2001-02 budget. The resolution is required to complete the approval process and proceed with the project. The Park Director recommended adoption of the Resolution.

2.4. RESOLUTION NO. 130 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CONNORS ANNEXATION DISTRICT NO. 1

By memorandum dated 5/9/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 199 parcels which comprise the entirety of an “island” of unincorporated territory, with a total area of 61.56 acres, generally bounded by East Avenue on the north, the freeway on the east, Rio Lindo Avenue on the south and the Esplanade on the west. The fully developed properties are designated and zoned for residential, commercial and office use. Council originally initiated this annexation in February 2002 for only the five parcels on Connors Court, but LAFCo staff rejected that application and directed that the entire “island” of unincorporated territory be included. The annexation was originally initiated to facilitate the reconstruction of an existing restaurant. Property owners are identified in the staff report. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 131 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING SURPLUS A PORTION OF THE CITY-OWNED PROPERTY LOCATED AT 2496 CACTUS AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE DISPOSAL OF SURPLUS PROPERTY - (ASSESSOR’S PARCEL NO. 048-210-005)

By memorandum dated 05/14/02, the Assistant City Manager recommended approval of a resolution which would declare the property located at 2496 Cactus Avenue, acquired in connection with the East Avenue widening project, as surplus City property. The resolution also authorizes the City Manager to dispose of the house and to negotiate an offer of the small surplus remnant of 3,892 square feet to the adjacent property owners. Proceeds from any sale would be credited back to the acquisition budget for the project. The Assistant City Manager recommended adoption of the resolution.

2.6. RESOLUTION NO. 132 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO BUTTE COUNTY WATER AND RESOURCE CONSERVATION DEPARTMENT FOR ENCROACHMENT ON PROPERTY LOCATED IN THE CHICO MUNICIPAL AIRPORT CLEAR ZONE - APN 047-550-001-000

By memorandum dated 5/12/02, the Director of Public Works reported on a request for a revocable Grant of License for the installation and maintenance of groundwater level monitoring equipment on an unused well on the Chico Municipal Airport Clear Zone property. Butte County, in conjunction with the State Department of Water Resources, has requested the use of this well to include in its monitoring network. Groundwater levels from the site would be measured four times per year in the months of March, July, August, and October. The location and condition of the unused well is ideal for the installation of either a chart recorder or electronic data logging system that would continuously monitor groundwater levels. Housing for the equipment would be provided and installed by the State Department of Water Resources. At its meeting of 5/28/02, the Airport Commission recommended approval of the Grant of License. The Director of Public Works and Airport Commission recommended adoption of this resolution which will authorize the grant of license and execution of the grant by the City Manager.
2.7. RESOLUTION NO. 133 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 568 E. 23RD STREET / A.P. NO. 005-473-008

By memorandum dated 05/02/02, the Director of Public Works reported that in accordance with a petition from the property owner, Rose M. Piazzisi, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 05/02/02 attached to the resolution.

These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.8. RESOLUTION NO. 134 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 567 E. LASSEN AVENUE / A.P. NO. 007-060-064

By memorandum dated 5/2/02, the Director of Public Works reported that in accordance with a petition from the property owner, Almond Grove Mobilehome Park Associates, a Limited Partnership, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/2/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.9. RESOLUTION NO. 135 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1265 HOWARD DRIVE / A.P. NO. 048-192-001

By memorandum dated 5/2/02, the Director of Public Works reported that in accordance with a petition from the property owner, Mary M. Jennings, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/2/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.10. RESOLUTION NO. 136 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1563 MOUNTAIN VIEW AVENUE / A.P. NO. 045-322-006

By memorandum dated 5/2/02, the Director of Public Works reported that in accordance with a petition from the property owners, Dennis S. Harvey and Elisabeth W. Harvey, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/2/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.
2.11. **RESOLUTION NO. 137 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2769 WHITE AVENUE / A.P. NO. 007-410-012**

By memorandum dated 5/2/02, the Director of Public Works reported that in accordance with a petition from the property owner, Brett Womack, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/2/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.12. **MINUTE ORDER NO. 20-02 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND GENERAL REVOLVING LOAN FUND (RLF) AGREEMENTS WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC)**

Council previously approved Minute Order No. 38-01 which authorized the City Manager to execute amendments to the Community Development Block Grant (CDBG) and General Revolving Loan Fund (RLF) Agreements with Tri-County Economic Development Corporation (TCEDC) to discontinue lending and transfer all loan payments and receivables from the loan funds to the City on an annual basis. The Minute Order and the Agreements incorrectly stated the loan servicing rate as .0033% (.000033) per month of the outstanding loan portfolio balance. This Minute Order authorizes amendments to the RLF Agreements to correct the error in the loan servicing rate to .33% per month. The Housing Specialist recommended approval of the Minute Order.

2.13. **APPROVAL OF MINUTE ORDERS AUTHORIZING ACQUISITION OF VARIOUS PROPERTIES ON EAST AVENUE LISTED AS FOLLOWS:**

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of several properties in connection with the City’s East Avenue widening project. The minute orders, if approved by the City Council, will authorize the City Manager to execute documents for the acquisitions as listed below. The Assistant City Manager recommended approval of the Minute Orders.

A. **MINUTE ORDER NO. 21-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACQUIRE PROPERTY LOCATED ON THE NORTH SIDE OF EAST AVENUE (APN 048-070-032) - POMADA/BOWEN**

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a public utility easement and a temporary construction easement for $1,500.

B. **MINUTE ORDER NO. 22-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 1574 EAST AVENUE (APN 048-070-018) - GREEN**

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire two public utility easements for $1,437.

C. **MINUTE ORDER NO. 23-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 1578 EAST AVENUE (APN 048-070-043) - REIMER**

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a public utility easement for $700.
D. MINUTE ORDER NO. 24-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 1492 EAST AVENUE (APN 048-740-022) - CHURCH OF THE FOURSQUARE GOSPEL

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a public utility easement for $600.

E. MINUTE ORDER NO. 25-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENT TO ACQUIRE PROPERTY LOCATED AT 1652 EAST AVENUE (APN 048-760-012) - ZIMLICH

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a public utility easement for $500.

2.14. MINUTE ORDER NO. 26-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF EAST AVENUE AND THE ESPLANADE (AP NOS. 006-060-061 AND 006-060-060) - LLK HOLDING COMPANY

At its 04/02/02 closed session, the City Council authorized the negotiated purchase from LLK Holding Company of portions of adjacent Assessor’s Parcel Nos. 004-060-060 and 006-060-061 in connection with the City’s intersection improvement project at East Avenue and the Esplanade. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a public utility easement and two temporary construction easements for $4,800. The Assistant City Manager recommended approval of the Minute Order.

2.15. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2002-03 FISCAL YEAR

By memorandum dated 5/20/02, the City Clerk forwarded pertinent information on the bid received for Legal Publications; and the bids received for Display Publications for the 2002-03 fiscal year. It is noted that in 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 bids for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review, with display publications to be placed in both newspapers as equally as possible.

2.16. APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - CALIFORNIA GOLDEN CAB

By memorandum dated 5/15/02, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner’s Permit to California Golden Cab (Juan C. Gonzalez), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant is requesting that no limit be placed on the number of vehicles that can be operated under the permit. In lieu of approving the issuance of the Permit, the Council may remove this item from the Consent Agenda and consider: (a) denying the Permit application finding that the public convenience and necessity do not warrant its issuance; or (b) make no decision at this time and schedule a hearing on the application at a future meeting, and direct the City Clerk to appropriately notice such hearing. All current Vehicle for Hire permittees were notified of the Council’s consideration of this matter. Staff recommended approval of the issuance of the permit without a limitation on the number of vehicles allowed.
2.17. **APPROVAL OF A DRAFT ADMINISTRATIVE PROCEDURE AND POLICY FOR THE ESTABLISHMENT OF AN HISTORIC FACADE IMPROVEMENT LOAN PROGRAM**

At its meeting of 4/16/02, the City Council approved the Economic Development Committee’s recommendation to allocate $500,000 of General Funds for the establishment of a façade improvement loan program for rehabilitating or improving historic commercial properties. By memorandum dated 5/17/02, Management Analyst Herman submitted a draft Administrative Procedure and Policy (AP&P 11-50) which was revised to include criteria and guidelines for incorporating a General Fund historic loan program into the existing Redevelopment Fund Facade Improvement Program.

2.18. **ACCEPTANCE OF REPORT ON HIRING OF PUBLIC RELATIONS FIRM FOR STATEWIDE CAMPAIGN RELATED TO EVENTS ON HALLOWEEN NIGHT — At the request of Councilmember Nguyen-Tan, this item was removed from the consent agenda and heard under Item 4.1.**

2.19. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON APRIL 16 AND MAY 7, 2002**

The City Council was provided with copies of the minutes from its meetings held on 4/16/02 and 5/7/02.

The motion to approve the Consent Agenda as read, with Item 2.18 removed and heard under Item 4.1., carried by the following vote:

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

**NOES:** None

**ABSENT:** Bertagna

**DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 524 (RICHMOND PARK SUBDIVISION)**

By memorandum dated 5/16/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 524. As a condition of approval of a subdivision map for this development, generally located between W. 8th and W. 11th Avenues, on the east side of the Union Pacific Railroad right of way, and north of Greenwich Drive, the developer, Tony Symmes of Agasy, Inc., has consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation within the storm water detention facility, the traffic circle, the parkway strip, and the masonry wall. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The hearing was opened to the public. No one spoke and the hearing was closed.

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

**RESOLUTION NO. 138 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 524 — RICHMOND PARK SUBDIVISION)**

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None
4. **REGULAR AGENDA**

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

2.18. **ACCEPTANCE OF REPORT ON HIRING OF PUBLIC RELATIONS FIRM FOR STATEWIDE CAMPAIGN RELATED TO EVENTS ON HALLOWEEN NIGHT**

At its meeting of 3/12/02, the City Council directed staff to prepare a public relations campaign regarding Halloween. By memorandum dated 5/29/02, the City Manager advises that staff has retained the firm of Barnett Cox & Associates of San Luis Obispo, and provides a preliminary plan for implementing the campaign.

Councilmember Nguyen-Tan requested that this item be removed from the Consent Agenda in order to allow further discussion. He stated for the record that he was supportive of partnering with other organizations internally, but was opposed to hiring an outside firm to discourage others from coming to Chico.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna for acceptance of report on hiring of a public relations firm for a statewide campaign related to events on Halloween night.

The motion carried by the following vote:

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

4.2. **BUDGET REVIEW**

**A. General Budget Review.**

The City Manager provided an overview of the 2002-03 Proposed Budget, including a review of the Budget Message, Budget Policies, General / Park Funds, and Estimated Fund Balances. Councilmember Jarvis asked staff to provide a comparison of TOT rates with other cities. She also stated that the funding for the library should be included in with the other community organization funding.

**B. Operating Budget Review** – The Finance Office was requested to provide a report on property tax growth rates, staff to provide TOT report comparing rates and types of expenditures in other cities, staff to provide a report on capital costs, operating savings, payback timing related to use of photovoltaic power, and that the Chamber of Commerce and Arts Commission report for arts advertising (Best Arts Towns) be considered at the November 2002 work session.

**C. Capital Budget Review** – Staff was directed to secure a proposal for a park needs analysis consultant.

**D. Review of Additive Requests**

1. The City Manager reviewed his recommendations for additive requests as set forth in Exhibit “B” to the City Manager’s Budget Message.

2. By memorandum dated 5/22/02, the Risk Manager forwarded staff’s recommendation that the 2002-03 Annual Budget funding level for animal shelter operating services be increased by $100,000 to reflect the increased costs for operating the Shelter under the agreement with the Butte Humane Society (BHS). This item was included on the Additive List (Exhibit “B” to the City Manager’s Budget Message) as an undetermined request since the amount was not known at the time the Message was printed.
The requested amount would be included in the Final Budget resolution to be considered by the Council on 7/2/02, and a Minute Order authorizing the amendment to the agreement with BHS would be provided for approval. Council discussed the request for $100,000 in additional funding. Staff will continue to look very seriously for alternative ways to operate this service. SPCA has indicated that they might be able to do it for substantially less. Staff proposed a six-month extension to allow development of a plan.

A motion was made by Councilmember Jarvis to approve the $137,910 in additive requests, which included $2,800 from the General Fund and $1,400 from other funds for City Council Mileage Allowance, $100,000 from the General Fund for the Butte County Humane Society expenses, $25,000 for traffic modeling software, along with the additional $200,000 for the Housing Authority from the Low and Moderate Income Housing Fund (371). Councilmember Wahl seconded the motion and asked for a friendly amendment which was to remove the mileage policy. The amendment was not accepted by Councilmember Jarvis.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to clear all motions on the floor. The motion carried 7-0.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the $137,910 in additive requests, which included $2,800 from the General Fund and $1,400 from other funds for City Council Mileage Allowance, $100,000 from the General Fund for the Butte County Humane Society expenses, $25,000 for traffic modeling software, along with the $200,000 for the Housing Authority from the Low and Moderate Income Housing Fund (371), and the elimination of Budget Policy No. D.17 related to CATV Community Access Fund and creation of a General Fund department.

The motion carried by the following vote with Councilmembers Keene and Wahl in opposition to the proposed City Council mileage allowance:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

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**Item E below, Community Organization Funding, was heard at 2:00 p.m.**

**E. Community Organization Funding.**

By memorandum dated 05/15/02, the Assistant City Manager provided a summary of funds available, a listing of the 2002-03 community organization funding requests, the recommendations of the Finance Committee made at its 04/25/02 meeting, the recommendations of the Arts Commission made at its 04/17/02 meeting, and additional information from applicants.

Council was also provided with the following:

a. Reports from the Finance Committee for its meetings held on 04/11/02 and 04/25/02, along with a copy of the City Manager’s 04/18/02 memorandum which sets forth his recommendations to the Committee for funding levels and General Fund cost savings.

b. Memorandum dated 05/15/02 from the Art Projects Coordinator which provided a report on the Arts Commission’s funding recommendations for TOT funds.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to increase the allocation to Hmong Cultural Center by $2,300.
The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to increase allocation to Veteran’s Memorial Center $2,500.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Wahl, Herbert
NOES: None
ABSENT: None
DISQUAL: Wahl

A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to accept the Finance Committee’s recommendations – General Fund/CDBG, with the funding of CEPCO be delayed until after the Garnet study is received regarding Economic Development.

The motion carried by the following vote:

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

A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to accept the Arts Commission funding recommendations.

The motion carried by the following vote:

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

F. Conclude Budget Review

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:


The motion carried by the following vote:

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

The City Council acted in its capacity as the Redevelopment Agency to adopt the below resolution
A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt:

**RDA RESOLUTION NO. 02-02 OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2002-03 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY**

The motion carried by the following vote:

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – The following reports and communication items were provided for the Council’s information. No action was taken on any of the items.

6.1. Memorandum dated 5/22/02 from the Internal Affairs Committee providing a report on its meeting held on 5/14/02. No City Council action is required on any of the matters considered at the Committee’s May meeting at this time, and therefore, this report is being submitted to Council under this section of today’s agenda. Copies of all reports considered by the Committee at its 5/14/02 meeting are available for review in the office of the City Council.

6.2. Memorandum dated 4/30/01 from the Finance Director reporting that the list of claims paid during the month of April 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

The meeting was adjourned at 3:29 p.m. to Tuesday, June 18, 2002, at 6:00 p.m., in Conference Room No. One for a joint meeting with the Butte County Board of Supervisors, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: August 6, 2002

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Deborah R. Presson, City Clerk
CALL TO ORDER — Mayor Herbert called the adjourned regular Chico City Council meeting to order at 6:00 p.m. in the Chico Municipal Center, Conference Room No. One, 421 Main Street for the joint meeting of the Chico City Council and the Board of Directors of the Chico Area Recreation & Park District (CARD).

a. Flag Salute
b. Roll Call — Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   Absent: None
   CARD Board Members: Holcombe, Seagle, Smith, Sneed, Sweany

c. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Community Development Director Baptiste, Director of Public Works Ross, Assistant Community Development Director Sellers, Park Director Beardsley, and Assistant City Attorney Rock

   Introduction of CARD Staff — Mary Cahill, Steve Visconti, and Wendy Cani

CONSIDERATION OF PARK ISSUES OF MUTUAL CONCERN TO THE CITY OF CHICO AND THE CHICO AREA RECREATION AND PARK DISTRICT (CARD)

The CARD Board of Directors and Chico City Council met to consider park matters of mutual interest and priority. This meeting focused on implementing the park and open space plans contained in the CARD Master Plan and City of Chico General Plan. Specific discussion items included:

1. Overview of City of Chico General Plan provisions, including location of community and neighborhood parks and greenways was provided by City Manager Lando.

   In the mid-'80's, CARD, with involvement from the City, prepared a master plan which was adopted and then included in the City's General Plan. Following that, the City adopted park development fees related to new development which would help provide for neighborhood parks. Most of the sites have been acquired as both the Council and the members of CARD agreed that it made sense to tie up the property. Purchasing the property was the first step and it was done without knowing how to fund the development of the parks.

   The City is currently collecting development impact fees which are intended to fund parks that result from new development. The basic concept was that the residents would pay for the maintenance. The Council and Board discussed various ways to fund the development of neighborhood parks. Included in that discussion was the possibility of a community survey versus an advisory measure or bond issue. Councilmember Keene questioned which of the two groups should be the organization to reach the 60% of the people that currently use these facilities, CARD or the City and which would be the one to speak to the community.

   Other issues raised and discussed included how annexations affect the park system, developing a formula on how the funds from park fees will be allocated, creation of a community survey, possible hiring of a consultant that could provide a full fiscal picture to the community and Council which would ultimately provide options. The City Manager indicated that based on Council discussion, an allocation of $50,000 was to be included in the final budget to be approved at the July 2, 2002 meeting. The scope of work would be developed by the City and CARD and would include the type of facilities needed, allocation of costs, and determination on which parks are needed first. Councilmember Jarvis felt that
a Park Fee Analysis should be included in the study.

In addition, there was discussion on the need to remove the formal boundaries as stated in the General Plan, which would facilitate the funding of the development of parks. Council directed staff to look at merging the areas, not dismantling them and bring back a report to Council on this issue.

Staff was also directed to provide Council with a memorandum regarding if funding was available for DeGarmo Park and if so, suggestions for how those funds could be used.

3. Funding status for neighborhood parks, community parks and greenways.
4. How to implement the City of Chico General Plan and CARD Master Plan.
5. Ownership of parks facilities.
7. Future ongoing communication between CARD and the City of Chico

The City Council and CARD Board of Directors were provided with copies of:

a. Letter dated 5/6/02 from CARD Board Chair Jan Sneed to the Chico City Council outlining issues to be addressed by the two agencies at a joint meeting.
b. Letter dated 6/10/02 from Chico City Manager Tom Lando to CARD General Manager Mary Cahill outlining and providing background on the issues the City would like to see addressed at this meeting.
c. Four memorandums dated 9/18/01, 11/13/01, 4/15/01, and 5/28/02 regarding park facility development impact fees and funding issues which were prepared for the City Council’s Finance Committee by Assistant Community Development Director Clif Sellers.
d. City of Chico General Plan map.

No recommendations for action were presented at this time.

**ADJOURNMENT**

The City Council meeting was adjourned at 8:00 p.m. to Tuesday, 6/18/02, at 6:00 p.m. in Conference Room No. One for a joint meeting with the Board of Supervisors, followed by an adjourned regular City Council meeting in the Chamber at 7:30 p.m.

Date Approved: August 6, 2002

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Deborah R. Presson, City Clerk
JOINT MEETING OF THE CHICO CITY COUNCIL
AND THE BUTTE COUNTY BOARD OF SUPERVISORS

6:00 to 7:30 p.m.

CALL TO ORDER — Mayor Herbert called the Joint Meeting of the Chico City Council and the Butte County Board of Supervisors at 6:00 p.m. in the Chico Municipal Center, Conference Room No. One, 421 Main Street.

a. Flag Salute

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

Butte County Board
of Supervisors: Beeler, Dolan, Houx, Josiassen, Yamaguchi

CONSIDERATION OF ISSUES OF MUTUAL CONCERN TO THE CITY OF CHICO AND THE COUNTY OF BUTTE

The Board of Supervisors and City Councilmembers were provided with copies of a letter dated 5/15/02 from Chico City Manager Lando to Butte County Chief Administrative Officer McIntosh. The letter provided background on the following issues which were agreed upon for consideration at this joint meeting in cooperation with the Chair of the Board of Supervisors and the Mayor of the City Council.

The City Council, Board of Supervisors and staff discussed the following items:

1. Joint Land Use Planning — There was a general discussion regarding the issue of joint land use planning, with emphasis on Nance Canyon. City Manager Lando expressed the need for joint planning to ensure that this area is developed within the framework of the City requirements.
   a. Sphere of Influence
   b. City growth scenarios
   c. County development of Nance Canyon and the proposed Research and Business Park General Plan Land Use Designation

2. Discussion of Community Development Standards and Development Impact Fees — Supervisor Houx indicated that a review of the County development impact fees should be completed to ensure that the fees and standards were the same. If the County fees are too low then they should be updated.
   a. Consideration of possible adoption of County Impact Fees for Juvenile Hall and similar facilities
   b. Uniform Development Impact Fees throughout the agreed-to area

3. Redevelopment Issues
   a. Merger of project areas
   b. Financing of Nitrate Compliance Plan
4. **Street and Road Improvements** – including, but not limited to, discussion of the Speedway connection. Councilmember Bertagna expressed his concern over street and road improvements and his desire to make the roadways his highest priority. One concern was over the roads that are annexed into the City in disrepair. He felt that there should be greater participation and a higher level of commitment by the County in fulfilling its responsibility to take care of the roads within the County but located in the middle of the City urban area. Butte County Public Works Director Crump stated that the standards are essentially the same within all the urban areas. Councilmember Bertagna asked City staff for memorandum detailing the amount of money spent on roads thus far. City Manager Lando stated that the number of trips from County residents warranted a higher level of attention from the County and that he wanted to make sure that the City and County work together to meet the needs of the urban areas.

In addition, both the County Board of Supervisors and the City Council agreed to work together with Cal Trans to lower speed limits in appropriate areas and to request California Highway Patrol to enforce the laws in those areas.

**ADJOURNMENT OF JOINT MEETING WITH THE BOARD OF SUPERVISORS**

The joint meeting of the Board of Supervisors and City Council adjourned at 7:30 p.m., at which time the City Council reconvened at 7:30 p.m. in the Council Chamber to continue its adjourned regular meeting of 6/18/02.
CONTINUED ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
JUNE 18, 2002 — MINUTES

1. CALL TO ORDER — Mayor Herbert called the Continued Adjourned Regular Chico City Council Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

1.3. The City Council observed a moment of silence for Ruth Brown, who worked for the City of Chico as a payroll clerk from 1966 through 1989, and who passed away on 5/27/02.

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

Absent: None

1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Director of Public Works Ross, Assistant Director Public Works McKinley, Principal Planner Figge, Fire Chief Brown, and Park Director Beardsley

2. CONSENT AGENDA — Items 2.11 and 2.15 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Wahl to approve the following items:

2.1. RESOLUTION NO. 140 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2002, FOR THE PURPOSE OF ELECTING THREE MEMBERS TO THE CITY COUNCIL AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2002

By memorandum dated 5/5/02, the City Clerk forwarded a resolution calling for a general municipal election to be held on November 5, 2002 for the purpose of electing three members to the City Council and to request the County Elections Office to consolidate the City of Chico election with the statewide general election. The City Clerk recommended adoption of the resolution.

2.2. RESOLUTION NO. 141 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVying ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 456 E. 21ST STREET / A.P. NO. 005-462-004

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Dennis Piacentine and Janet Piacentine, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.3. RESOLUTION NO. 142 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVying ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 573 E. 9TH AVENUE / A.P. NO. 003-383-002

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Jim L. Jones and Nancy J. Jones, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated
5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.4. **RESOLUTION NO. 143 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1282 EAST AVENUE / A.P. NO. 048-720-024**

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Leonard C. Findlay and Janette Findlay, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.5. **RESOLUTION NO. 144 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1169 FİLBERT AVENUE / A.P. NO. 045-260-014**

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Richard S. Martin and Catherine A. Martin, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.


By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Raymond Durfee and Janice Durfee, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.7. **RESOLUTION NO. 146 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 703 OAK LAWN AVENUE / A.P. NO. 043-251-003**

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Chris L. Christofferson and Alison M. Maki, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.8. **RESOLUTION NO. 147 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2591 TOM POLK AVENUE / A.P. NO. 007-050-008**

By memorandum dated 5/28/02, the Director of Public Works reported that in accordance with a petition
from the property owner, Tatyana A. Lima 2000 Trust, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 5/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.9. **RESOLUTION NO. 148 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO**
**LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 320 W. 11TH AVENUE / A.P. NO. 003-594-006**

By memorandum dated 05/28/02, the Director of Public Works reported that in accordance with a petition from the property owners, Bruce R. Ferguson and Donnette L. W. Ferguson, this resolution authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 05/28/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.10. **APPROVAL OF RESOLUTIONS DECLARING SURPLUS MONIES IN VARIOUS ASSESSMENT DISTRICTS AND AUTHORIZATION FOR THE DISTRIBUTION OF SURPLUS MONIES TO PROPERTY OWNERS AS PROVIDED IN ADMINISTRATIVE PROCEDURES AND POLICIES NUMBER 10-39**

By memorandum dated 5/28/02, the Finance Director reported surplus monies in the Whitman Avenue Assessment Districts, Series A and B, following the September 2001 final bond call, and transmits resolutions which declare the monies to be surplus and authorize distribution thereof. The City Council previously adopted Administrative Procedures and Policies Number 10-39 (Assessment Districts - Disposition of Excess and Surplus Money) which provides for the disposition of surplus assessment districts monies to property owners. The Finance Director recommended adoption of the following resolutions:

A. **RESOLUTION NO. 149 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A SURPLUS IN THE RESERVE FUND (759) OF WHITMAN AVENUE ASSESSMENT DISTRICT, SERIES A, AND AUTHORIZING THE DISTRIBUTION THEREOF**

B. **RESOLUTION NO. 150 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A SURPLUS IN THE REDEMPTION FUND (761) OF WHITMAN AVENUE ASSESSMENT DISTRICT, SERIES B, AND AUTHORIZING THE DISTRIBUTION THEREOF**

C. **RESOLUTION NO. 151 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A SURPLUS IN THE RESERVE FUND (762) OF WHITMAN AVENUE ASSESSMENT DISTRICT, SERIES B, AND AUTHORIZING THE DISTRIBUTION THEREOF**

2.11. **APPROVAL OF RESOLUTIONS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING ENVIRONMENTAL FINDINGS, AND APPROVING THE MANZANITA AVENUE WIDENING PROJECT** — At the request of Vice Mayor Kirk this item was removed from the Consent Agenda and heard under Item 4.1.

2.12. **APPROVAL OF MINUTE ORDER NO. 28-02 — AUTHORIZING ELECTION OF COVERED EMPLOYEES FOR POSSIBLE CHANGES IN MEDICAL INSURANCE PLAN**

By memorandum dated 06/10/02 the Personnel Director reported that the Health Plan Review Committee has recommended an employee election for possible changes in the City’s Blue Shield medical insurance plan. This Minute Order provided formal Council approval for the employee election. There is no financial impact on the City. The Personnel Director recommended approval of this Minute Order.
2.13. APPROVAL OF MINUTES FOR CITY COUNCIL MEETINGS HELD ON MAY 21, 2002 – as amended

The City Council was provided with copies of the minutes from its meeting held on 5/21/02.

2.14. ACCEPTANCE OF BUILDING OFFICIAL’S ANNUAL REPORT TO COUNCIL FOR CALENDAR YEAR 2001 — REVENUE & TAXATION REQUIREMENT FOR SUBSTANDARD HOUSING CODE ENFORCEMENT (RENTAL)

By memorandum dated 5/29/02, the Building Official reported that there were no substandard rental units reported to the Franchise Tax Board during the 2001 calendar year. Four violation notices were issued for substandard rental housing units during that time period, all of which were cleared within the calendar year. The Building Official recommended acceptance of the Report.

2.15. ACCEPTANCE OF DONATION OF APPROXIMATELY $11,000 FROM THE BROOKS FIELD JUNIOR COMMITTEE FOR CONSTRUCTION OF PLAYGROUND EQUIPMENT AT WILDDWOOD PARK — At the request of Councilmember Jarvis, this item was removed from the Consent Agenda and heard under Item 4.1. for additional discussion.

2.16. AUTHORIZATION FOR 90-DAY EXTENSION OF TOLLING AGREEMENT WITH FIVE LOCAL BUILDERS REGARDING DISPUTED BUILDING PERMIT FEES

By memorandum dated 6/12/02, the City Attorney advises that the tolling agreement executed with five builders regarding potential litigation over building permit fees expired on 5/22/02. The City Attorney recommended that a 90-day extension of that agreement to 8/23/02 be authorized, in anticipation of Council consideration of a revised fee schedule at its meeting of 7/2/02.

The motion to approve the Consent Agenda as read, with Items 2.11 and 2.15 removed and heard under Item 4.1. carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ABANDONMENT AND VACATION OF A 9-FOOT PORTION OF PUBLIC RIGHT-OF-WAY (LABURNUM AVENUE AND EAST 9TH AVENUE (CASEY) / ASSESSOR’S PARCEL NO. 003-352-007) — this item was removed from agenda and not considered by Council as LAFCo denied the annexation.

3.2. HEARING ON PROPOSED TRANSFER OF CONTROL OF THE CITY’S CABLE TELEVISION FRANCHISE FROM AT&T CORP. TO AT&T COMCAST CORPORATION

By memorandum dated 6/12/02, Assistant City Attorney Barker provided background on the proposal to transfer control of the City’s cable television franchise from AT&T Corp. to AT&T Comcast Corporation. The Resolution listed below will conditionally approve the transfer of the franchise. The City Manager and Assistant City Attorney recommended adoption of the Resolution. The hearing was opened to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 154 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING THE TRANSFER OF CONTROL OF THE CITY’S CABLE TELEVISION FRANCHISE FROM AT&T CORP. TO AT&T COMCAST CORPORATION
The motion carried by the following vote:

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

3.3. HEARING ON ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND AFFORDABLE HOUSING DEVELOPMENT CORPORATION, INC. (AHDC INC.) FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE

By memorandum dated 6/4/02, Senior Planner Claudia Sigona reported that at the Planning Commission meeting of 5/2/02, the Commission voted 6-0 (Francis absent) to forward a recommendation of approval to the City Council for adoption of an ordinance approving a development agreement for construction of a 113-unit housing project for low and very low income senior households on 1.6 acres identified as 1240 Park Avenue. The development agreement authorizes ground-floor residential occupancy in a CC Community Commercial zoning district and provides a density bonus of up to 75 units per acre with a reduction in required off-street parking as an incentive pursuant to State law. Although the Housing Authority of the County of Butte (HACB) has submitted the request and will ultimately manage the project after construction, the proposed agreement is with the Affordable Housing Development Corporation which is partnering with HACB for property acquisition and construction. A mitigated negative declaration of environmental impact is proposed pursuant to the California Environmental Quality Act (CEQA). The City Council introduced the ordinance at its meeting of 6/4/02. The Planning Commission and Planning staff recommended that the City Council adopt the mitigated negative declaration and the ordinance approving the development agreement.

The City Council was provided with copies of a letter dated 6/4/02 from Masie Jane Hurtado expressing concern that the activities of her business (manufacturing plant and retail store) located across the street from the development proposal may not be compatible with the project.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to adopt Ordinance No. 2250 and directed that Internal Affairs look at the issue of diagonal parking.

ORDINANCE NO. 2250 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND AFFORDABLE HOUSING DEVELOPMENT CORPORATION, INC. (AHDC INC.) FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE – FINAL READING AND ADOPTION

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.11. APPROVAL OF RESOLUTIONS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING ENVIRONMENTAL FINDINGS, AND APPROVING THE MANZANITA AVENUE WIDENING PROJECT — this item was removed from the Consent Agenda for further discussion.

By memorandum dated 6/12/02, the Planning Director forwarded these resolutions which will implement the direction of the City Council at its meeting of 5/21/02. Resolution (A) certifies that the environmental impact report prepared in conjunction with the Manzanita Avenue Widening project has met all legal requirements. Resolution (B) includes environmental findings and adoption of a mitigation monitoring program and a statement of overriding considerations for the Manzanita Avenue Widening Project, and approves the design and construction of the project. The Planning Director recommended adoption of
the Resolutions.

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

A. RESOLUTION NO. 152 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MANZANITA AVENUE WIDENING PROJECT

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS OF, ADOPTING A MITIGATION MONITORING PROGRAM FOR, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR, AND APPROVING THE DESIGN AND CONSTRUCTION OF THE MANZANITA AVENUE WIDENING PROJECT

The motion carried by the following vote:

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

2.15. ACCEPTANCE OF DONATION OF APPROXIMATELY $11,000 FROM THE BROOKS FIELD JUNIOR COMMITTEE FOR CONSTRUCTION OF PLAYGROUND EQUIPMENT AT WILDWOOD PARK — this item was removed from the Consent Agenda for further discussion.

By memorandum dated 6/3/02, the Park Director reported that the Brooks Field Junior Committee would like to donate approximately $11,000 to the City of Chico. The funds have been raised in memory of Michelle A. Brooks and are to be used to help pay for the construction of the new playground equipment at Wildwood Park. The Park Director recommended approval of the donation.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to accept the donation and directed staff to send out a press release acknowledging the donation and prepare a Mayor’s award to be presented to the group.

The motion carried by the following vote:

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

4.2. INITIAL CONSIDERATION OF AN APPEAL BY JAMES SCARF OF THE APPROVAL OF USE PERMIT 02-19 (CHAMPION CHRISTIAN SCHOOL) TO ALLOW A PRIVATE SCHOOL FOR 7TH-12TH GRADE STUDENTS AT 555 RIO LINDO AVENUE

By memorandum dated 6/4/02, Senior Planner Sigona reported that at the meeting of 5/2/02, the Planning Commission approved a use permit to allow a private school for 100 junior high students and 100 senior high students (7th-12th graders) in an existing 19,000 square foot building located at 555 Rio Lindo Avenue, Assessor’s Parcel No. 006-260-033, in an OC Office Commercial zoning district. The use permit was approved with conditions on a motion which passed 5-0-1-1. The appellant requests that the use permit be denied due to concerns about safety hazards, parking, traffic, and land use compatibility. Staff believes the issues were adequately addressed by the Commission and through the imposition of conditions of approval. Jim Scarff addressed his comments regarding the need to hear the appeal.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Kirk to hear the appeal.
The motion failed, thereby upholding the Planning Commission’s conditional approval of the use permit. by the following vote:

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

4.3. CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATIONS REGARDING REVISIONS TO CAMPAIGN FINANCE REPORTING REQUIREMENTS

At its meeting of 6/6/02, the Finance Committee recommended (3-0):
1. That the City Attorney be directed to draft amendments to the Chico Municipal Code which would implement the following local campaign finance reporting requirements:
   a. Full Disclosure of all Contributions — contributions of any amount to be disclosed on Campaign Statements, including the name, address and occupation of contributors. (Currently, only contributions of $50 or more are required to be disclosed on the Statements.)
   b. Addition of a Third Pre-Election Reporting Period — a third pre-election Campaign Statement to be required, with the Statements to be due in the City Clerk’s office by 5:00 p.m. five days before the election, which is the Thursday before a Tuesday election.
2. That the City Clerk be directed to send a letter to the League of Women Voters encouraging it to consider scanning and posting campaign disclosure statements to the Internet as a service to the voters, and to include with the letter information on how the League does this for the City of Belmont.
3. That the City Attorney be directed to review penalty and enforcement provisions for campaign finance reporting violations, and report back to the Committee on possible revisions to give the local Code provisions more “teeth."

The City Council was provided with copies of the memorandum from the City Clerk dated 4/12/02 which the Committee received regarding revisions to campaign finance reporting requirements. Comments were heard from Jerry Rogan, Mary Brownell, Len Jensen, Michael Reilley, Quinton Colgan, and Linda Rowen.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to add the additional reporting period and the requirement for Late Expenditure reporting to be at a $500 level instead of the $1,000 current requirement.

The motion failed by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Nguyen-Tan to implement the Finance Committee recommendations.

The motion carried by the following vote:

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

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to direct staff to bring back a conflict of interest resolution that would require disclosure by Councilmembers prior to making a decision on an item that pertains to someone who made a contribution to the Councilmember in question.

The motion failed due to the following vote:
A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to send the issue of conflict of interest to the voters.

The motion failed due to the following vote:

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

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to implement a practice for Councilmembers to voluntarily disclose campaign contributions prior to voting on an item.

The motion failed due to the following vote:

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

4.4. CONSIDERATION AND DISCUSSION OF “LINDO CHANNEL ENCROACHMENTS - POLICIES AND PROCEDURES”

By memorandum dated 6/3/02, the Park Director reported that this item was placed on the agenda at the request of the City Council. The existing policy for addressing encroachments onto City property in Lindo Channel was established in February 2000. The staff report included a summary of enforcement activities taken since that time including recommendations made by Bidwell Park and Playground Commission and appeals presented to the City Council. Pending any directives by the City Council, no recommendations were presented. Carl Leverenz, Michael Jones, and Don Jones addressed their comments to the Council.

Councilmember Jarvis suggested that the policy be updated so that the issue of encroachments will be brought back sometime to the Council for review. Councilmember Keene requested that staff call up the record on prior actions concerning changes to exceptions to the policy.

Staff was directed to call up the record on prior policy direction, to develop an appeal form that allows for extenuating circumstances to be fully explained, that a clearer definition be included in the overall encroachment policy that indicates a time frame for when Council will reconsider the appeals while waiting for legislation, and that a September 2004 deadline be established for all pending encroachments.

4.5. APPOINTMENT TO FILL VACANCY ON THE BIDWELL PARK AND PLAYGROUND COMMISSION

By letter dated 5/29/02, Kathryn Tzikas resigned from the Bidwell Park and Playground Commission effective immediately. This resignation creates a vacant position, the term of which expires on 1/1/03. The Council acknowledged the resignation and directed staff to advertise for additional applicants.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR. — Scott Gruendl addressed Campaign Finance and conflict of interest.
6. **REPORTS AND COMMUNICATIONS.** The following reports and communication items were provided for the Council’s information. No action was taken on any of the items.

6.1. Letter dated 6/3/02 from William Warne, on behalf of Andrew Meghdadi, requesting to be placed on an agenda to address the City Council regarding Mr. Meghdadi’s explanation regarding the Terra Bella tree cutting.

The City Council had requested an explanation of the Terra Bella tree cutting from Mr. Meghdadi. Based upon this direction, this matter will be scheduled on an agenda for Council consideration upon receipt of written material explaining Mr. Meghdadi’s position, and the ability to provide adequate public notice, as well as preparation of staff material to the extent appropriate.


7. **ADJOURNMENT.** Adjourned at 11:32 p.m. to Monday, June 24, 2002, at 7:00 p.m., in the Council Chamber for an adjourned regular meeting.

Date Approved: September 17, 2002

___________________________________
Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
June 24, 2002 – MINUTES

Chico Municipal Center, Conference Room #2, 421 Main Street – 6:45 p.m.

1. CALL TO ORDER

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

1. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2. ADJOURNMENT

Adjourned at 7:00 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1 Flag Salute

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

2. **CONSENT AGENDA** — None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON GENERAL PLAN AMENDMENT, DEVELOPMENT AGREEMENT AND REZONE FOR PROPERTIES LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32 (NORD AVENUE), BETWEEN WEST EIGHTH AND WEST LINDO AVENUES, IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 042-140-098 AND 103 (STERLING UNIVERSITY HOUSING) - INTRODUCTORY READING**

By memorandum dated 06/14/02, Senior Planner Murphy reported that at the Planning Commission meeting of 6/6/02, the Commission was unable to make a recommendation to the City Council on this matter, voting 2-2 (Chairperson Wolf disqualified and Commissioner Sanders absent) on a request to (1) amend the General Plan land use designation for two parcels totaling 20 acres from Manufacturing & Warehousing to Medium Density Residential; (2) approve a development agreement with Sterling University Housing to allow the construction of a 176-unit apartment complex on the subject parcels, along with associated on-site and off-site improvements; and (3) rezone the subject parcels from ML Light Manufacturing/Industrial to R2 Medium-Density Residential. A mitigated negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

The City Council was also provided with copies of a letter dated 6/13/02 from the City Manager providing information on traffic signalization at the intersections of both Oak Way and Glenwood Avenue with State Highway Route 32.

The Mayor opened the hearing to the public. Speaking on this item was Melanie O’Conner, Reed Gibby, Anne Marie Robinson, Steve Mickelson, Carl Leverenz, Richard Spellmann, Martha Williams, Greg Melton, Ken Flemming, Scott Treble, Ken Anderson, Hosia Gonzales, Laura Polosa, Julia Wench, Mary Brownell, Darren Bard, Bobby Armstrong, Janet Ellensbauch, Ken Higgins, Pamela Radike, Cheryl Roberson, Jane Dolan, Jack Diverstein, Paul Schuller, Doug Akins, Todd Radke, David Daly, Laureene Visioni, Terry Deresno, Judy Grace, Craig Dickerson, Karen Schuller, Sean Moore, Linda Rowen, Wayne Horiuchi, L. Dauterman, Matt Hunter, Albert Beck, Jennie Dubose, Dan Ostrander, John Gillander, Coleen Smith, Sally Crane, Beverly Patrick, Eric Schroth, and Dick Corey. The hearing was closed to the public.

Councilmember Jarvis wanted to make sure the responsibility for installation of the traffic signals did not fall on Sterling, only payment of their portion would need to be made. City Manager Lando stated that signalization is not required as a condition of the project and that there was an item that follows this that adds the signalization to the Nexus study and that the City would be the one to undertake it. Then tonight’s action would trail the budget at the adoption on 7/2/02, which would include allocation of money from the street facilities fees.
A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Kirk to not approve the General Plan Amendment and to not introduce the development agreement ordinance by reading of title only and to not introduce the rezone ordinance by reading of title only.

The motion failed due to the following vote:

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

A motion of intention was made by Councilmember Jarvis and seconded by Councilmember Keene for approval of the General Plan Amendment and the Development Agreement, General Plan and Rezone (GPA/Rezone 01-03 & DA 02-02) associated with this project, and to include the following items:

1. Construction of 176 apartment units within 22 separate building groups on 20 acres, with a maximum of 648 bedrooms (see Attachment A for site plan).
2. A limitation of one resident per bedroom (to be enforced through individual lease agreements).
3. A two-story limitation for all buildings (see building elevations- Attachment E).
4. Driveways to the project off SHR-32/Nord Avenue will be sited in a location acceptable to both Caltrans and the City Public Works Department – pursuant to the map on display. The City would add the funding for the signalization at Glenwood and Oak Way, but wants the developer agreement to indicate that Sterling funds it. Council also directed City staff to be the one to obtain permission from Cal Trans and when staff submits the request, they should also include the request of synchronization of the lights from Sacramento to East Avenue which would be determined by Cal Trans. Sterling to pay for both signals.

A friendly amendment was requested by Councilmember Wahl, to ask Cal Trans to reduced the speed to 35 miles an hour between 8th and Glenwood. The friendly amendment was accepted.

5. Construction of approximately 1,200 lineal feet of frontage improvements along SHR-32/Nord Avenue, including, but not limited to, center turn lanes, sidewalks, and curb and gutter.
6. Shuttle Service - make sure that the language in the development agreement states that Sterling will either make a contribution of $25K with which would allow for a capital expenditure or as part of operations, until such time as the City extends the bus line to that area, or that Sterling would provide a shuttle service equivalent to what the City provides. (Staff to work on the proper wording for the agreement.)
7. Construction of left-hand (westbound) turn lane at SHR-32/Oak Way.
8. Provision of a .80 acre on-site park, a 4,492 sq. ft. clubhouse, and various recreation facilities throughout the complex (volleyball, basketball, swimming pool) – not to be used as a detention area.
9. Provision of an on-site bus shelter for the student shuttle bus.
10. Construction of a class I pedestrian/bike path to West 8th Avenue. – No building permits issued until the necessary easements be secured and the construction of Class II paths along W. 8th Avenue to the railroad tracks.
11. Construction of a 500 sq. ft. police substation on the site is required, with security guards being provided by applicant for Thursday, Friday and Saturday nights from 10:00 to 2:30 a.m.
12. Construction of a minimum of 535 parking spaces for tenants and guests – with an option for the applicant to go to 685 spaces if needed.

13. Center two-way turn lane for Nord Avenue shall be extended past the Arbor Drive intersection to Glenwood.

14. Daily survey of the fence line between the tracks and the perimeter of the site to keep it from becoming an attractive nuisance.

15. Inclusion of a copy of the City’s noise ordinance included in the lease agreement.

16. Introduce the rezone ordinance by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND STERLING HOUSING, LLC FOR DEVELOPMENT OF A 176-UNIT APARTMENT COMPLEX ON PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 042-140-098 AND 103 LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32 (NORD AVENUE), BETWEEN WEST EIGHTH AND WEST LINDO AVENUES (DA 02-02 STERLING UNIVERSITY HOUSING)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 042-140-098 AND 103 LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32 (NORD AVENUE), BETWEEN WEST EIGHTH AND WEST LINDO AVENUES (GPA/RZ 01-03 STERLING UNIVERSITY HOUSING)

The motion carried by the following vote:

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

3.2. HEARING ON AMENDMENT TO THE CITY OF CHICO 2001 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY)

At its meeting of 6/6/02, the Finance Committee considered this matter and recommended that the full City Council consider whether the Development Impact Fees for Street Facilities should be amended based on the addition of the following state highway projects to the 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study):

1. The addition of a traffic signal at Oak Way and SHR 32 to be funded one-half by developer fees and one-half by state highway funds; and
2. The addition of a traffic signal at Glenwood Avenue and SHR 32 to be funded one-half by developer fees and one-half by state highway funds.

This amendment would increase the Street Facility Development Impact Fee as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family (per unit)</td>
<td>$1,962</td>
<td>$1,969</td>
</tr>
<tr>
<td>Multiple Family (per unit)</td>
<td>$1,357</td>
<td>$1,362</td>
</tr>
<tr>
<td>Office &amp; Medical (sq.ft.)</td>
<td>$2.20</td>
<td>$2.21</td>
</tr>
<tr>
<td>Commercial &amp; Services (sq.ft.)</td>
<td>$10.08</td>
<td>$10.12</td>
</tr>
<tr>
<td>Industrial (sq.ft.)</td>
<td>$1.01</td>
<td>$1.01</td>
</tr>
</tbody>
</table>

The City Council was provided with copies of a memorandum dated 6/4/02 from the Public Works Administrative Manager which the Committee received, and the below resolution implementing the street facility fee increases.

June 24, 2002
A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE
(AMENDMENT NO. 267 – TRANSPORTATION FACILITY FEES)

The motion carried by the following vote:

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

4. **REGULAR AGENDA** – No items

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – None

7. **ADJOURNMENT.**

   The City Council adjourned at 11:50 p.m. to Tuesday, July 2, 2002 at 7:00 p.m. in Conference Room No. Two if a Closed Session is scheduled, followed by a regular meeting in the Council Chambers at 7:30 p.m.

Date Approved: August 6, 2002

__________________________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEMS NO. 2.1 A and B, 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 relating to:

A. **East Avenue/Esplanade intersection project affecting the following:**

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasamat Oil of Colorado</td>
<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
<tr>
<td>and/or Garwin Enterprises, Inc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. **East Avenue reconstruction project affecting the following:**

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorothy Long</td>
<td>1434 East Avenue</td>
<td>048-740-019</td>
</tr>
<tr>
<td>and/or Lea Ellen Chinchay, et al.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. **CALL TO ORDER** – Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

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

Absent: None

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION FOR THE EAST AVENUE /ESPLANADE INTERSECTION PROJECT.** Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
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<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
<tr>
<td>and/or Garwin Enterprises, Inc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.2. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
2.3. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney will review the following: *Lila L. Cox v. City of Chico, et al.*, Butte County Superior Court Case No. 125604. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

Closed Session was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. CALL TO ORDER — Mayor Herbert called the meeting to order at 7:35 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute
1.2. Invocation – Police Chaplain Greg Hartnett
1.3. Roll Call – Present: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
   Absent: None
1.5. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Community Development Director Baptiste, Finance Director Martin, Planning Director Seidler, Director of Public Works Ross, Chief of Police Efford, Assistant Director of Public Works McKinley, Airport Manager Grierson, Park Director Beardsley, Housing Officer McLaughlin, Budget Officer Pierce, Senior Engineer Johnson, Planner Murphy, and Public Works Administrative Manager Haldorson
1.6. Closed Session Announcement – None

2. CONSENT AGENDA — At the request of a citizen, Item 2.2. was removed from the Consent Agenda and heard under Item 4.1. A motion by Vice Mayor Kirk, seconded by Councilmember Keene approved the adoption of the remaining items:

2.1. FINAL APPROVAL OF FUNDING AND ALLOCATION OF ARTICLE XXXIV AUTHORITY FOR A 113-UNIT AFFORDABLE SENIOR RENTAL HOUSING PROJECT ON THE BLOCK BOUNDED BY PARK AVENUE, 12TH STREET, OAKDALE AVENUE, AND 13TH STREET — To consider this matter, the City Council convened as both the City Council and the Chico Redevelopment Agency.

A. RESOLUTION NO. RDA 05-02 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO THE 1200 PARK AVENUE LIMITED PARTNERSHIP FOR THE DEVELOPMENT OF AN AFFORDABLE SENIOR RENTAL HOUSING PROJECT LOCATED AT 1200 PARK AVENUE, CHICO, CALIFORNIA

B. RESOLUTION NO. 02 02-03 — A RESOLUTION OF THE CITY OF CHICO APPROVING A GRANT OF FUNDS FROM THE CITY’S HOME PROGRAM TO THE 1200 PARK AVENUE LIMITED PARTNERSHIP FOR THE DEVELOPMENT OF AN AFFORDABLE SENIOR RENTAL HOUSING PROJECT LOCATED AT 1200 PARK AVENUE, CHICO, CALIFORNIA

This resolution allocates a grant of $500,000 from the City’s HOME funds to the Housing Authority of the County of Butte for the 1200 Park Avenue Senior Housing Project.

C. RESOLUTION NO. 03 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ALLOCATING ONE HUNDRED THIRTEEN UNITS OF EXISTING ARTICLE XXXIV AUTHORITY TO THE 1200 PARK AVENUE LIMITED PARTNERSHIP FOR THE 1200 PARK AVENUE SENIOR RENTAL HOUSING PROJECT

This resolution allocates 113 units of “Article 34” authority for this project. Article 34 of the State Constitution requires local approval of “low rent housing projects,” which are defined as rental housing projects where more than 49% of the units will be rent restricted for lower income households and the project is receiving public financial assistance.

2.2. ADOPTION OF 2002-03 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS — this item was removed from the Consent Agenda and heard under Item 4.1.
2.3. MINUTE ORDER NO. 03-02 — AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH CHICO UNIFIED SCHOOL DISTRICT TO SHARE IN THE COST OF IMPROVEMENTS TO NOTRE DAME BOULEVARD FROM HUMBOLDT ROAD TO LITTLE CHICO CREEK

The Chico Redevelopment Agency has approved funding for Capital Project No. 00813 to construct Notre Dame Boulevard from Humboldt Road to Little Chico Creek with an approximate cost of $1,307,028. The project consists of curb, gutter, sidewalk, roadway, and median landscaping to complete full urban improvements. Chico Unified School District (CUSD), in conjunction with the construction of a new gymnasium and parking lot at Hank Marsh Junior High School on Humboldt Road, has allocated funding for approximately 50 percent of the cost up to $626,444 for this project. It is necessary to enter into an agreement with CUSD for the contribution of participating funds. The funds from CUSD have been included in the City's final budget resolution. This minute order authorizes the Executive Director of the Agency to execute a funding agreement with CUSD. The Director of Public Works recommended approval of this minute order.

The motion to approve the Consent Agenda as read, with Item 2.2. being removed and heard under Item 4.1., carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. ADOPTION OF 2002-03 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS — this item was removed from the Consent Agenda. To consider this matter, the City Council convened as both the City Council and the Chico Redevelopment Agency.

By memorandum dated 06/25/02, the City Manager submitted the Final Budget resolutions for the 2002-03 City of Chico and Chico Redevelopment Agency Annual Budgets together with a summary of budget adjustments which include those approved at the 06/04/02, meeting, and those additional requests and corrections that were discovered by staff following adoption of the Tentative Budgets on 06/04/02. The Budget adjustments adopted by the below resolutions will be incorporated into the Final Budget.

Sally Salazar addressed Council regarding her concerns on the artist selection process for the Fountain Art Project. Council directed staff to provide Council with a full report on the process.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the adoption of the following resolutions, placing the Fountain Art Project on hold for two weeks to allow time for Council to review the requested information regarding the process. The Fountain Art Project would move forward unless a member of Council requested the agendizing of this item for further discussion. The discussion of the City’s public art on private property program was referred to the Finance Committee.

RESOLUTION NO. 1 02-03 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 2002-03 FINAL BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY

RESOLUTION NO. RDA 4-02 — RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2002-03 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY
The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to authorize the funding of CEPCO.

The motion carried by the following vote:

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

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

6. **ADJOURNMENT**

Adjourned to a City Council meeting.
REGULAR CHICO CITY COUNCIL MEETING
JULY 2, 2002 – MINUTES

1. CALL TO ORDER – Mayor Herbert called the City Council Meeting to order at 8:15 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

2. CONSENT AGENDA — Items 2.1. and 2.10 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to approve the remaining Consent Agenda items:

2.1. ADOPTION OF RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND INTRODUCTION OF ORDINANCES RELATING TO APPROVAL OF THE STERLING HOUSING PROJECT AS PREVIOUSLY DIRECTED BY THE CITY COUNCIL — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Vice Mayor Kirk.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 249 WEST 6TH AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 003-023-018 FROM LOW DENSITY RESIDENTIAL TO PQ PUBLIC/QUASI PUBLIC (REZONE 01-08 ENLOE) – INTRODUCTORY READING

By memorandum dated 06/11/02, Senior Planner Sigona reported that at the Planning Commission meeting of 05/02/02, the Commission voted 5-1-1 (Stone opposed; Francis absent) to forward a recommendation of approval to the City Council for a proposed rezone of an 8,280 square foot parcel located at 249 West 6th Avenue, Assessor’s Parcel No. 003-023-018, from R1 Low Density Residential (2.01 to 6 units per acre) to PQ Public/Quasi Public to facilitate a use permit to allow a print shop and a mail room for Enloe Medical Center (an ancillary use to a hospital). A negative declaration of environmental impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: 1) introduce the rezone ordinance by the reading of the title only; and 2) schedule a public hearing for the adoption of the rezone ordinance at the 07/16/02 City Council meeting.

2.3. RESOLUTION NO. 05 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 114 00-01 TO IMPLEMENT CHANGES TO PAY SCHEDULE FOR CERTAIN MANAGEMENT POSITIONS (AMENDMENT NO. 4 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

By memorandum dated 6/21/02, the Personnel Director recommended approval of a resolution amending the 2001 Management Team Pay and Benefits Resolution to add the new job title of Economic Development / Housing Specialist, modify the pay ranges for Community Development Director, Director of Public Works, Building Official, Housing Officer, and Budget Officer, and eliminate three unused job titles. There is no additional unbudgeted cost for these changes in 2002-03. The Personnel Director and City Manager recommended adoption of the resolution.

2.4. RESOLUTION NO. 06 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE COUNTY OF BUTTE TO SUBMIT A REGIONAL WASTE TIRE PUBLIC EDUCATION AND AMNESTY DAY GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

By memorandum dated 6/18/02, Management Analyst Herman submitted a letter from the County of Butte requesting City Council support to submit a regional Local Government Waste Tire Public Education & Amnesty Day grant application to the California Integrated Waste Management Board. In its grant application, the County is requesting $50,000 to conduct a public education campaign to discourage illegal disposal of waste tires, and to hold several “Tire Amnesty Days” by which Butte County residents can dispose of their tires at no charge at the Neal Road Landfill. The grant application process requires the City of Chico to adopt a resolution authorizing the County of Butte to submit this regional...
grant application on its behalf. The City Manager recommended adoption of the resolution.

2.5. **RESOLUTION NO. 07 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2085 MULBERRY STREET / A.P. NO. 005-462-008**

By memorandum dated 6/18/02, the Director of Public Works reported that in accordance with a petition from the property owner, Doreen Isaacson, this resolution authorizes sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ report dated 6/18/02 attached to the resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolution.

2.6. **MINUTE ORDER NO. 29-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE “ANIMAL SHELTER OPERATING SERVICES AGREEMENT (CITY OF CHICO/BUTTE HUMANE SOCIETY, INC.)”**

Since 1994, the City has contracted with the Butte Humane Society (BHS) to operate the City’s Animal Shelter facility. At the 4/16/02 City Council work session, the Council discussed BHS’ previous request to renegotiate the amount of the City payment for this service and authorized City staff to meet with BHS for this purpose. Staff met with BHS representatives to review the operating cost information attributable to the City portion of the Shelter operation, found it to be appropriate, and determined that $100,000 in additive funding would be required on an annual basis for BHS to continue operating. At the 6/4/02 Council budget meeting, the Council approved the City Manager’s recommendation to include this amount in the 2002-03 Annual Budget. This Minute Order would authorize the City Manager to execute Amendment No. 3 to the Animal Shelter Operating Services Agreement which would: (a) increase the minimum monthly fee to $14,000 per month (based on 175 animals); (b) increase the maximum monthly fee to $16,000; (c) provide for a six-month review of BHS’ financial condition and operating ability, and an annual review thereafter, with the City retaining the right to terminate the Agreement if BHS is unable to provide animal shelter operating services at a reasonable cost; and (d) make other related changes to the Agreement, all to be effective 7/1/02. The City Manager recommended approval of the Minute Order.

2.7. **MINUTE ORDER NO. 30-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1442 EAST AVENUE (APN 048-740-020) - KENYON**

At its 06/04/02 closed session, the City Council authorized the negotiated purchase from Evelyn Arline Kenyon of a portion of 1442 East Avenue (APN 048-740-020) in connection with the City’s East Avenue widening project. This minute order would authorize the City Manager to execute a sales agreement and other documents necessary to acquire right of way, a public utility easement and a temporary construction easement for $18,364. The Assistant City Manager recommended approval of the minute order.

2.8. **MINUTE ORDER NO. 31-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 2507 ESPLANADE (AP NO. 006-150-061) - PATEL FAMILY TRUST**

At its 04/02/02 closed session, the City Council authorized the negotiated purchase from representatives of the Patel Family Trust of a portion of 2507 Esplanade (AP No. 006-150-061) in connection with the City’s intersection improvement project at East Avenue and the Esplanade. This minute order would authorize the City Manager to execute a sales agreement and other documents necessary to acquire right of way and a temporary construction easement for $29,000. The Assistant City Manager recommended approval of the minute order.
2.9. **MINUTE ORDER NO. 32-02 — AUTHORIZING THE CITY MANAGER TO EXECUTE THE COOPERATIVE FUNDING AGREEMENT BETWEEN THE CITY OF CHICO AND THE COUNTY OF BUTTE FOR THE CHICO AREA TRANSIT SYSTEM AND THE CHICO CLIPPER SYSTEM.**

This Minute Order authorizes the City Manager to execute a new agreement with the County of Butte for the cooperative funding of the Chico Area Transit System (CATS) and the Chico Clipper. The Assistant City Manager recommended approval of this Minute Order.

2.10. **MINUTE ORDER NO. 33-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FY 02-03) — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan and heard under Item 4.1.**

2.11 **APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD MAY 23, 2002**

The City Council was provided with copies of the minutes of its meeting held on 5/23/02.

-----------------------------------------------------------------------------

The motion to approve the Consent Agenda as read, with Items 2.1 and 2.10 removed and heard under Item 4.1 carried by the following vote:

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

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON AMENDMENT TO THE CITY FEE SCHEDULE TO IMPLEMENT THE RECOMMENDATIONS OF THE DMG MAXIMUS FEE STUDY AS AMENDED BY THE CITY COUNCIL, AND CONSIDERATION OF MINUTE ORDER AUTHORIZING REFUNDS**

At its meeting on 6/4/02, the City Council directed staff to modify the Building, Planning, Public Works, and Sewer fee schedules to implement the recommendations of the DMG Maximus Fee Study as amended by the City Council. The City Council is being provided with copies of a memorandum dated 6/25/02 from the Community Development Director transmitting the amended fee schedules, the resolution implementing the amended fees, and a minute order which would authorize the City Manager to process refunds and an administrative supplemental appropriation to allocate the funds necessary to refund overpayments to parties who have legal rights to overpayment refunds.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 269 - PLANNING DIVISION FEES, BUILDING DIVISION FEES, PUBLIC WORKS FEES, GRANT OF LICENSE FEES, SUBDIVISION FEES, MAINTENANCE ASSESSMENT DISTRICT FEES, STREET FACILITY REIMBURSEMENT FEES, VACATION AND/OR ABANDONMENT FEES, PARADES, ATHLETIC EVENTS AND PUBLIC ASSEMBLIES, ASSESSMENT INSTALLMENTS IN LIEU OF PAYMENT OF SEWER CONNECTION FEES, PUBLIC RIGHT-OF-WAY CAFÉ LICENSE FEES, SEWER FEES)**

**MINUTE ORDER NO. --- AUTHORIZATION FOR THE CITY MANAGER TO PROCESS REFUNDS AND AN ADMINISTRATIVE SUPPLEMENTAL APPROPRIATION TO ALLOCATE THE FUNDS NECESSARY TO REFUND OVERPAYMENTS TO PARTIES WHO HAVE LEGAL RIGHTS TO OVERPAYMENT REFUNDS**

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to refer the matter back to the Finance Committee.
The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ADOPTION OF RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND INTRODUCTION OF ORDINANCES RELATING TO APPROVAL OF THE STERLING HOUSING PROJECT AS PREVIOUSLY DIRECTED BY THE CITY COUNCIL

By memorandum dated 6/27/02, Senior Planner Murphy reported that this item was continued from the 6/24/02 City Council meeting in order for staff to prepare modifications to the proposed Development Agreement as directed by Council. At its 6/24/02 meeting, following a noticed public hearing, the City Council closed the public hearing and voted 4-2 (Mayor Herbert disqualified) to adopt a motion of intent approving a general plan amendment, development agreement and rezone for the Sterling University Housing project. Vice Mayor Kirk requested that this item be removed from the Consent Agenda so that additional questions could be answered.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to 1) adopt the mitigated negative declaration and the associated mitigation monitoring program by the adoption of a City Council Resolution; and 2) introduce the development agreement and the rezone ordinances by reading of title only. (Approval of the General Plan Amendment is recommended to be adopted by City Council Resolution prior to the final reading and adoption of the Development Agreement and Rezone ordinances at Council’s meeting of 7/16/02.)

RESOLUTION NO. 04-02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR GENERAL PLAN AMENDMENT/REZONE 01-03 & DEVELOPMENT AGREEMENT 02-02 (STERLING UNIVERSITY HOUSING, LLC)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND STERLING HOUSING, LLC FOR DEVELOPMENT OF A 176-UNIT APARTMENT COMPLEX ON PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 042-140-098 AND 103 LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32 (NORD AVENUE), BETWEEN WEST EIGHTH AND WEST LINDO AVENUES (DA 02-02 STERLING UNIVERSITY HOUSING, LLC) – INTRODUCTORY READING

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 042-140-098 AND 103 LOCATED ON THE EAST SIDE OF STATE HIGHWAY ROUTE 32 (NORD AVENUE), BETWEEN WEST EIGHTH AND WEST LINDO AVENUES (GPA/RZ 01-03 STERLING UNIVERSITY HOUSING, LLC) – INTRODUCTORY READING

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Wahl
NOES: Kirk, Nguyen-Tan
ABSENT None
DISQUAL: Herbert
2.10. **MINUTE ORDER NO. 33-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FY 02-03)**

This minute order authorizes an agreement with Butte County by which the City provides supplemental funding to increase the hours of operation at the Chico branch of the Butte County Library from thirty-five hours per week to sixty hours per week. The execution of the agreement, with a term commencing 10/1/02 and ending 9/30/03, is contingent on adoption of FY 02-03 funding in the City’s Annual Budget. If FY 02-03 funding for the library is not approved, this minute order should be removed from the agenda. The Assistant City Manager recommended approval of the minute order.

This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan to discuss if this item should become an automatic part of the budget or brought back each year for funding consideration. Council concurred that it would come back each year for discussion.

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON JUNE 6, 2002**

By memorandum dated 6/7/02, the Finance Committee provided a report on its meeting held on 6/6/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

**COMMITTEE MATTER REQUIRING CITY COUNCIL ACTION AT THIS MEETING:**

**A. Consideration of Amendment to the City of Chico Fee Schedule - Airport Fees.** The Committee recommended (3-0):

1. that the Airport Fees be increased as proposed by the Airport Commission and Airport Manager;
2. that the Airport Manager be authorized to negotiate a stepped increase in Terminal Rent fees for SkyWest Airlines over a three year period; and
3. that the Airport Manager provide information on the fees for comparable Airports when this matter is considered by the City Council on 7/2/02.

In addition to copies of the Airport Manager’s memorandum dated 4/1/02, the City Council was provided with a memorandum dated 6/21/02 from the Airport Manager providing information on the fees for comparable airports, and the below resolution.

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

**RESOLUTION NO. 07 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 268 – AIRPORT FEES)**

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT** Jarvis — was absent during the discussion of this item  
**DISQUAL:** None

**COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING**

**B. Denial of Request From Mortgage Subsidy Program (MSP) Borrower- Abdus Arif, 1980 Zachary Court.** No one was present to speak on this matter, and the Committee denied the request as being inconsistent with the Administrative Procedures and Policies of the Program.

**C. Consideration of Amendment to the City of Chico 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) to include Traffic Signals at the Intersections of State Highway Route (SHR) 32 with Oak Way and Glenwood Avenue.** The Committee directed staff to place this matter on Council’s 6/24/02 agenda for full Council consideration, at which time a resolution amending the City’s fee schedule to include these traffic

*July 2, 2002 Page 10 of 14*
 signals was adopted.

D. **Consideration of Revisions to Campaign Financing Reporting Requirements.** The Committee’s recommendations for Code amendments were accepted by the City Council at its meeting of 6/18/02.

E. **Consideration of Park Funding Issues and the Basic Park Facility Development Impact Fees.** The Committee continued this matter to its July meeting, after a meeting between Chico Area Recreation & Park District (CARD) staff, City staff and representatives from the development community regarding park funding issues had been facilitated by CARD.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to accept the Finance Committee Report.

The motion carried by the following vote:

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

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JUNE 11, 2002**

By memorandum dated 6/14/02, the Internal Affairs Committee provided a report on its meeting held on 6/11/02. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee are listed below.

**COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:**

A. **Approval of Traffic Regulation Amendment No. 743 to Remove Two Parking Spaces at the Intersection of Fifth and Normal Streets.** The Committee recommended (2-0, Jarvis absent) City Council adoption of the resolution which would authorize removal of two parking spaces at the intersection of Fifth and Normal Streets, as recommended by the Parking Place Commission.

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

**RESOLUTION NO. 08 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 743**

The motion carried by the following vote:

**AYES:** Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT** Jarvis — was absent during this discussion  
**DISQUAL:** None

B. **Approval of Traffic Regulation Amendments No. 733 and No. 735 to Revise Parking Meter Time Limits on East Sixth Street and Parking Time Limits on Broadway Street.** The Committee recommended (2-0, Jarvis absent) City Council adoption of the resolutions which would authorize changing certain parking meter designations on East 6th Street from 10-hour to 2-hour parking, and from 4-hour parking to 10-hour parking on Broadway between West 7th and West 8th Streets, as recommended by the Parking Place Commission.

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

**RESOLUTION NO. 09 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 733**
RESOLUTION NO. 10 02-03 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 735

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Jarvis — was absent during this discussion
DISQUAL: None

C. Approval of the Relocation of the Chico Certified Farmers’ Market From Municipal Lot One
to the City of Chico Municipal Block. The Committee recommended (3-0):

1. That staff be directed to prepare an amendment to the Franchise Agreement with the Chico
Certified Farmers’ Market which would (a) authorize its relocation to the City of Chico
Municipal block which includes the Municipal parking lot, one-half of Fourth Street from Main
to Flume Streets, and all open areas around the Municipal Building and Council Chambers out
to the face of curb, and (b) make Council Chamber restrooms available for use by customers
of the Market with the understanding that this privilege may be revoked by the City Manager
if abuse or vandalism occurs.

2. That any requests by the Farmers’ Market regarding signage to redirect customers to the new
location be submitted in writing and addressed by the full City Council at the time the
amended Franchise Agreement is submitted for approval.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene to
approve the Internal Affairs recommendation regarding the relocation of the Chico Certified
Farmer’s Market.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Jarvis — was absent during this discussion
DISQUAL: None

D. Request from Staff for Reconsideration of the Use of the Video Enforcement of Red Traffic
Light System. The Committee (3-0) recommended that the City Council direct staff to abandon
implementation of the video enforcement system for red lights, due to the vendor being unwilling
to cap its profits.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to
authorize staff to abandon implementation of the video enforcement system for red lights.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Jarvis — was absent during this discussion
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

E. Consideration of Local Agency Formation Commission (LAFCo) Annexation Policy. The
Committee recommended (3-0) that staff arrange for a broad-based community meeting regarding
annexation to be held in September to investigate how the City might take a more proactive role
in encouraging annexations, and that if a majority of the Committee wished to attend, a Committee
agenda be posted for the meeting.

F. **Approval of Traffic Regulation Amendment No. 738 to Remove 495 Feet of Parking Along the South Side of East Eighth Street Between Bartlett Street and State Route 99.** The Committee (2-0, Jarvis absent) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 738 which authorizes removal of 495 feet of parking along East 8th Street west of State Route 99.

G. **Consideration of the Relocation of the Temporary Speed Humps to the Northerly Portion of Yosemite Drive.** The Committee directed staff (2-0, Kirk disqualified) to relocate the temporary speed humps to the northerly portion of Yosemite Drive at the following locations: (1) the back property line of Brookside Drive, and (2) between the two driveways at the entrance to Canyon Oaks County Club.

H. **Consideration of Native Oak and Heritage Tree Preservation Ordinance Concepts.** The Committee agreed to continue this matter, directing staff to work with the Tree Action group on a proposal for tree preservation ordinances to be brought back to the Committee (probably in September); and Councilmember Jarvis requested staff to include on the Committee’s pending list for a future agenda, consideration of penalties for violations of the development review process and regulations as set forth in Title 19 of the Chico Municipal Code.

I. **Reports and Communications.** The following reports and communication items were provided for the Committee’s information and consideration.

1. **Report on Parking Issues in the Vicinity of the Chico Beauty College.**
2. **Report on Traffic Regulation Amendment No. 742 to Remove 127 Feet of Parking at 555 Vallombrosa Avenue for Improved Sight Distance.**

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to accept the Internal Affairs Report.

The motion carried by the following vote:

**AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert  
**NOES:** None  
**ABSENT:** Jarvis — absent during this discussion  
**DISQUAL:** None

4.4. **APPOINTMENT TO FILL ARTS COMMISSION VACANCY**

At its meeting of 5/21/02, the City Council directed staff to advertise for additional applicants to fill a vacant position created by the resignation of Debra Lucero-Austin. The position vacated carries a term that expires 1/1/05. Advertisements were placed in both the *Chico Enterprise Record* and the *Chico News & Review*. The City Council was provided with copies of applications submitted in response to the advertisements, and the applications currently on file in the Clerk’s office that were previously provided to Council. Council concurred that consideration of all appointments would be continued to the August 6, 2002 meeting and directed the City Clerk to notify all applicants that each candidate would be given one minute of time to address the Council.

4.5. **APPOINTMENT TO FILL PLANNING COMMISSION VACANCY**

At its meeting of 5/21/02, the City Council directed staff to advertise for additional applicants to fill a vacant position created by the resignation of Sharon Stone. The position vacated carries a term that expires 1/1/05. Advertisements were placed in both the *Chico Enterprise Record* and the *Chico News & Review*. The City Council was provided with copies of applications submitted in response to the advertisements, and the applications currently on file in the Clerk’s office that were previously provided to Council. Council concurred that consideration of all appointments would be continued to the August
4.6. DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON OCTOBER 5, 2002

By letter dated 6/12/02, the President of the League of California Cities requested the City Council to designate a voting representative and an alternate who will be registered at the Conference and present at the annual business meeting on Saturday, 10/5/02 at 10:15 a.m. The League Annual Conference will be held 10/2/02 through 10/5/02 in Long Beach. Council directed the City Clerk to follow up with individual Councilmembers to determine availability and authorized who ever would be in attendance to act as the voting delegate.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS

6.1. Letter dated 6/17/02 from Sally A. Salazar outlining her concerns with the Fountain Arts Project.

7. ADJOURNMENT

The meeting was adjourned at 10:00 p.m. to Tuesday, July 16, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: September 3, 2002

_______________________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.5 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 relating to the East Avenue/Esplanade intersection project affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasamat Oil of Colorado</td>
<td>2519 Esplanade</td>
<td>006-150-067</td>
</tr>
<tr>
<td>and/or Garwin Enterprises, Inc.</td>
<td></td>
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</tbody>
</table>

1. CALL TO ORDER — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

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

2. CLOSED SESSION

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

   2.2. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the tort claim of Scott Bernhardt. (Gov. Code Sec. 54956.9(a).)

   2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: Andrew Meghdadi v Chico City Council, et al., Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a).)

   2.4. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

   2.5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION FOR THE EAST AVENUE/ESPLANADE INTERSECTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
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</thead>
<tbody>
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</tr>
<tr>
<td>and/or Garwin Enterprises, Inc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. ADJOURNMENT – Adjourned at 7:25 to a City Council meeting in the Council Chamber.
CALL TO ORDER — Mayor Herbert called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

1.2. Invocation – Bishop Dennis Freire, Church of Jesus Christ of Latter Day Saints – 1st Ward

1.3. Presentation of Mayor's Award to the Brooks Field Jr. Committee for donation of $11,000 for play equipment in Wildwood Park in memory of Michelle Brooks.

1.4. Introduction of City Staff — City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Presson, Risk Manager Koch, Personnel Director Erlandson, Community Development Director Baptiste, Director of Public Works Ross, Assistant Director of Public Works McKinley, Principal Planner Figge, Management Analyst Herman, Park Director Beardsley, and Projects Manager Wood

1.5. Closed Session Announcement — None

2. CONSENT AGENDA — Item 2.1. was removed from the Consent Agenda and heard under Item 4.1 for further discussion. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Kirk to approve the remaining items:

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION — INTRODUCTORY READING — this item was removed from the Consent Agenda at the request of Vice Mayor Kirk and heard under Item 4.1.

2.2. RESOLUTION NO. 17 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION - SWORN UNIT REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PERIOD OF JUNE 1, 2000 THROUGH DECEMBER 31, 2004" (2000 CPOA-SWORN MOU)

By memorandum dated 7/1/02, the Personnel Director recommended approval of the resolutions amending the Chico Police Officers’ Association - Sworn Unit Memorandum of Understanding to add an employee contribution for health insurance coverage to be effective 8/1/02. The second resolution proposed for Council adoption authorizes amendment of the City Memorandum of Understanding with Chico Police Officers’ Association - Non-Sworn Unit to increase the City contribution for employee health insurance coverage. There are no City costs for these amendments beyond the amounts already budgeted. The Personnel Director and City Manager recommended adoption of the resolution.


By memorandum dated 7/2/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 67 parcels (28.945 acres) in the area bounded by West 11th Avenue on the
north, Meadow Road on the east, West 8th Avenue on the south and the Richmond Park subdivision on the west. The area is designated for low density residential, and prezoned R-1 Low Density Residential and R-2 Medium Density Residential.

Existing development consists of a 14 unit condominium complex, two parcels improved with commercial and light industrial uses, and single family residences. Limited additional development or redevelopment in the area is possible, but not currently proposed. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of properties to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.4. RESOLUTION NO. 14 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO CALIFORNIA STATE UNIVERSITY, CHICO FOR ENCROACHMENT ON PUBLIC RIGHT OF WAY (UPDATING OF UNDERGROUND ELECTRICAL AND TELECOMMUNICATION LINES AT VARIOUS LOCATIONS)

By memorandum dated 6/12/02, the Director of Public Works presented the request by California State University, Chico to encroach on public right-of-way for the purpose of installing underground conduit banks as part of its “Telecommunications Infrastructure Improvement Project.” This project will update and increase the computer capacity at the campus for all buildings. In order to complete this project, conduits must be installed in the public right-of-way. The project is scheduled to begin in August 2002 with the contractor doing the underground work in the public right-of-way prior to students returning for the 2002 fall semester. The entire project which is system wide to improve data connections throughout campus will take approximately two years to complete. The Director of Public Works recommended adoption of this resolution.

2.5. MINUTE ORDER NO. 34-02 — AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED TO RELINQUISH A RIGHT OF WAY FOR A SEWER LINE TO CALIFORNIA STATE UNIVERSITY, CHICO

Bill McGinnis, on behalf of California State University, Chico (CSUC), has requested that the City relinquish title to a right of way for a sewer line which is currently encumbering CSUC property. Although the City has no record of the sewer rights, these rights were disclosed as a reservation on the deed, recorded 10/9/62, which conveyed the property from the Bureau of Indian Affairs to CSUC and the City’s rights remain listed as an encumbrance on the title report. The City does not need the rights for a sewer line for the property, which is generally bounded by Warner Street, West Sacramento Avenue, Union Pacific Railroad tracks, and Brice Avenue and its westerly prolongation. The Director of Public Works recommended approval of this Minute Order which will authorize the City Manager to execute a Quit Claim Deed to CSUC relinquishing the right of way for a sewer line.

The motion to approve the Consent Agenda, as read with Item 2.1. removed and heard under Item 4.1., carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON REZONE OF PROPERTY LOCATED AT 249 WEST SIXTH AVENUE (REZONE 01-02, ENLOE) — this item was removed from the agenda at the request of the applicant and not heard.
3.2. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION OF THE INTERSECTION OF ESPLANADE AND EAST AVENUE (2516 ESPLANADE - ASSESSOR'S PARCEL NO. 006-071-069 - ETCHANDY/McCULLOUGH).

The City is undertaking reconstruction of the intersection of Esplanade and East Avenue to widen the intersection to provide for a right turn lane, two through lanes and two left turn lanes for each approach. Because of this reconstruction project, the City must acquire additional right-of-way, public utility easements and temporary construction easements from several property owners proximate to the East/Esplanade intersection.

By notice letters dated 06/28/02, the property owners of 2516 Esplanade were advised of tonight's hearing, of the City's intent to purchase a right-of-way public utility easement, and temporary construction easement, and that the property owners should submit a request in writing within 15 days of the date of the letter if they wished to be heard at tonight's meeting. No request was received as of the date of preparation of this agenda.

By memorandum dated 07/10/02, the Assistant City Manager transmitted copies of the notice letter to the property owners, the resolution authorizing acquisition of interests in the properties by eminent domain, the 07/10/02 Engineer's Report from the Director of Public Works which supports the California Government Code findings required to adopt the resolutions, and the notice of determination for the reconstruction project. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 15 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 2516 ESPLANADE (ASSESSOR'S PARCEL NO. 006-071-069) IN CONNECTION WITH A PROJECT TO RECONSTRUCT THE INTERSECTION OF ESPLANADE AND EAST AVENUE AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

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

3.3. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION AND WIDENING OF EAST AVENUE (1434 EAST AVENUE - ASSESSOR'S PARCEL NO. 048-740-019 - LONG/CHINCHAY).

The City is undertaking a project to reconstruct and widen the current two-lane, 24-foot wide East Avenue roadway between Ceanothus Avenue and Bidwell Vista subdivision to an 84-foot right-of-way, with expansion from two lanes to a four-lane roadway with center left turn lane, bicycle lane, as well as installation of curb, gutter and sidewalk. Because of this reconstruction project, the City must acquire additional right-of-way, public utility easements and temporary constructions easements from property owners along East Avenue.

By notice letters dated 06/28/02, the property owners of 1434 East Avenue were advised of tonight's hearing, of the City's intent to purchase a right of way and temporary construction easement, and that the property owners should submit a request in writing within 15 days of the date of the letter if they wished to be heard at tonight's meeting. No request was received as of the date of preparation of this agenda.

By memorandum dated 07/10/02, the Assistant City Manager transmitted copies of the notice letter to the property owners, the resolution authorizing acquisition of interests in the properties by eminent domain, the 07/10/02 Engineer's Report from the Director of Public Works which supports the California Government Code findings required to adopt the resolutions, and the notice of determination for the reconstruction project. The Mayor opened the hearing to the public. No one spoke and the hearing was
closed. A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to adopt:

RESOLUTION NO. 16 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF
PROPERTY LOCATED AT 1434 EAST AVENUE (ASSESSOR’S PARCEL NO. 048-740-019) IN
CONNECTION WITH A PROJECT TO RECONSTRUCT AND WIDEN EAST AVENUE AND
AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL
CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES
IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE
DAYS BEFORE EACH MUNICIPAL ELECTION — INTRODUCTORY READING — this item was removed
from the Consent Agenda at the request of Vice Mayor Kirk and heard under Item 4.1.

By memorandum dated 7/9/02, and pursuant to Council direction, the City Attorney transmitted a draft ordinance that requires (1) the reporting of every campaign contribution, regardless of amount, made to any city council candidate or any committee supporting or opposing a council candidate, and (2) the filing of an additional campaign statement five days before each municipal election held to elect members of the City Council. John Gillander addressed Council regarding this item.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the introduction of the campaign finance ordinance. The motion carried by the following vote:

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

4.2. PRESENTATION BY ANDREW MEGHDADI AND/OR HIS REPRESENTATIVES REGARDING TREE
REMOVAL AT THE TERRA BELLA SUBDIVISION

At its meeting of 4/2/02, the City Council requested that Andrew Meghdadi provide an explanation as to the act that occurred regarding tree removal at the Terra Bella Subdivision. Andrew Meghdadi and his representatives made a presentation to the City Council as an informational item only.

At the close of the presentation, the Council directed City staff to obtain answers to several questions and report back to Council.

4.3. CONSIDERATION OF FINAL REPORT ON THE ECONOMIC DEVELOPMENT STUDY CONDUCTED
BY GARNET CONSULTING SERVICES

By memorandum dated 7/05/02, the Economic Development/Housing Specialist transmitted the final economic development study entitled “Creating a Performance-Based Economic Development Program for the City of Chico, California” prepared by Garnet Consulting Services, Inc. Mark Waterhouse and Don Iannone presented an overview of the final report. Council directed that staff take the study to the Economic Development Committee to help develop a mission statement and asked that Council be kept informed of the progress.
4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING DeregULATION OF SOLID WASTE COLLECTION SYSTEM AND RATES FROM ITS MEETING HELD ON JUNE 24, 2002

By memorandum dated 6/28/02, the Finance Committee provided a report on its meeting held on 6/24/02 regarding deregulation of the City’s solid waste collection system and rates. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair.

The Council was also provided with copies of the documents received by the Committee: (1) memorandum dated 6/14/02 from Management Analyst Herman, and (2) letter dated 6/17/02 from Bill Mannel of North Valley Waste Management. Bill Crowder addressed his concerns regarding annexations that impact his service area. Council concurred to send this issue to committee for further review.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl:

1. That consideration of issues relating to the deregulation of the solid waste collection system and rates be tabled by the City Council until a request for a rate increase is received;
2. That when a request for a rate increase is received, the matter be referred to the Finance Committee instead of the Solid Waste Committee for consideration; and
3. That consideration of a method for allowing County-permitted solid waste collectors to retain customers whose properties are annexed into the City be referred to the Solid Waste Committee.

The motion carried by the following vote:

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

4.5. CONSIDERATION OF RECOMMENDATION FOR REAPPOINTMENT OF COUNCIL REPRESENTATIVE TO TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION’S BOARD OF DIRECTORS

By letter dated 6/6/02, Tri-County Economic Development Corporation requested that the City of Chico reappoint Maureen Kirk (with Larry Wahl as her alternate) as governmental representatives to serve on its Board of Directors for a minimum of two years. Council concurred.

4.6. FUTURE MEETINGS

The Council was requested to consider whether it would like to start its meeting of 8/6/02 at 6:30 p.m. in order to allow extra time for interviewing applicants for appointment to the Arts Commission, Bidwell Park & Playground Commission, and Planning Commission. Council concurred and the applicants were to be notified of the opportunity for a one-minute presentation at this meeting.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS
The following report was provided for the Council's information. No action was taken.

6.1. Memorandum dated 7/9/02 from Risk Manager transmitting report of denial of claims against the City for the quarter ending 6/30/02.

7. ADJOURNMENT

The meeting was adjourned at 10:05 p.m. to Wednesday, July 24, 2002, at 6:00 p.m., in Conference Room No. One for a joint meeting with the Chico Unified School District Board of Directors.

Date Approved: September 17, 2002

Deborah R. Presson, City Clerk
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 at 7:00 p.m. to closed session in the Chico Municipal Center, Conference Room #2, 421 Main Street, to discuss negotiations with the City's real property negotiator regarding the proposed acquisition affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Smith, et al</td>
<td>1580 Manzanita Avenue</td>
<td>048-210-012</td>
</tr>
</tbody>
</table>

The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room 2, 421 Main Street.

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

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF APN 048-210-012 (SMITH, ET AL) FOR EAST AVENUE RECONSTRUCTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business discussed is a conference with the real property negotiator. The items under discussion were instructions to the City's negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
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</thead>
<tbody>
<tr>
<td>Charles Smith, et al</td>
<td>1580 Manzanita Avenue</td>
<td>048-210-012</td>
</tr>
</tbody>
</table>

2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: Meghdadi v. Chico City Council., Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a).)

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

3. ADJOURNMENT

Adjourner at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Reverend Robert Roberts, Redeemer Lutheran Church

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

Absent: Jarvis

1.4. Closed Session Announcement – None

2. **CONSENT AGENDA** – No items

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

4. **REGULAR AGENDA**

   - The City Council acted in its capacity as both the Redevelopment Agency and the City Council to consider the following matter

4.1. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON JULY 22, 2002**

   By memorandum dated 7/25/02, the Finance Committee provided a report on its meeting held on 7/22/02. Committee members present were Councilmembers Bertagna (substituting for Nguyen-Tan), Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

   **COMMITTEE MATTERS REQUIRING CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:**

   **A. Approval of Code Amendment and Fee Schedule Amendment Authorizing the City Manager to Approve Rental of Specialized City-Owned Equipment and Personnel** — The Committee recommended (3-0) adoption of the Resolution amending the Chico Municipal Code to authorize the City Manager to approve rental of specialized City-owned equipment, and adoption of the Resolution amending the Fee Schedule to establish fees for same.

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

   **RESOLUTION NO. 18 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2R.04 OF THE CHICO MUNICIPAL CODE, ENTITLED “ADMINISTRATION,” BY ADDING SECTION 2R.04.335, ENTITLED “CITY MANAGER AUTHORIZED TO APPROVE THE RENTAL OF SPECIALIZED CITY EQUIPMENT AND PERSONNEL TO AGENCIES/BUSINESS IN SPECIAL CIRCUMSTANCES”**

   **RESOLUTION NO. 19 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 264 – PUBLIC WORKS FEES)**

   The motion carried by the following vote:

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

   **NOES:** None

   **ABSENT:** Jarvis

   **DISQUAL:** None
B. **Consideration Regarding Use of the Old Chico Municipal Building.** The Committee recommended (2-0, Wahl disqualified) that the City accept the proposal submitted by Wayne Cook for purchase and historical restoration of the Old Municipal Building for commercial/retail use, conditioned upon a first right of refusal or reversionary clause if the building is subsequently offered for sale. The proposal provided for a cash payment to the City, and for the Agency to provide a Redevelopment Agency loan to Mr. Cook, with the terms to be negotiated. Note: The sale of City-owned property would require five (5) affirmative City Council votes under the provisions of Chico City Charter § 614. Speaking in opposition to the sale of this building were Mary Andrews, Deborah Lucero Austin, T.J. Glenn, Paula Busch, and Greg Payne.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to postpone the sale, consider a 50-year lease and to re-advertise for proposals as a condition of the lease. A friendly amendment made by Councilmember Nguyen-Tan was accepted that directed staff to continue discussions with Wayne Cook about a potential long term lease and to determine the breakeven point which would allow the private investor a return on the investment before opening the building for public use.

The motion carried by the following vote:

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

C. **Consideration of Fee and Service Authority for Abandoned Vehicle Abatement (AVA) Program.** The Committee recommended (3-0) denial of the Butte County request for the City of Chico to join in the establishment of a Service Authority for Abatement of Abandoned Vehicles which would authorize a $1 service fee to be added to each vehicle registration fee in the County.

The City Council was provided with copies of a letter received from Paul McIntosh, Butte County Chief Administrative Officer, urging the City to participate in the AVA Program for the benefit of the entire County. Members of the audience addressing Council on this issue included Paul McIntosh, Fred Davis, Dan Rodman, Rob Mackenzie, Donald Wright, John Nock, Greg Payne, Deanna Ritter, Mike Ramsey, John Gillander, Lee Smith, and Wes Brown.

Council recessed for a ten minute break at 10:15 p.m.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna for conceptual approval of the establishment of the service authority, with staff to bring back a resolution that authorizes the establishment of the Joint Powers Authority, and for Internal Affairs to look at the development of the ordinance with a review of the issues concerning private property rights and abatement noticing requirements.

The motion carried by the following vote:

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

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**COMMITTEE MATTERS REQUIRING NO CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING**

D. **Consideration of Development Services Fee Study Prepared by DMG Maximus.** The Committee (3-0) continued its review of the Community Development Services fee study to an additional meeting to be held on 7/30/02, from 8:00 a.m. to 11:00 a.m. (this meeting was
subsequently rescheduled to 8/6/02 at 8:00 a.m.), in order to complete its recommendations to Council, and directed staff to provide further comparisons of the current fees and proposed fee amendments.

E. **Consideration of Public Art Fund Matching Program Funding Source.** The Committee (3-0) referred this matter to the Arts Commission to investigate how other communities handle such programs and options for making the program less cumbersome, and requested that the Commission report back to the Committee on this within 60 days.

F. **Report on Credit Status of Housing Rehabilitation Borrower - Thelma Mackabee - 2245 Notre Dame Boulevard.** The Committee took no action on this report.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to accept the Finance Committee Report. The motion carried 6-0-1, with Councilmember Jarvis absent.

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

6. **ADJOURNMENT**

Adjourned at 10:25 p.m. to a City Council meeting.
REGULAR CHICO CITY COUNCIL MEETING
AUGUST 6, 2002 — MINUTES

1. CALL TO ORDER — The Mayor called the Regular Chico City Council Meeting to order at 10:25 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

2. CONSENT AGENDA — Items 2.1. and 2.5. were removed from the Consent Agenda for further discussion and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the following items on the Consent Agenda:

2.1. ORDINANCE NO. 2251 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION — FINAL READING & ADOPTION — Councilmember Keene requested that this item be removed from the Consent Agenda for further discussion under Item 4.1.

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

By memoranda dated 6/15/02 for each of the below resolutions, the Director of Public Works reported that in accordance with a petition from each of the property owners, these resolutions authorized sewer assessments to be collected on the tax roll as set forth in the Director of Public Works’ reports attached to each resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Director of Public Works recommended adoption of the resolutions listed below.

A. RESOLUTION NO. 20 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 975 FILBERT AVENUE/A.P. NO. 003-540-011 (Owners, Teresa F. Hampton and Hunter Hampton)

B. RESOLUTION NO. 21 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 821 LINDEN STREET/A.P. NO. 004-331-019 (Owner, African Methodist Episcopal Church Society)

C. RESOLUTION NO. 22 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 620 WEST 4TH AVENUE/A.P. NO. 043-132-017 (Owner, Raymond N. Wilson)


2.2. RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF PAYMENT OF SEWER SYSTEM CONNECTION FEES (Cont’d)


G. RESOLUTION NO. 26 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM – 3044 “C” MONTICELLO LANE/A.P. NO. 006-320-003 (Owner, Joan Darlene Blankinship)


2.3. MINUTE ORDER NO. 35-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 2519 THE ESPLANADE (AP NO. 006-150-067) - GARWIN ENTERPRISES, INC.

At its 07/16/02 closed session, the City Council authorized the negotiated purchase from Garwin Enterprises, Inc. of a portion of 2519 The Esplanade (AP No. 006-150-067) in connection with the City’s intersection improvement project at East Avenue and The Esplanade. This minute order authorizes the City Manager to execute a sales agreement, an agreement for the grant of a temporary construction easement, and other documents necessary to acquire a right of way easement and a temporary construction easement for $338,000. The Assistant City Manager recommended approval of the minute order.

2.4. MINUTE ORDER NO. 36-02 — AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR PREDEVELOPMENT COSTS IN CONNECTION WITH DEGARMO COMMUNITY PARK PHASE I

The City Council previously allocated funds for predevelopment costs in connection with DeGarmo Park Phase I Improvements. This minute order authorized the City Manager to execute an agreement with the Chico Area Recreation & Park District, and any amendments thereto, for such financial assistance. The Park Director recommended approval of the minute order.

2.5. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON JUNE 4, JUNE 17, AND JUNE 24, 2002 — Vice Mayor Kirk requested that this item be removed from the Consent Agenda for further clarification and heard under Item 4.1.

The motion to approve the Consent Agenda, as read, with Items 2.1. and 2.5 removed and considered under Item 4.1., carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Jarvis
DISQUAL: None
3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON COST REPORT PERTAINING TO CITY OF CHICO 2002 LOT CLEANING/WEED ABATEMENT PROGRAM AND LOTS WHICH WERE CLEANED BY THE CITY**

By memorandum dated 7/18/02, Project Manager Wood reported on the costs incurred by the City in connection with the 2002 Lot Cleaning/Weed Abatement Program. In accordance with Section 39575 of the Government Code the cost report attached to the memorandum was posted three days prior to its submission to the Council for consideration. Each property owner will be billed for costs incurred in cleaning the lot. Any unpaid bills will be added to the tax roll for collection. The Project Manager recommended confirmation of the cost report as submitted. Mayor Herbert opened the hearing to the public. No one spoke. The hearing was closed.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to confirm the report as submitted.

The motion carried by the following vote:

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

3.2. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 520, BRENNI RANCH**

By memorandum dated 7/10/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 520. As a condition of approval of a subdivision map for this development, generally located north of East Avenue on the west side of Ceanothus Avenue, the developers, Zink-Timmons, have consented to the formation of this district for the operation, maintenance, and future replacement of the storm drain detention facility, its gate, and the fencing surrounding it. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. Mayor Herbert opened the hearing to the public. No one spoke. The hearing was closed.

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

RESOLUTION NO. 28 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 520 — BRENNI RANCH)

The motion carried by the following vote:

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

3.3. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 523, SHASTAN @ CHICO CANYON ROAD**

By memorandum dated 7/10/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 523. As a condition of approval of a subdivision map for this development, generally located on the south side of Chico Canyon Road, east of Via Morrow Lane, the developer, Jay Halbert of Shastan Homes, has consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping within the storm drain detention pond.
and storm water quality treatment facilities.

This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. Mayor Herbert opened the hearing to the public. No one spoke. The hearing was closed.

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

RESOLUTION NO. 29 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 523 — SHASTAN @ CHICO CANYON ROAD)

The motion carried by the following vote:

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

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ORDINANCE NO. 2251 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION — FINAL READING & ADOPTION — Councilmember Keene requested that this item be removed from the Consent Agenda for further discussion under Item 4.1.

By memorandum dated 7/9/02, and pursuant to Council direction, the City Attorney transmitted a draft ordinance that requires (1) the reporting of every campaign contribution, regardless of amount, made to any city council candidate or any committee supporting or opposing a council candidate, and (2) the filing of an additional campaign statement five days before each municipal election held to elect members of the City Council. This ordinance received introductory reading at the City Council’s meeting of 7/16/02.

The City Council was provided with copies of an electronic message received 7/28/02 from Scott Gruendl requesting that § 1.30.030 of the current ordinance not be modified as proposed. Members of the audience addressing Council on this item were John Gillander, Scott Gruendl, and Kim Fleming.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to reintroduce the ordinance as amended, with the final reading and adoption of the ordinance to be held on August 20, 2002.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: Jarvis
DISQUAL: None
2.5. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON JUNE 4, JUNE 17, AND JUNE 24, 2002** — Vice Mayor Kirk requested that this item be removed from the Consent Agenda for further clarification and heard under Item 4.1.

The City Council was provided with copies of the minutes of its meetings held on 6/4/02, 6/17/02, and 6/24/02.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the minutes as amended.

The motion carried by the following vote:

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

4.2. **(A) ACKNOWLEDGMENT OF RESIGNATIONS AND DECLARATION OF VACANCIES ON THE ARCHITECTURAL REVIEW BOARD; AND (B) DIRECTION TO STAFF REGARDING RECRUITMENT**

By memorandum dated 7/29/02, the City Clerk transmitted the resignations of Philip LaGrow and John Linhart from the Architectural Review Board, as well as the applications (five) currently on file for appointment to this Board. The resignations create two vacant positions, both with terms to expire on 1/1/05. The membership requirement for this Board states that at least three of the five members shall be engaged in the visual arts field, such as architects, landscape architects, artists, designers, etc. One of the two people appointed must meet this requirement. Due to posting of vacancy requirements, these appointments cannot be scheduled until the City Council’s meeting of 8/20/02.

A motion was made by Councilmember Wahl and seconded by Councilmember Keene which acknowledged the resignations from the Architectural Review Board, declared the two positions vacant, and gave direction to staff to recruit for more applicants.

The motion carried by the following vote:

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

4.3. **APPOINTMENTS TO THE (A) ARTS COMMISSION, (B) BIDWELL PARK & PLAYGROUND COMMISSION, AND (C) PLANNING COMMISSION**

A. **Arts Commission.** The resignation of Commissioner Debra Lucero Austin, effective 4/2/02, created a vacancy for a position with a term that expires on 1/1/05. Council directed staff to advertise for additional applicants, and advertisements were placed in both the *Chico Enterprise Record* and the *Chico News & Review*. Council was provided with copies of applications submitted in response to the advertisements, and the applications currently on file in the Clerk’s office that were previously provided to Council. The City Council appointed Juri Britts.

B. **Bidwell Park & Playground Commission.** The resignation of Commissioner Kathryn Tzikas, effective 5/29/02, created a vacancy for a position with a term that expires on 1/01/03. Council directed staff to advertise for additional applicants, and advertisements were placed in both the *Chico Enterprise* and the *Chico News & Review*. Council was provided with copies of applications submitted in response to the advertisements, and the applications currently on file in the Clerk’s office that were previously provided to Council. The City Council appointed Michael Jones.

C. **Planning Commission.** The resignation of Commissioner Sharon Stone, effective 4/20/02, created
a vacancy for a position with a term that expires 1/1/05. Council directed staff to advertise for additional applicants, and advertisements were placed in both the Chico Enterprise Record and the Chico News & Review. Council was provided with copies of applications submitted in response to the advertisements, and the applications currently on file in the Clerk’s office that were previously provided to Council. The City Council appointed Orval Hughes.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JULY 9, 2002

By memorandum dated 7/12/02, the Internal Affairs Committee provided a report on its meeting held on 7/9/02. Committee members present were Councilmembers Kirk, Wahl (substituting for Jarvis), and Bertagna, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Approval of Changing Meter Designations on Seventh Street Between Main and Broadway Streets from the Current Ten-Hour Designation to a Four-Hour Designation. The Committee recommended (2-0, Wahl disqualified) that the Resolution adopting Traffic Regulation Amendment No. 748, which would change the meter designations on Seventh Street between Main and Broadway Streets from the current ten-hour designation to a four-hour designation, be forwarded to the City Council for adoption.

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

RESOLUTION NO. 30 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION (AMENDMENT NO. 748)

The motion carried by the following vote:

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

B. Consideration of: (a) Policy for Cost Sharing and Prioritizing the Improvement of Shoulder Paving for Annexed Roadways; and (b) Request from Mountain View Avenue Residents for Cost Sharing of Road Improvements. The Committee recommended (2-1, Wahl opposed):

1. Authorization of an administrative policy as recommended by the Director of Public Works for a voluntary cost sharing of 50%/50% between neighborhood residents and the City to pay for roadway improvement of shoulder paving in annexed areas, with the following revisions:

   a. That advertisements be published each year after adoption of the budget to inform the community that approximately $250,000 in City funds would be available for this program.

   b. That road improvements in areas near schools be given a higher priority.

   c. That if sewer installation is planned within a benefit area, the applicants would not be eligible for cost sharing until after the installation has occurred, at which time they must re-apply for the program.

   d. That options of billing residents for their share of the cost on tax bills or through a self-imposed assessment district be researched by the City Attorney, and included in the policy in order to allow the residents’ share of the cost to be tax deductible.

   e. That a provision be included for the City to pay the share for low-income residents who were part of a neighborhood request, possibly with Community Development Block Grant (CDBG) funds.

   f. That every effort be made to improve the entire roadway between intersections.

2. That the request of the Mountain View Avenue residents for a 75% (City) / 25% (Residents) cost sharing for shoulder paving improvements be approved due to the proximity of the road to a school and due to the group’s organization and initiative in coming forward with this
request; and that if the request to change the cost sharing proportions is approved by the City Council, a neighborhood meeting be conducted by staff to determine if additional residents wish to participate.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to authorize the City Manager to execute the cost sharing agreements with the Mountain View Avenue residents, with further direction to staff to continue neighborhood meetings, to look at reasoned boundaries and to have Internal Affairs continue to look at a policy which may include the formation of assessment districts.

The motion carried by the following vote:

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

COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING.

C. Approval of Traffic Regulation No. 741 Which Would Designate 91 Feet of “No Parking” Zone on East Fifth Avenue. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 741, designating a “No Parking Zone” on East Fifth Avenue.

D. Approval of Traffic Regulation Amendment No. 734 Which Would Remove 22 Feet of Handicapped Parking on Forest Avenue. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 734, removing Handicapped Parking on Forest Avenue.

E. Consideration of Possible Modifications to the Traffic Circle on Idyllwild Circle at Yosemite Drive to Improve Pedestrian Safety. The Committee (3-0) directed the City Attorney to research the Vehicle Code and Federal Highway Administration design standards to determine if this crosswalk could be removed.

F. Report on Ceanothus Avenue Neighborhood Meeting Regarding Parking and Litter Issues. Chair Bertagna suggested the prohibition of parking on Ceanothus during certain hours (such as between 11:30 a.m. and 1:00 p.m.) in order to prevent students from parking there on the lunch hour, and City Manager Lando indicated that this should be considered at the next neighborhood meeting.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to accept the Internal Affairs Report. The motion carried 6-0-1, with Councilmember Jarvis absent.

4.5. CONSIDERATION OF RECOMMENDATIONS FROM THE CITY’S GRAFFITI TASK FORCE AND APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO FUND A PROGRAM TO ADDRESS GRAFFITI VANDALISM

By memorandum dated 7/30/02, Building Supervising Inspector Mike Williams reported that at the direction of the City Manager, a Graffiti Task Force comprised of City staff from the Public Works, Police, and Community Development Departments was formed to recommend actions to be taken towards prevention, abatement, and enforcement of graffiti vandalism. The Task Force’s recommendations for implementation of a graffiti program are attached to the memorandum.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the Task Force recommendations and referred the development of an ordinance to the Internal Affairs Committee.

The motion carried by the following vote:

AYES: Bertagna, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
4.6. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS**

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

   6.1. Memorandum dated 7/18/02 from the Finance Director reporting that the list of claims paid during the months of May and June, 2002, has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

   6.2. Section 3.28.130 of the Chico Municipal Code requires that annually at its first meeting in August the City Council shall be provided with a report showing the disposition of all City property delivered to the City Manager which was not disposed of at public auction during the preceding fiscal year. By memorandum dated 07/30/02 the Finance Director transmitted the annual report for the 2001-02 fiscal year.

7. **ADJOURNMENT**

   Mayor Herbert adjourned the meeting at 11:30 p.m. to Tuesday, August 20, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

   Date Approved: September 17, 2002

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

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

2. CLOSED SESSION — The City Council adjourned to Closed Session at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

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

3. ADJOURNMENT

Adjourned at 7:30 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:35 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Reverend David Hughes, King of Kings Church

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

Absents: None

1.4. Closed Session Announcement — None

2. **CONSENT AGENDA** — Items 2.1., 2.5., and 2.6. were removed from the Consent Agenda for further discussion and heard under Item 4.1. A motion was made by Councilmember Keene and seconded by Vice Mayor Kirk to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION — FINAL READING & ADOPTION** — This item was removed from the Consent Agenda at the request of Vice Mayor Kirk and heard under Item 4.1.

2.2. **RESOLUTION NO. 31 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - NORTH AVENUE ANNEXATION DISTRICT NO. 11**

By memorandum dated 7/29/02, the Assistant Community Development Director forwarded a report on the initiation of annexation proceedings for a single parcel at 2190 North Avenue. The parcel proposed for annexation contains a single family residence. The site is designated and zoned for low density residential use. The annexation has been initiated to allow subdivision of the site to create three lots for single family residential development and connection to the sanitary sewer system. The Assistant Community Development Director recommended adoption of the resolution.


**MINUTE ORDER NO. 37-02 — AUTHORIZING CITY MANAGER TO ENTER INTO A LETTER AGREEMENT WITH PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) REGARDING APPLICATIONS FROM EMPLOYEES TO BUY BACK SERVICE PRIOR TO MEMBERSHIP WHICH WERE RECEIVED BY PERS BETWEEN NOVEMBER 18, 1994 AND DECEMBER 27, 1995**

By memorandum dated 8/1/02, the Personnel Director reported that the Public Employees’ Retirement System (PERS) has requested that the City adopt a resolution which clarifies a prior contract amendment. This clarification is needed because expected changes in the law were not adopted by the State legislature. Additionally, the City and PERS have reached agreement regarding treatment of employees who had applied between November 18, 1994 and December 27, 1995 to purchase prior service and were denied, when other similarly situated employees were approved. The proposed minute order authorizes the City Manager to sign that letter agreement. There are no costs associated with the resolution, and only minimal costs associated with the minute order which would only be realized when the affected employees retired. The Personnel Director recommended adoption of the resolution and approval of the minute order.
2.4. RESOLUTION NO. 33 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO FROST OIL COMPANY FOR ENCROACHMENT ON CITY RIGHT OF WAY - APN 005-207-011-000

By memorandum dated 7/29/02, the Director of Public Works reported on a request from Frost Oil Company, Inc. for a revocable Grant of License for the installation and maintenance of three monitoring wells on 17th Street adjacent to 1645 Park Avenue, as required by the California Regional Water Quality Control Board as part of an ongoing site characterization and petroleum release remediation effort. The monitoring wells will be constructed according to all applicable federal, state, county and city regulations. The Director of Public Works recommended adoption of this resolution which authorizes the City Manager to execute the Grant of License.

2.5. RESOLUTION NO. 34 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ESTABLISHING A SERVICE AUTHORITY FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM PURSUANT TO CALIFORNIA VEHICLE CODE SECTIONS 9250.7 AND 22710 — this item was removed from the Consent Agenda at the request of Vice Mayor Kirk and heard under Item 4.1.

2.6. RESOLUTION NO. 35 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 271 - TRANSPORTATION FACILITY FEES) — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan and heard under Item 4.1.

2.7. MINUTE ORDER NO. 38-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE EASEMENTS LOCATED ON THE SOUTH SIDE OF EAST AVENUE (APN 048-760-024) - CALIFORNIA WATER SERVICE

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of easements in connection with the City’s East Avenue widening project. This minute order authorizes the City Manager to execute a sales agreement and other documents necessary to acquire a right of way and a temporary construction easement for $700. The City Manager recommended approval of the minute order.

2.8. MINUTE ORDER NO. 39-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS AND GRANTS OF TEMPORARY CONSTRUCTION EASEMENTS WITH COMPENSATION VALUED AT LESS THAN $1,000 IN CONNECTION WITH THE EAST AVENUE WIDENING PROJECT

Following completion of construction of the widening project on East Avenue from Ceanothus to Bidwell Vista subdivision, it will be necessary to conform certain private properties to the street. Because of the funding source, the City is required to appraise and compensate property owners for construction access to their properties to accomplish this work. This minute order authorizes the City Manager to execute the Agreement and Grant of Temporary Construction Easement and any related documents for those affected properties for which the temporary construction easements have an appraised value of less than $1,000. The City Manager recommended approval of the minute order.

2.9. MINUTE ORDER NO. 40-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 2516 THE ESPLANADE (AP NO. 006-071-069) - MAC5 PROPERTIES, LLC

At its 07/16/02 meeting, the City Council adopted Resolution No. 15 02-03, which authorized the City Attorney to file an eminent domain action to acquire portions of Assessor’s Parcel No. 006-071-069 for reconstruction of the East Avenue/Esplanade intersection. The owners, MAC5 Properties, LLC, have subsequently agreed to a settlement with the City. This minute order authorizes the City Manager to execute a sales agreement, an agreement for the grant of a temporary construction easement, and other documents necessary to acquire a right of way easement and a temporary construction easement for $79,500. The City Manager recommended approval of the minute order.

2.10. MINUTE ORDER NO. 41-02 — AUTHORIZATION FOR CITY MANAGER TO DONATE SURPLUS
LIGHTED DISPLAY CASES TO CHICO MUSEUM

At its meeting of 3/26/02, the Airport Commission approved an agreement with a firm to provide advertising services of local businesses and institutions in the airport terminal area. Minor modifications were required to install modern backlit display signs. One modification required the removal of three wooden display cases installed in the terminal lobby as part of a previous airport agreement. The Airport Manager has determined that the cases are of minimal value and are no longer required for City purposes. Patty Day of the Chico Museum has requested the donation of these cases. This minute order would declare the display cases as surplus City property and authorize the City Manager to donate them to the Chico Museum. The Airport Manager recommended approval of the minute order.

2.11. MINUTE ORDER NO. 42-02 — AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED TO RELINQUISH A BIKE PATH EASEMENT TO SIERRA NEVADA BREWERY / ASSESSOR’S PARCEL NO. 005-550-033

Kenneth R. Grossman and Kathryn D. Gonser, co-trustees of the Grossman Family Trust Dated 10/9/90, have requested that the City relinquish title to a fifteen-foot-wide bike path easement located on Sierra Nevada Brewery property between Franklin and Elm Streets, Assessor’s Parcel No. 005-550-033. The City required this portion of land for a section of a bike path as a condition of development of the property. However, the existing path has been realigned and this easement is no longer needed for City purposes. The Director of Public Works recommended approval of this minute order which authorizes the City Manager to execute a Quit Claim Deed.

2.12. MINUTE ORDER NO. 43-02 — APPROVAL OF MERIT INCREASE FOR CITY ATTORNEY DAVID R. FRANK

Based on the City Council’s evaluation of the City Attorney’s performance, this Minute Order provided for a technical adjustment of the City Attorney’s base pay and a merit increase of 3%, effective 7/1/02.

The motion to approve the Consent Agenda, as read, with Items 2.1., 2.5., and 2.6. removed and heard under Item 4.1. carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION AND WIDENING OF EAST AVENUE (1580 MANZANITA AVENUE - ASSESSOR’S PARCEL NO. 048-210-011 - CHARLES AND BRENDA SMITH, ET AL) — this item was removed from the agenda and not heard.

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 522, VIAL ESTATES SUBDIVISION

By memorandum dated 7/17/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 522. As a condition of approval of a subdivision map for this development, generally located at 2257 Holly Avenue south of West Lindo Avenue, the developers, Al and Sharon Vial, have consented to the formation of this district for the operation, maintenance, and future replacement of the landscaping and irrigation and the storm drain leach trench within the subdivision. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Herbert opened the hearing to the public. No one spoke and the hearing was closed.
A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to adopt:

RESOLUTION NO. 35 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 522 — VIAL ESTATES SUBDIVISION)

The motion carried by the following vote:

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

3.3. HEARING ON AMENDMENTS TO THE CITY’S FEE SCHEDULE TO IMPLEMENT THE RECOMMENDATIONS OF THE DMG MAXIMUS DEVELOPMENT SERVICES FEE STUDY; AND CONSIDERATION OF MINUTE ORDER AUTHORIZING REFUNDS, AS RECOMMENDED BY THE FINANCE COMMITTEE AT ITS MEETING OF AUGUST 6, 2002

By memorandum dated 8/7/02, the Finance Committee provided a report on its meeting held on 8/6/02, at which time it finalized its recommendations for amendments to the City’s Fee Schedule regarding Development Services; and recommended authorization of refunds for overpayments. The City Council was provided with:

a. The Development Services Fee Study prepared by DMG Maximus
b. The memorandum dated 8/2/02 from the Community Development Director providing additional information which the Committee had requested at its meeting of 7/22/02, with Exhibit “A” of the Fee Schedule Amendment resolution attached (which the Finance Committee received for its meeting of 8/6/01)
c. The below Resolution amending the City’s Fee Schedule, which has been revised to incorporate the Finance Committee’s recommendations of 8/6/02
d. The below Minute Order which authorizes the City Manager to process refunds and an administrative supplemental appropriation to allocate the funds necessary to refund overpayments to parties who have legal rights to overpayment refunds.

The Finance Committee recommended (3-0): (a) adoption of the resolution amending the City’s Fee Schedules; and (b) approval of the minute order authorizing the refunding of overpayments.

Section 66016 of the California Government Code required that a public notice of tonight’s hearing be mailed to anyone who has requested such notice. Although there currently are no such requests on file, a courtesy copy was mailed to the Building Industry Association, the Valley Contractors Exchange, and Greg Webb of Webb Homes. Mayor Herbert opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 36 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 269 - PLANNING DIVISION FEES, SEWER FEES, PUBLIC WORKS FEES, GRANT OF LICENSE FEES, MAINTENANCE ASSESSMENT DISTRICT FEES, VACATION AND/OR ABANDONMENT FEES, PARADES, ATHLETIC EVENTS AND PUBLIC ASSEMBLIES FEES, ASSESSMENT INSTALLMENTS IN LIEU OF PAYMENT OF SEWER CONNECTION FEES, BUILDING DIVISION FEES, AND STREET FACILITY REIMBURSEMENT FEES)

MINUTE ORDER NO. 42-02 — AUTHORIZATION FOR THE CITY MANAGER TO PROCESS REFUNDS AND AN ADMINISTRATIVE SUPPLEMENTAL APPROPRIATION TO ALLOCATE THE FUNDS NECESSARY TO REFUND OVERPAYMENTS TO PARTIES WHO HAVE LEGAL RIGHTS TO OVERPAYMENT REFUNDS
The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION — FINAL READING & ADOPTION — this item was removed from the Consent Agenda by Vice Mayor Kirk for further discussion.

By memorandum dated 8/7/02, the City Attorney reported that at its meeting of 8/6/02, the City Council amended and reintroduced this ordinance to clarify provisions of Chico Municipal Code Section 1.30.080 regarding penalties for violations; and transmits the ordinance as amended by Council. This ordinance received introductory reading at the City Council’s meeting of 8/6/02. Kelly Meagher, John Gillander and Ken Fleming addressed the Council on this issue.

A motion was made by Councilmember Keene and seconded by Councilmember Wahl to reintroduce the ordinance to include the first reporting period ending on September 30, 2002 with final reading and adoption scheduled for an adjourned Council meeting to be held on 8/26/02 at 5:30 p.m.

The motion carried by the following vote:

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

2.5. RESOLUTION NO. 34 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ESTABLISHING A SERVICE AUTHORITY FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM PURSUANT TO CALIFORNIA VEHICLE CODE SECTIONS 9250.7 AND 22710 — this item was removed from the Consent Agenda by Vice Mayor Kirk for further discussion.

At its meeting of 8/6/02 the City Council conceptually approved participation of the City of Chico in the countywide Abandoned Vehicle Abatement (AVA) program, and directed staff to prepare the implementing documents. The Council directed that the resolution authorizing the Service Authority be brought back to this meeting for adoption, and referred development of the ordinance that will be required, including a review of issues concerning private property rights, and abatement noticing procedures, to the Internal Affairs Committee. Funding for this program would come from a $1 service fee imposed by a Service Authority on all motor vehicle registrations within Butte County for ten years. Implementation of the program requires establishment of a joint powers authority (Service Authority) by the County Board of Supervisors and a majority of the cities having a majority of the incorporated population within the county. The above resolution authorizes the City’s participation in a Service Authority as directed by the City Council at its 8/6/02 meeting and by placement on a posted addendum replaces the resolution included in the agenda packet.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to adopt Resolution No. 34 02-03.
The motion carried by the following vote:

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

2.6. RESOLUTION NO. 35 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 271 - TRANSPORTATION FACILITY FEES) — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan for further discussion.

At its meeting on 6/24/02, the City Council approved the Finance Committee’s recommendation to add two state highway traffic signals, one at Oak Way and SHR32, and one at Glenwood Avenue and SHR 32, to the 2001 Update of Development Impact Fees Analysis and Recommendations (Nexus Study). The two project were to be funded 50% from the City’s Street Facility Improvement Fees and 50% from State highway funds. The annotation for the 6/24/02 meeting and memorandum dated 6/4/02 from the Department of Public Works reflected the correct cost sharing allocation, but the fee schedule attached to the resolution adopted by Council reflected 100% City funding. The City Council was requested to adopt this resolution to correct the clerical error by confirming its direction on 6/24/02 that the fee schedule calculation be based on the 50%/50% cost sharing. The Community Development Director recommended adoption of the resolution.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to continue this item to the September 3, 2002 meeting.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF REQUEST FROM COUNCILMEMBER WAHL FOR COUNCIL AUTHORITY TO FLY THE UNITED STATES FLAG DURING THE MONTH OF SEPTEMBER

By letter dated 8/12/02, Councilmember Wahl requested Council approval for the United States Flag to be flown along the Flag Committee’s previously authorized locations during the month of September in remembrance of the September 11th attack, and in support of American forces still overseas fighting terrorist activities. Pursuant to City Council rules of procedure, a majority of the Council must agree to consider this item on tonight's agenda (or schedule it for a subsequent agenda). Dan Keeley, Mary Andrews, and Dave Palmorlee addressed Council on this item.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to hear the item at this meeting and approve the flying of the flags through the end of September. A friendly amendment was requested by Councilmember Jarvis to refer the development of a coordinated approach and policy for when the flags will be flown to Internal Affairs. The amendment was accepted.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Wahl, Herbert
NOES: Nguyen-Tan
ABSENT: None
DISQUAL: None
4.3. FUTURE MEETINGS — CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION FOR THE CITY COUNCIL TO SCHEDULE AN “AFFORDABLE HOUSING” WORKSHOP

At the Internal Affairs Committee meeting of 8/13/02, Councilmember Kirk recommended that the City Council convene a workshop meeting with representatives from the Board of Realtors, developers and other interested parties to consider incentives for building more affordable housing in Chico. Councilmembers Bertagna and Wahl concurred that this recommendation be included on tonight’s agenda to schedule such a workshop.

Council directed Internal Affairs to develop an agenda and schedule the meetings needed to discuss this item allowing. Time for staff to provide the Housing update to Council.

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA

5. BUSINESS FROM THE FLOOR — None

6. REPORTS AND COMMUNICATIONS — The following reports and communication items were provided for the Council’s information. No action was taken on any of the items.

6.1. Letter dated 07/16/02 from Maureen Pierce, Executive Director of the Boys and Girls Club, submitting a two-part proposal for expansion of the Boys and Girls Club located on the City-owned property on the westerly half of the block bounded by East Sixth, Wall, East Seventh, and Flume Streets. Council concurred that the Finance Committee will hear both the issue of the donation of land and the closure of Wall Street.


6.3. Memorandum dated 8/2/02 from the City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.4. The retention of bicycles by the City of Chico and the donation of bicycles to Chico Unified School District was inadvertently omitted from the 2001-02 Annual Report on the Disposition of Unclaimed Property that was included under Reports and Communications on the 08/06/02 City Council agenda. By memorandum dated 08/08/02, the Finance Director transmits a revised report.

6.5. Memorandum dated 8/8/02 from the Finance Director reporting that the list of claims paid during the month of July 2000 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. ADJOURNMENT

The meeting was adjourned at 8:37 p.m. to Tuesday, September 3, 2002, at 7:00 p.m., in Conference Room No. Two if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 1, 2002

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Vice-Mayor Kirk called the meeting to order at 5:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

1.3. Staff Present: City Manager Lando, City Attorney Frank, Risk Manager Koch, Administrative Analyst Young, Administrative Secretary Dillard

2. **CONSENT AGENDA**

2.1. **ORDINANCE NO. 2251 – ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REQUIRE THE REPORTING OF CAMPAIGN CONTRIBUTIONS TO COUNCIL CANDIDATES IN ANY AMOUNT AND REQUIRING THE FILING OF AN ADDITIONAL CAMPAIGN STATEMENT FIVE DAYS BEFORE EACH MUNICIPAL ELECTION – FINAL READING AND ADOPTION**

At its meeting of 8/20/02, the City Council amended and re-introduced this ordinance to change the effective date for additional campaign disclosure requirements proposed for Chico Municipal Code Section 1.30.050.A (as described in the title of the ordinance, above) from contributions made after 9/18/02, to contributions made after 9/30/02. The Council was provided with a memorandum dated 8/21/02 from the City Attorney transmitting the revised ordinance. The City Council directed that this ordinance be scheduled for final reading and adoption on 8/26/02.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the above ordinance. The motion carried by the following vote:

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

**NOES:** Jarvis

**ABSENT:** Herbert

**DISQUAL:** None

2.2. **RESOLUTION NO. 37 02-03 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE THE JOINT POWERS AGREEMENT WITH THE BUTTE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY, AUTHORIZING THE CITY MANAGER TO APPROVE THE ABANDONED VEHICLE SERVICE AUTHORITY PLAN, AND APPOINTING THE CITY MANAGER AS THE CITY’S REPRESENTATIVE ON THE SERVICE AUTHORITY BOARD OF DIRECTORS**

At its 8/20/02 meeting, the City Council approved a resolution authorizing the City’s participation in a county-wide abandoned vehicle abatement (AVA) program and the implementation of a one dollar vehicle registration fee to fund the program. By memorandum dated 8/26/02, the Risk Manager outlined a number of other actions which need to be taken by the City in order for the County of Butte to be able to submit the AVA program application to the California Highway Patrol for approval. The actions needed to be taken and the staff recommendations relating to each were outlined in the memorandum, and are reflected in the above resolution. The City Manager recommended adoption of the resolution.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the
above resolution. The motion carried by the following vote:

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

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

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

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – None

7. **ADJOURNMENT** – The meeting was adjourned at 5:32 p.m. to Tuesday, September 3, 2002, at 7:00 p.m. in Conference Room No. Two, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: September 17, 2002

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

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

2. **CLOSED SESSION** — Council convened to Closed Session at 7:00 p.m.

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. **CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION:** The City Attorney reviewed the following: *Meghdadi v. Chico City Council*, Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

Adjourned at 7:30 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the Regular Chico City Council Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Lin Jensen, Chico Zen Sangha

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

1.4. a. Proclamation was presented proclaiming September 11, 2002 as “A DAY TO REMEMBER”
   b. Proclamation was presented proclaiming September 17 - 23, 2002 as “CONSTITUTION WEEK”

1.5. Closed Session Announcement — None

2. **CONSENT AGENDA** — A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to approve the following Consent Agenda items, with Items 2.1., 2.2., and 2.3. tabled and not heard at this meeting:

2.1. ADOPTION OF A RESOLUTION RE-ADOPTING A MITIGATED NEGATIVE DECLARATION, ADOPTION OF A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT, AND ADOPTION OF ORDINANCES RELATING TO APPROVAL OF THE STERLING HOUSING PROJECT AS PREVIOUSLY DIRECTED BY THE CITY COUNCIL — this item was placed on hold at the request of the applicant and was not heard.

2.2. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - NORD AVENUE ANNEXATION DISTRICT NO. 18. — this item was placed on hold at the request of the applicant and was not heard.

2.3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 271 - TRANSPORTATION FACILITY FEES)— this item was placed on hold at the request of staff and would be considered during the annual review of fees.

2.4. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS FOR ACQUISITION OF RIGHT OF WAY AND EASEMENTS IN CONNECTION WITH THE EAST AVENUE WIDENING PROJECT FROM Ceanothus Avenue to the Bidwell Vista Subdivision

   The following minute orders authorized the City Manager to execute documents relating to acquisition of right of way and temporary construction easements needed for the East Avenue widening project:

   A. MINUTE ORDER NO.45-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENT TO ACQUIRE RIGHT OF WAY EASEMENTS ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF MARIGOLD AND EAST AVENUES (APN 048-760-023) - MORAN, ET AL.

   At its 05/07/02 closed session, the City Council authorized the negotiated purchase of easements in connection with the City’s East Avenue widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a right of way along the East Avenue and Marigold Avenue frontage of the property for $46,200. The City Manager recommended approval of the minute order.
B. MINUTE ORDER NO. 46-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE EASEMENTS ON PROPERTY LOCATED AT 1666 EAST AVENUE (APN 048-760-013) - ADAMS FAMILY TRUST

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of easements in connection with the City's East Avenue widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a right of way and temporary construction easement on the property for $3,000. The City Manager recommended approval of the minute order.

C. MINUTE ORDER 47-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE EASEMENTS ON PROPERTY LOCATED AT 1580 MANZANITA AVENUE (APN 048-210-011) - CHARLES SMITH, ET AL.

At its 10/16/01 closed session, the City Council authorized the negotiated purchase of easements in connection with the City's East Avenue widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a right of way and temporary construction easement on the property for $11,500. The City Manager recommended approval of the minute order.

D. MINUTE ORDER 48-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE EASEMENTS ON PROPERTY LOCATED AT 1434 EAST AVENUE (APN 048-740-019) - LONG/CHINCHAY

By Resolution No. 16-02-03, adopted at its 7/16/02 meeting, the City Council authorized the initiation of an eminent domain action to acquire property located at 1434 East Avenue. The property owners subsequently agreed to the negotiated purchase of easements in connection with the City’s East Avenue widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a right of way and temporary construction easement on the property for $5,600. The City Manager recommended approval of the minute order.


The Integrated Waste Management Act (AB 939) required public agencies to divert 50% of material from their landfills by the year 2000. At its meeting on 8/20/02, the Solid Waste Committee reviewed a report from staff regarding the California Integrated Waste Management Board’s (CIWMB) biennial review of the City’s 1999 and 2000 annual AB 939 reports. The CIWMB has determined that the City’s diversion rate for both 1999 and 2000 was 48%. Because this is less than the required 50% diversion by the year 2000, the Committee also considered options for ensuring the City’s compliance with AB 939. By memorandum dated 8/21/02, Management Analyst Herman reports on the CIWMB’s biennial review, and provides the Committee’s recommendation that the City Council authorize staff to:
1. Request a “good faith effort” determination from the CIWMB that the City has met its AB 939 2000 diversion requirement with a 48% diversion rate; and
2. Implement additional AB 939 diversion efforts to increase the City’s diversion rate to the required 50% or greater.

2.6. APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - AAA TAXI

By memorandum dated 8/20/02, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner’s Permit to AAA Taxi (Steven Johnson), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits.
The applicant is requesting that no limit be placed on the number of vehicles that can be operated under the permit. In lieu of approving the issuance of the Permit, the Council may remove this item from the Consent Agenda and consider: (a) denying the Permit application finding that the public convenience and necessity do not warrant its issuance; or (b) make no decision at this time and schedule a hearing on the application at a future meeting, and direct the City Clerk to appropriately notice such hearing. All current Vehicle for Hire permittees have been notified of the Council’s consideration of this matter on today’s agenda. Staff recommended approval of the issuance of the Permit without a limitation on the number of vehicles allowed.

2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON JULY 2, 2002 — as amended

The City Council was provided with copies of the minutes of its meeting held on 7/2/02.

The motion to approve the Consent Agenda, as read, with items 2.1., 2.2., and 2.3. being tabled carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON GENERAL PLAN AMENDMENT/REZONE 98-1 (DRAKE HOMES) AND APPEAL OF THE PLANNING COMMISSION’S DENIAL OF THE STONECREEK VESTING TENTATIVE SUBDIVISION MAP — this item was removed from the agenda and not heard at the request of the applicant. It may be heard in December.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. APPOINTMENTS TO FILL TWO VACANCIES ON THE ARCHITECTURAL REVIEW BOARD

By memorandum dated 8/28/02 the City Clerk forwarded copies of the applications received for appointment to the Architectural Review Board. At its meeting of 8/6/02 the City Council directed staff to recruit for additional applicants, since only five applications were on file. Both of the vacant positions on this Board carry terms which expire on 1/1/05. Further, one of the two applicants to be appointed must fulfill the special membership requirement of being engaged in the visual arts field, such as architects, landscape architects, artists, designers, etc.

The Mayor requested the City Council to consider reappointment of former Architectural Review Board member Philip LaGrow, who had resigned from the Board on 7/15/02, thus creating one of the current vacancies. Mr. LaGrow has indicated that he resigned due to his workload at that time, but circumstances have changed and he would now like to continue serving on the Board. When Mr. LaGrow served on the Board he fulfilled one of the special membership requirements in that he is engaged in the paint contracting business.

Council appointed Dennis Deromedi and Philip LaGrow.

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR

Richard Spellman urged Council to seriously consider the development of a specific plan for Highway 32
and the railroad tracks.

6. **REPORTS AND COMMUNICATIONS**

The following report was provided for the Council's information. No action was taken.

6.1. Memorandum dated 8/20/02 from the Internal Affairs Committee providing a report on its meeting of 8/13/02. Since no City Council action is required on any of the matters considered by the Committee (listed below) at tonight’s meeting, the report is being submitted under this section of the Council’s agenda. If Council wishes to review any of the staff reports received by the Committee, they are available in the binder of current Committee agenda packets in the Council’s office.

a. **Approval of Traffic Regulation Amendment Nos. 745, 746, 747, and 749, Which Will Officially Designate Existing Stop Intersections.** The Committee adopted (3-0) the Resolutions (4) of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendments No. 745, 746, 747, and 749, which officially records those traffic control devices which have either been installed as a result of new subdivisions or were in existence when an area was annexed into the City.

b. **Acknowledge Receipt of Report Regarding the Establishment of Diagonal Parking in Those Areas South of Eleventh Street Between Park Avenue and Oakdale Street.** The Committee (3-0) acknowledged the Report and Recommendation that diagonal parking be considered a viable alternative to parallel parking at the time of lot redevelopment in the area south of Eleventh Street to Sixteenth Street and between Park Avenue and Oakdale Street.

c. **Consideration of Request for Installation of a Stop Sign on West Fifth Street at Hazel.** The Committee (3-0) continued this matter and directed staff to investigate tree trimming and parking prohibitions in order to improve the sight distance at the intersection of Hazel and Fifth Streets, and report back to the Committee.

d. **Consideration of Development of Formal Procedures and Policies for Placing Items on City Council, Board, Commission, and Committee Agendas.** The Committee (3-0) referred the development of written procedures for placing matters on agendas for each of the City Council’s Boards and Commissions back to those individual bodies for a recommendation back to the Internal Affairs Committee.

e. **Consideration of Traffic Regulation Amendment No. 750, Which Will Prohibit Parking on Jan Court.** The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 750 which will prohibit parking on Jan Court, with the note that the parking prohibition will be reconsidered when the lots on Jan Court are developed.

f. **Reports and Communications.**

1. **Development of Alternative Traditional Neighborhood Development (TND) Improvement Standards.** The Committee took no action on this report.

2. **In-Fill Issues and Incentives.** Councilmember Kirk suggested, and the Committee agreed (3-0), that the City Council be requested to schedule an “affordable housing” workshop with representatives of the Board of Realtors, developers, and other interested parties in order to develop incentives for building more affordable housing in Chico; and that this be scheduled under “Future Meetings” on the Council’s 8/20/02 agenda.

7. **ADJOURNMENT**

The meeting adjourned at 8:00 p.m. to Tuesday, 9/17/02, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 1, 2002

______________________________  
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

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

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following: *Meghdadi v. Chico City Council*, Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a).)

2.2. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

    Adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. CALL TO ORDER — Mayor Herbert called the September 17, 2002 Adjourned Regular Chico Redevelopment Agency Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation – Reverend Dan Beltran, Divine Rescue Ministries

1.3. Proclamation proclaiming September 23, 2002 as “CALIFORNIA FAMILY DAY”

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

1.5. Closed Session Announcement — None

2. CONSENT AGENDA – No items

3. NOTICED PUBLIC HEARINGS – No items

4. REGULAR AGENDA

5. The City Council acted in its capacity as both the Chico Redevelopment Agency and the City Council to consider the following matter

4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON AUGUST 26, 2002

By memorandum dated 8/29/02, the Finance Committee provided a report on its meeting held on 8/26/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

A. Approval of Supplemental Appropriation/Budget Modification No. 02-03 02 to Fund Television Production Equipment. The Committee recommended (2-0, Nguyen-Tan absent) approval of this Supplemental Appropriation in the amount of $2,200. The City Council was provided with a copy of the General Fund (001) Fund Summary which reflects the estimated 6/30/03 fund balance.

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

SUPPLEMENTAL APPROPRIATION / BUDGET MODIFICATION NO. 02-03 02 TO FUND TELEVISION PRODUCTION EQUIPMENT

The motion carried by the following vote:

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

B. Approval of Supplemental Appropriation Allocating Funds for the Preparation of an Environmental Impact Report (EIR) for the Northwest Chico Development Area and Authorization for Recovery of Costs Through a Development Impact Fee. The Committee recommended (2-0, Nguyen-Tan absent) approval of this Supplemental Appropriation in the amount of $250,000, and that a development impact fee amendment to recover the costs be prepared for approval by the City Council at such time as the actual final cost of the Environmental Impact
Report is determined. The City Council was provided with a copy of the Subdivision Fund (863) Fund Summary which reflects the estimated 6/30/03 fund balance.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve:

SUPPLEMENTAL APPROPRIATION NO. 02-03 04 ALLOCATING FUNDS FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE NORTHWEST CHICO DEVELOPMENT AREA

The motion carried by the following vote:

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

C. Consideration of Request from Northern Valley Catholic Social Services (NVCSS) to Revise its Billing Rates for the 2002-2003 Community Organization Funding Agreement. The Committee recommended (3-0) approval of the requested revision to the NVCSS Community Organization Funding Agreement for FY 2002-03 (increase in hourly rate to $66.40 per hour, and decrease in service to 133 counseling hours), with the requirement that the Agency submit more detailed information and a breakdown of how the hourly rate is computed with next year’s application.

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

MINUTE ORDER NO. 49-02 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE 2002-2003 AGREEMENT BETWEEN THE CITY OF CHICO AND NORTHERN VALLEY CATHOLIC SOCIAL SERVICES FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS MODIFYING THE HOURLY COUNSELING RATE AND THE UNITS OF SERVICE TO BE DELIVERED

The motion carried by the following vote:

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

D. Mortgage Subsidy Program (MSP) Update and Consideration of Recommendation for Increase in the MSP Sale Price Limit. The Committee recommended (2-1, Wahl voting no) that the sales price limit for the Mortgage Subsidy Program be increased from $150,000 to $175,000.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to approve the increase to $175,000.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Herbert
NOES: Wahl
ABSENT: None
ABSTAIN: None
E. Consideration of a Resolution Amending the City of Chico Fee Schedule 50.060, Sewer Lift Station Capacity Fees, to Adjust the Monthly Sanitary Sewer Lift Station Fees Pursuant to Chico Municipal Code (CMC) Section 15.36.062. The Committee recommended (3-0) that the resolution amending the City’s Fee Schedule to adjust the monthly sanitary sewer lift station fees be forwarded to the City Council for adoption.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve:

RESOLUTION NO. 38 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 270 – SEWER LIFT STATION CAPACITY FEES)

The motion carried by the following vote:

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

F. Consideration of Staff Recommendation to Allocate Additional Funds to the Chico/Vecino Storm Drainage Improvements Project. — This matter required a noticed public hearing, and was heard as Item 3.1 under Hearings. The Committee recommended (3-0) approval of the transfer of $450,000 in Community Development Block Grant (CDBG) funds from the North Campus Neighborhood Improvements Project to the Chico/Vecino Storm Drainage Improvements Project, and that the City Council hold a public hearing on the proposed transfer.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

G. Review of Housing Development Proposals for Redevelopment Agency Owned Parcel on the Future Notre Dame Extension. The Committee (3-0) continued its review and recommendation regarding this matter until after the November election, in the event the results of the housing bond measure on the ballot and new tax credit rules which could be available at that time might affect the funding possibilities available for the housing project proposals.

H. Update on Status of Lease / Sale of the Old Municipal Building and Consideration of Possible Recommendation to the City Council. The Committee (3-0) continued this matter in order for staff to provide a detailed analysis of the rate of return to the City based on the University’s lease proposal and the Cook purchase proposal, including the financial return to the City if it bought the building back from Wayne Cook, and an appraisal of the current value of the building.

I. Approval of Housing Rehabilitation Loan Request - Gloria Trent - 363 1st Street. The Committee approved (2-0, Nguyen-Tan absent) the Housing Rehabilitation Loan request of Gloria Trent, as recommended by staff.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to accept the Finance Committee Report of 8/26/02.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
ABSENT: None
ABSTAIN: None
6. **ITEMS ADDED AFTER POSTING OF THE AGENDA**

7. **ADJOURNMENT**

Adjourned at 7:50 p.m. to a City Council meeting.
1. **CALL TO ORDER** — Mayor Herbert called the September 17, 2002 Adjourned Regular Chico City Council Meeting to order at 7:50 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

    Absent: None

2. **CONSENT AGENDA** — Item 2.3. was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 2208 NORMAL AVENUE FROM R1 LOW DENSITY RESIDENTIAL TO ML LIGHT MANUFACTURING/INDUSTRIAL, REZONE 02-03 (Buckman) - INTRODUCTORY READING**

   By memorandum dated 8/26/02, Associate Planner Hanson reported that at the Planning Commission meeting of 8/15/02 the Commission voted (4 in favor, 1 against, 2 absent) to recommend approval of a rezone request by the Buckman Family Trust to facilitate the expansion of an existing manufacturing business on the subject site. The Planning Commission and Planning Director recommended that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the 10/1/02 City Council meeting.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING FOUR ACRES LOCATED ON THE NORTHEAST SIDE OF ELM STREET, OPPOSITE E. 22ND STREET - GENERAL PLAN AMENDMENT/REZONE/PREZONE 02-05 (MYERS/CITY OF CHICO) - INTRODUCTORY READING**

   By memorandum dated 08/24/02, Senior Planner Sigona reported that at the Planning Commission meeting of 08/15/02, the Commission voted (4 in favor, 3 absent) to forward a recommendation of approval to the City Council for a proposed General Plan Amendment and rezone of seven parcels totaling four acres, located on the northeast side of Elm Street, opposite E. 22nd Street, Assessor’s Parcel Nos. 005-467-001, 003, 004, 010, 012, and 005-490-052 and 053, from Low Density Residential/R1 (2.01 to 6 units per acre) land use designation/zoning/prezoning to Medium Density Residential/R2 (4.01 to 14 units per acre) land use designation/zoning/prezoning. A negative declaration of environmental impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: 1) introduce the rezone ordinance by the reading of the title only; and 2) schedule a public hearing for adoption of the negative declaration, consideration of the General Plan Amendment, and adoption of the rezone ordinance at the 10/1/02 City Council meeting.

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE RELATING TO ABANDONED VEHICLE ABATEMENT — INTRODUCTORY READING** — this item was removed from the Consent Agenda and heard under Item 4.1.

2.4. **RESOLUTION NO. 39 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 12R.04, ENTITLED “RULES GENERALLY” OF THE CHICO MUNICIPAL CODE**

   By memorandum dated 8/1/02, the Park Director recommended adoption of a resolution amending Chapter 12R.04 of the Chico Municipal Code, entitled “Rules Generally.” The proposed amendments are the result of a comprehensive review and update of rules and regulations for parks and playgrounds within the City. The majority of the changes relate to Bidwell Park. The Bidwell Park and Playground Commission on 5/28/02 unanimously (6-0) approved the proposed changes. The Park Director and Bidwell Park and Playground Commission recommended adoption of the Resolution.
2.5. **RESOLUTION NO. 40 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.440 TO THE CHICO MUNICIPAL CODE, ENTITLED “CITY MANAGER AUTHORIZED AS AGENT FOR OBTAINING FEDERAL AND STATE FINANCIAL ASSISTANCE FOR DISASTER RELIEF”**

By memorandum dated 8/8/02, Public Works Administrative Manager Halldorson recommended approval of a resolution which would add Section 2R.04.440 to the Chico Municipal Code to designate the City Manager as the authorized agent for obtaining federal and state financial assistance for disaster relief. The Office of Emergency Services has streamlined its process by requiring an Agent be designated to represent the City in future disasters. Designation of an authorized agent would eliminate the need to adopt a separate resolution for every future disaster. The Director of Public Works recommended adoption of the resolution.

2.6. **MINUTE ORDER 50-02 — AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE CHICO URBAN AREA FIRE AND RESCUE AGREEMENT TO EXPAND THE FIRE AND RESCUE SERVICE AREA**

On 6/29/99 the City and the County of Butte entered into the Chico Urban Area Fire and Rescue Agreement (CUAFRA). During the ongoing review of the CUAFRA, both the City and County Fire Departments determined that the boundary of the Fire and Rescue Service Area needed to be expanded in the area of the Highway 32 corridor from the Urban Area west of Station 6/43 to the County line to ensure first emergency response from the closest engine. The expansion area is depicted on the Chico Urban Fire and Rescue Service Area Map (revised 8/23/02) attached to the Minute Order as Exhibit “A”. At its 7/23/02 meeting, the Butte County Board of Supervisors authorized the boundary line adjustment and approved the new map. The minute order authorized the City Manager to enter into an amendment to the CUAFRA to expand the boundary line of the Fire and Rescue Service Area from the Urban Area west of Station 6/43 to the County line. The Fire Chief recommended approval of this minute order.

2.7. **APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT – UNITED SENIOR ASSISTANCE**

By memorandum dated 9/4/02, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner’s Permit to United Senior Assistance (James P. Peeples), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant is requesting that 5 vehicles be authorized to be operated under the permit. In lieu of approving the issuance of the Permit, the Council may remove this item from the Consent Agenda and consider: (a) denying the Permit application finding that the public convenience and necessity do not warrant its issuance; or (b) make no decision at this time and schedule a hearing on the application at a future meeting, and direct the City Clerk to appropriately notice such hearing. All current Vehicle for Hire permittees was notified of the Council’s consideration of this matter. Staff recommended approval of the issuance of the Permit with a limit of five vehicles, as requested by the applicant.

2.8. **PUBLIC MEETING ON 2002 LOT CLEANING/WEED ABATEMENT ASSESSMENTS**

This item may be moved to the Regular Agenda for discussion if any property owners have questions or comments regarding the lot cleaning/weed abatement assessments. By memorandum dated 9/3/02, Project Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to hold a public meeting (9/17/02) and public hearing (10/1/02) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the property tax roll. Affected property owners were provided with written notice of the public meeting and public hearing, and a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 9/3/02 is attached to the Project Manager’s memorandum. The Project Manager recommended that the City Council hear any protests or comments from the public; direct the Project Manager to attempt to resolve the protest with the property owner and provide a recommended solution at the 10/1/02 Public Hearing.
2.9. **APPROVAL OF CITY COUNCIL MINUTES OF MEETINGS HELD ON JUNE 18, JULY 16, AUGUST 6, AND AUGUST 26, 2002**

The City Council was provided with copies of the minutes for its meetings held on 6/18/02, 7/16/02, 8/6/02, and 8/26/02.

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR CHICO / VECINO STORM DRAINAGE PROJECT**

At its meeting of 8/26/02, the Finance Committee recommended (3-0) approval of the transfer of $450,000 in CDBG funds from the North Campus Neighborhood Improvements Project to the Chico/Vecino Storm Drainage Improvements Project, and that the City Council hold a public hearing on the proposed transfer. (See Redevelopment Agency agenda Item 4.1 on tonight’s agenda for the full Finance Committee Report.) The Committee is being provided with a memorandum dated 9/3/02 from the Housing Officer, as well as his memorandum dated 8/12/02 which the Finance Committee received regarding this matter. The hearing was opened to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to:

1. Approve the Finance Committee recommendation for the transfer of $450,000 in CDBG funds from the North Campus Neighborhood Improvement Program to the Chico/Vecino Storm Drainage project, and

2. Authorize the City Manager to process a Budget Modification for the transfer after the City’s 2001-02 books are closed.

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

3.2 **HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING (2002-03)**

By memorandum dated 9/3/02, the Chief of Police reported that for the seventh consecutive year the State of California has appropriated funds for the Citizens Option for Public Safety (COPS) program. The COPS program provides funding for local law enforcement and public safety purposes to be distributed to counties throughout the State based on population. The State Legislature approved funding for this program for the 2002-03 fiscal year and tonight’s hearing is required by State law prior to receiving COPS funds. Funds to cover the cost for two police officer positions were included in the 2002-03 Final Budget, subject to tonight’s public hearing.

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

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the proposed use for the COPS funding by confirming the funding request for the two police officers as budgeted.

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None
4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.3. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE RELATING TO ABANDONED VEHICLE ABATEMENT – INTRODUCTORY READING — this item was removed from the Consent Agenda at the request of Councilmember Keene and heard under Item 4.1.

At its meeting of 8/6/02 the City Council conceptually approved the City’s participation in the countywide Abandoned Vehicle Abatement (AVA) program, and referred development of the required AVA ordinance to the Internal Affairs Committee, including a review of the issues concerning private property rights and abatement noticing procedures. At its meeting of 9/10/02, the Internal Affairs Committee reviewed the draft AVA ordinance provided by memorandum dated 9/3/02 from the Risk Manager (copies of which are being provided to the City Council), addressed the options outlined by staff, and recommended that the AVA ordinance be forwarded to the City Council for adoption as revised by the Committee. In addition to the memorandum received by the Committee, the Council was provided with copies of the revised AVA ordinance which incorporates the Committee’s recommended changes. In order to complete the City’s portion of the application process for the establishment of the AVA Service Authority, adoption of this ordinance needs to be accomplished at the earliest possible date. The ordinance will be scheduled for final reading and adoption at the 10/1/02 Council meeting. The City Manager recommended the introductory reading of this ordinance.

A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to approve the introductory reading of the ordinance amending the Chico Municipal Code relating to abandoned vehicle abatement with direction to staff to look at extending the time to request a hearing from 10 to 30 days if state law allows it and if not, to develop an administrative policy which would require hand delivering of the notice. The proposed administrative policy would come back for Council review on 10/1/02.

The motion carried by the following vote:

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

4.2 CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETING HELD ON AUGUST 20, 2002

By memorandum dated 8/23/02, the Solid Waste Committee provided a report on its meeting held on 8/20/02. Committee members present were Councilmembers Wahl and Nguyen-Tan, Chair. (Councilmember Jarvis was absent.)

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Consideration of a Policy for Allowing County Permitted Waste Collectors to Retain County Customers Who Are Annexed into the City of Chico. The Committee recommended (2-0, Jarvis absent):

A motion was made by Vice Mayor Kirk and seconded by Councilmember Bertagna to approve the Solid Waste Committee’s recommendations as listed below and directed the City Attorney to review the issue of “exclusive permits” and other issues that might be caused by this change in policy.

1. that the City Council adopt a motion of intent to allow Crowder Rubbish Company to retain customers who are annexed into the City with the following conditions:

   a. that the company be allowed to retain only those customers who started service on or after 7/1/00, and who were annexed into the City after that date.
b. that all of the solid waste and recycling provisions set forth in the Chico Municipal Code be complied with when servicing City customers.

c. that the rates charged to these customers comply with the City’s Fee Schedule, which establishes maximum rates to be charged for service.

d. that the service be monitored and a compliance report be submitted to the Solid Waste Committee for review within six months of service being provided to the first City customer.

2. that the City Attorney be directed to draft a “limited” permit for Crowder Rubbish Company to service customers who are annexed into the City, to be brought back to the Solid Waste Committee for review.

3. that staff be directed to provide a report to the City Council outlining the issues that need to be addressed in allowing this additional permit when this recommendation is submitted to Council for consideration on 9/17/02.

The motion carried by the following vote:

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

COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

B. **Report on Audit of the Solid Waste Collector’s Compliance with the Chico Municipal Code Requirements.** The Committee (2-0, Jarvis absent) accepted the “Agreed Upon Procedures Report – Solid Waste Collector’s Compliance,” dated 5/21/02 and prepared by Nystrom & Company; and directed staff to forward it to the City Council for information. The Council was provided with copies of the memorandum dated 8/6/02 from Management Analyst Herman submitting the report regarding audit of the permitted solid waste collectors.

C. **Report on the California Integrated Waste Management Board’s Biennial Review of the City’s 1999 and 2000 Annual AB 939 Report and Consideration of the City’s Options for Compliance with AB 939 Requirements.** — *(This matter was considered by the City Council at its meeting of 9/3/03.)*

The Committee recommended (2-0, Jarvis absent) that the City Council authorize staff to:

1. Request from the California Integrated Waste Management Board a “good faith effort” determination that the City has met its AB 939 2000 diversion requirement with a 48% diversion rate; and

2. Implement additional AB 939 diversion efforts as recommended by staff to increase its diversion rate to the required 50% or greater.

D. **Consideration of Proposed Revisions to the Chico Municipal Code Regarding Solid Waste and Recycling.** Due to time constraints, this item was continued to the Solid Waste Committee’s meeting of 9/17/02.

A motion was made by Councilmember Jarvis and seconded by Councilmember Kirk to accept the Solid Waste Committee 8/23/02 meeting report.
The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

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

5. **BUSINESS FROM THE FLOOR**

Mario Sagastumi and Jimmy Reed addressed Council regarding their concern over the decision to not provide lighting in select areas for Halloween.

Michael Jones urged Council to not fund the EIR on the Upper Park Trail and use the funds elsewhere.

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

7. **ADJOURNMENT**

The meeting was adjourned at 8:37 p.m. to Tuesday, October 1, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 5, 2002

____________________________________
Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chico Unified School District</td>
<td>1475 East Avenue</td>
<td>048-660-001</td>
</tr>
<tr>
<td></td>
<td>2446 Marigold Avenue</td>
<td>048-210-014</td>
</tr>
</tbody>
</table>

The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER

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

   Absent: None

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF AP NOS. 048-660-001 and 048-210-014 (CHICO UNIFIED SCHOOL DISTRICT) FOR EAST AVENUE RECONSTRUCTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

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<td>2446 Marigold Avenue</td>
<td>048-210-014</td>
</tr>
</tbody>
</table>

2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: Meghdadi v. Chico City Council., Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a.).)

3. ADJOURNMENT.

Adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 7:34 p.m.

1.1. Flag Salute

1.2. Invocation – Reverends Larry Lane – Neighborhood Church

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

Absent: None

1.4. a. Proclamation proclaiming October as National Arts and Humanities Month

   b. Presentation of Mayor’s Awards for Achievement in the Arts to Rudy Giscombe, Chico Performances Field Trip Series, and Sierra Nevada Brewery

1.5. Closed Session Announcement – None

2. **CONSENT AGENDA** – No items

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE TO WAIVE $2,500 OF THE ADMINISTRATIVE FEE REQUIRED BY THE AGREEMENT WITH MERAZ & ASSOCIATES**

   At its 9/12/02 meeting, the Economic Development Committee considered a request from David Meraz of Meraz & Associates requesting a refund of all funds paid to the Agency for Airport property on Fortress Street. The Economic Development Committee previously directed staff to re-acquire the airport property that the Agency sold to Meraz & Associates after it was determined that Mr. Meraz was in default of the terms of the Development and Disposition Agreement (DDA). According to the terms of the DDA, Meraz & Associates is required to reconvey the property to the Agency and the Agency will compensate Meraz & Associates for the amount that had been paid on the property, less $5,000 to reimburse the Agency for legal and administrative costs. Mr. Meraz requested that the $5,000 administrative fee be waived. By memorandum dated 9/20/02, the Economic Development/Housing Specialist provided background on this item. The Economic Development Committee recommended (2-1, Keene voting no) that the Redevelopment Agency waive $2,500 of the $5,000 administrative fee to be paid by Mr. Meraz as required by the default provisions of the Development and Disposition Agreement. David Meraz and Rosemary Meraz addressed comments to the Council.

   A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to waive $2,500 of the $5,000 administrative fee to be paid by Mr. Meraz as required by the default provisions of the Development and Disposition Agreement, under the condition that they reconvey the property to the Agency within 5 business days.

   The motion carried by the following vote:

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

   **NOES:** None

   **ABSENT:** None

   **DISQUAL:** None

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

6. **ADJOURNMENT:** Adjourned at to a City Council meeting.
1. **CALL TO ORDER**

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

2. **CONSENT AGENDA** — Item 2.8. was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the following items:

2.1. **ORDINANCE NO. 2252 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE RELATING TO ABANDONED VEHICLE ABATEMENT — FINAL READING & ADOPTION**

The City Council was provided again with the memorandum dated 9/3/02 from the Risk Manager transmitting this ordinance. Generally, the ordinance establishes procedures for the abatement and removal of abandoned, wrecked, and inoperative vehicles and parts from public and private property, including procedures for notices to property owners, hearings, appeals, and cost recovery. At its meeting of 9/17/02 when this ordinance was introduced, the Council requested that Section 10.52.090 of the ordinance be amended to extend the time for requesting hearing to 30 days unless precluded by law and, if precluded, that a procedure be developed for delivery of the notice to make every effort to ensure that it is received in a timely manner. Section 22661(e) of the California Vehicle Code specifies that a request for hearing must be made within ten days. Therefore, the City Council was provided with a draft Administrative Procedure and Policy (AP&P) which provides for notice by personal delivery if the owner is within the Chico Urban Area, by phone and/or fax for property owners outside the area, and by posting of the property and the vehicle, in addition to the notice required by the ordinance. This policy will be placed in final form prior to the effective date of the ordinance and copies will be provided to Council at that time. This ordinance, which is required in order for the City to participate in the Countywide Abandoned Vehicle Abatement Program, received introductory reading at Council’s meeting of 9/17/02. Councilmember Keene voted against this ordinance.

2.2. **RESOLUTION NO. 41 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROGRAM ADMINISTRATION AGREEMENT WITH THE BUTTE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY**

At its 8/20/02 meeting, the City Council approved a resolution authorizing the City's participation in a county-wide abandoned vehicle abatement (AVA) program. At the 8/26/02 meeting, the Council approved an additional resolution authorizing the City Manager to execute the Joint Powers Agreement with the AVA service authority, authorizing the City Manager to approve the service authority plan, and appointing the City Manager or his designee as the City's representative to the service authority board of directors. Staff subsequently has been advised that approval of an agreement between the City and the newly-formed Butte County Abandoned Vehicle Abatement Service Authority for the implementation of the AVA program, the disbursement of funds, insurance and indemnification requirements, record keeping and reporting requirements, and the like, is also necessary for the establishment of this county-wide program. This resolution authorizes the City Manager to execute such an agreement when its content is in a form that is acceptable to the City Manager. (No written staff report regarding this matter.) The City Manager recommended approval of the resolution. Councilmember Keene voted against this resolution.

2.3. **RESOLUTION NO. 42 01-02 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO**
INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - MONTICELLO LANE ANNEXATION DISTRICT NO. 1

By memorandum dated 9/10/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 26 parcels located on Monticello Lane, St. Michael Court and Bordeaux Court. Eight of the parcels are developed with a total of 29 residential condominium units. One parcel is developed with a single family residence and the remaining 15 parcels are developed with 48 multiple family residential units. The annexation was initiated to permit the Monticello Gardens condominium complexes to connect to the City sanitary sewer due to a failed septic system. The other properties were added after all adjacent owners were contacted and none opposed annexation. The properties are designated and zoned for medium density residential use by both the City and County. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.4. RESOLUTION NO. 43 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE) PASEO HACIENDAS (FORMERLY PARKER MANOR) SUBDIVISION

By memorandum dated 9/16/02, the Assistant Community Development Director reported that City approval of Paseo Haciendas (formerly Parker Manor) Subdivision requires the annexation of this property to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. The 17 lot subdivision is located southwest of the intersection of Ceanothus Avenue and East Avenue. Prior to annexation of properties within the City limits to a County Service Area, the City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.

2.5. RESOLUTION NO. 44 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 10TH STREET ANNEXATION DISTRICT NO. 1

By memorandum dated 9/9/02, the Assistant Community Development Director forwarded a report on the initiation of annexation proceedings for two parcels, with a total size of .287 acres, at 1168 and 1170 East 10th Street. The parcels proposed for annexation contain a single family residence, with renovation and additional residential use proposed. The site is designated and zoned for low density residential use. The annexation has been initiated to allow connection to the sanitary sewer system. The Assistant Community Development Director recommended adoption of the resolution.


RESOLUTION NO. 47 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 7 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION - NON-SWORN UNIT REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT

RESOLUTION NO. 48 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 124 00-01 TO IMPLEMENT CHANGES TO CITY CONTRIBUTION FOR
EMPLOYEE HEALTH INSURANCE COVERAGE (AMENDMENT NO. 2 - 2001 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)

MINUTE ORDER NO. 51-02 — APPROVING INCREASE IN CITY PAYMENT OF MEDICAL/DENTAL PLAN PREMIUM FOR CITY COUNCILMEMBERS UPON IMPLEMENTATION OF INCREASE IN CITY PAYMENT OF SUCH PREMIUM FOR CITY EMPLOYEES

APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING FOR EMPLOYEE HEALTH INSURANCE

By memorandum dated 9/12/02, the Personnel Director recommended adoption of the proposed resolutions and approval of the minute order and supplemental appropriation which would implement increases in the City’s contribution for employee and Councilmember health insurance coverage. The resolutions would implement the negotiated increases with Service Employees International Union - Clerical, Technical, and Professional Unit and Trades and Crafts Unit, Chico Police Officers’ Association - Non-Sworn Unit, and Confidential Employees. The proposed minute order extends the same provisions to Councilmembers. A supplemental appropriation allocating additional funds for the increases, an administrative supplemental appropriation confirming the Council’s action will be processed after tonight’s meeting. The City Manager and Personnel Director recommend adoption of the resolutions and approval of the minute order and supplemental appropriation.

2.7. MINUTE ORDER NO. 53-02 – AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1592 MANZANITA AVENUE (APN 048-210-003) – ELLER

At its 10/6/01 closed session, the City Council authorized the negotiated purchase of a portion of 1592 Manzanita Avenue (APN 048-210-003) from Harlan and Georgine Eller in connection with the City’s East Avenue widening project. This minute order authorizes the City Manager to execute a sales agreement and other documents necessary to acquire right of way and a temporary construction easement for $10,000. The Assistant City Manager recommended approval of the minute order.

2.8. APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - BLACK AND WHITE CAB COMPANY OF CHICO — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of a citizen.

2.9. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON AUGUST 20, AND SEPTEMBER 3, 2002

The City Council was provided with copies of the minutes of its meetings held on 8/20/02 and 9/3/02.

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

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: Keene – voting against on Items 2.1. and 2.2.
ABSENT: None
DISQUAL: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON PLACING ASSESSMENTS ON THE TAX ROLL TO RECOVER CITY COSTS ASSOCIATED WITH THE LOT CLEANING/WEED ABATEMENT PROGRAM

By memorandum dated 9/18/02, Project Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to hold a public hearing before approving the placement of the
assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the tax roll.

Affected property owners were provided with written notice of the public hearing, and a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 9/18/02, is attached to the Project Manager’s memorandum.

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

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve the costs for various parcels as recommended in the staff memorandum and approve the placement of the assessments on the tax roll.

The motion carried by the following vote:

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

3.2. HEARING ON REZONE 02-03 (BUCKMAN) FOR PROPERTY LOCATED AT 2208 NORMAL AVENUE

By memorandum dated 8/26/02, Associate Planner Hanson reported that at the Planning Commission meeting of 8/15/02 the Commission voted (4 in favor, 1 opposed, 2 absent) with one opposed and two absent to recommend approval of a rezone request by the Buckman Family Trust to facilitate the expansion of an existing manufacturing business on the subject site.

Mayor Herbert opened the hearing to the public. Speaking for the rezone was Don Buckman. Opposing the rezone was Linda Huffman and Debbie Villesior. The hearing was closed to the public.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to bring this item back for final approval after the issue of abutter’s rights were resolved.

The motion carried by the following vote:

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

3.3. HEARING ON GENERAL PLAN AMENDMENT AND REZONE/PREZONE 02-05 (MYERS/CITY OF CHICO) FOR PROPERTIES LOCATED ON THE NORTHEAST SIDE OF ELM STREET OPPOSITE E. 22ND STREET, ASSESSOR’S PARCEL NOS. 005-467-001, 003, 004, 010, 012, 005-490-052 and 005-490-053

By memorandum dated 09/18/02, Senior Planner Sigona reported that at the Planning Commission meeting of 08/15/02, the Commission voted (4 in favor, 3 absent) to forward a recommendation of approval to the City Council for a proposed General Plan Amendment and rezone of seven parcels totaling four acres, located on the northeast side of Elm Street, opposite E. 22nd Street, Assessor’s Parcel Nos. 005-467-001, 003, 004, 010, 012, and 005-490-052 and 053, from Low Density Residential/R1 (2.01 to 6 units per acre) land use designation/zoning/prezoning to Medium Density Residential/R2 (4.01 to 14 units per acre) land use designation/zoning/prezoning. A negative declaration of environmental impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). Addressing Council with their concerns were Linda Myers, James Renfroe, and Robin Lee.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to table this
item and send it back to ARB for a recommendation on a landscape buffer compatible with the neighborhood. The recommendation will be incorporated in a special overlay zone or a conditional rezone when the Council reconsiders the rezone request. The Council also requested notification to Butte County regarding the Chapman/Mulberry Plan issues.

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

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

2.8. **APPROVAL OF VEHICLE FOR HIRE OWNER’S PERMIT - BLACK AND WHITE CAB COMPANY OF CHICO** — this item was removed from the Consent Agenda and heard under Item 4.1.

By memorandum dated 9/23/02, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner’s Permit to Black and White Cab Company of Chico (Del Conroy), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant is requesting that no limit be placed on the number of vehicles that can be operated under the permit. In lieu of approving the issuance of the Permit, the Council may remove this item from the Consent Agenda and consider: (a) denying the Permit application finding that the public convenience and necessity do not warrant its issuance; or (b) make no decision at this time and schedule a hearing on the application at a future meeting, and direct the City Clerk to appropriately notice such hearing. All current Vehicle for Hire permittees have been notified of the Council’s consideration of this matter on today’s agenda. Staff recommended approval of the issuance of the Permit without a limitation on the number of vehicles allowed. Stephen Johnson expressed his concern over the number of permits being issued.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to approve the Vehicle For Hire Owner’s Permit for the Black and White Cab Company.

The motion carried by the following vote:

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

4.2. **INITIAL CONSIDERATION OF APPEAL BY ASPIRE HOMES OF STAFF DETERMINATION REGARDING ISSUANCE OF GRADING PERMIT**

By memorandum dated 9/17/02, the Community Development Director provided a report on this appeal. Tony Symmes, representing Aspire Homes, has appealed the Community Development Director’s determination that a grading permit for Phase 3 of the Richmond Park Subdivision Unit 1 will not be issued until certain conditions of approval have been satisfied. After initial consideration of this appeal, the City Council has the option of declining to hear the appeal, thereby upholding the decision of the Community Development Director, or setting the appeal for a hearing to be scheduled on a subsequent agenda. The Community Development Director recommended that the City Council decline to hear this appeal, thereby upholding his decision. Tony Symmes and John Gillander addressed Council regarding this issue.
At the request of Tony Symmes, a motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to hear the appeal at either the 10/15/02 or 11/5/02 meeting.

The motion carried by the following vote:

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

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 10, 2002

By memorandum dated 9/16/02, the Internal Affairs Committee provided a report on its meeting held on 9/10/02. Committee members present were Councilmembers Kirk, Jarvis, and Bertagna, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Approval of Traffic Regulation Amendment No. 752 to Remove 343 Feet of Parking Along the West Side of Ceanothus Avenue Across from Pleasant Valley High School. The Committee recommended (3-0) City Council adoption of the resolution which would authorize removal of 343 feet of parking along the west side of Ceanothus Avenue across from Pleasant Valley High School on school days from 11:30 a.m. until 1:30 p.m., as recommended by the Director of Public Works.

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

RESOLUTION NO. 50 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION (AMENDMENT NO. 752)

The motion carried by the following vote:

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

B. Approval of Proposed Amendment to Chico Municipal Code (CMC) Chapter 14.70, Entitled “Use of Public Right-of-Way Within the Central Business District for Operation of Outdoor Café,” and Fee Schedule 60.170, entitled “Public Right-of-Way Café License Fees.” Expanding the Allowance of Outdoor Café in the Public Right-of-Way to Include All Zoning Districts. The Committee recommended (3-0) that staff be directed to prepare an amendment to Chico Municipal Code (CMC) Chapter 14.70, entitled “Use of Public Right-of-Way Within the Central Business District for Operation of Outdoor Café,” and Fee Schedule 60.170, entitled “Public Right-of-Way Café License Fees,” expanding the allowance of outdoor cafés in the public right-of-way to include all zoning districts, and to include the requirement that café owners provide trash receptacles and ashtrays for their outdoor patrons.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Keene to approve the amendment to Chico Municipal Code Chapter 14.70.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
NOES: None
C. **Consideration of Status of Housing Element Update and Community Workshops / Hearings to be Held Which Will Include Development of Affordable Housing Incentives.** The Committee recommended (3-0):

1. That the time frame for the General Plan Housing Element Update and the membership of the Technical Advisory Committee (TAC) be approved as set forth in Senior Planner Hayes’ memorandum, with the addition of a representative from the Valley Contractor’s Exchange to the TAC.
2. That the City Council hold a two-hour, informational workshop on Affordable Housing at its November work session to address the first five items in the Housing Officer’s suggested outline, with Councilmembers Bertagna and Kirk to work with City staff on the agenda for the workshop.

Subsequent to the Internal Affairs meeting of 9/10/02, the Homeless Task Force recommended that the Chico Community Shelter Partnership be substituted for the Homeless Task Force, and that Independent Living Services of Northern California be added to the Technical Advisory Committee.

A motion was made by Councilmember Keene and seconded by Councilmember Nguyen-Tan to accept and approve the Committee’s recommendation as listed above.

The motion carried by the following vote:

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

**COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:**

D. **Approval of Traffic Regulation Amendment No. 751 to Designate Two 24-minute, Limited Time Parking Spaces Adjacent to 1010 Broadway.** The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 751 which authorizes two parking spaces on East Sixth Street and Broadway Street to be designated as 24-minute parking, as recommended by the Director of Public Works.

E. **Initial Presentation by the Citizens’ Group, “TreeAction,” of a Proposed Tree Ordinance for the City of Chico.** The Committee agreed (3-0) to continue this matter, directing staff to review the proposed ordinance and present the Committee with major points of concern at its 10/08/02 meeting, at which time the Committee will also consider and address public input on the proposal.

F. **Consideration of the Installation of a Multi-Way Stop on Manzanita Avenue at its Intersections with Ceanothus Avenue and with Firefly Court.** This item was continued to the Committee’s 10/08/02 meeting at the request of Mr. Sewell, the individual requesting the stop signs, because he was unable to attend today’s meeting. Subsequently, Mr. Sewell contacted staff to request this be continued indefinitely.

G. **Consideration of Proposed Abandoned Vehicle Abatement Ordinance.** The Committee recommended (3-0) that the proposed ordinance be forwarded to the City Council for adoption as revised at today’s meeting. This matter was considered by Council at its 9/17/02 meeting and the Ordinance is on tonight’s consent agenda for adoption.
A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to accept the 9/20/02 Internal Affairs Report.

The motion carried by the following vote:

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

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 17, 2002

The City Council was provided with copies of the Minutes of the Solid Waste Committee for its meeting held on 9/17/02. Committee members present were Councilmembers Wahl, Kirk (substituting for Jarvis), and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Consideration of Proposed Revisions to the Chico Municipal Code (CMC) Regarding Solid Waste and Recycling. The Committee recommended (3-0):

1. That the revisions proposed by staff and set forth in Management Analyst Herman's memorandum be approved, with the exception that the definition for front yard service in Section 8.04.010 of the CMC be more clearly defined as, “5 feet from the adjoining edge of the road” rather than “5 feet from the adjoining public right of way.”

2. That the collectors allow the City graffiti abatement crews to paint over graffiti found on containers, rather than amending the CMC to require the collectors to remove the graffiti.

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


The motion carried by the following vote:

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

COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

B. Consideration of a Proposed Recycling Education / Promotion Campaign. The Committee approved (3-0) the Recycling and Waste Reduction Public Education Campaign for Fiscal Year 2002-03 as outlined in Management Analyst Herman’s 9/6/02 memorandum, at an estimated cost of $21,500, which funds are available in the Solid Waste Management budget under the Advertising, Professional Services and Special Departmental Expense line items.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to accept the Solid Waste Committee Report from the meeting held on 9/17/02.

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

4.5. FUTURE MEETINGS – INTERVIEWS FOR CHIEF OF POLICE ON 10/11/02 (CLOSED SESSION)

Staff requested Councilmembers to advise whether they are interested in participating in interviews to be held on 10/11/02. If a quorum of the City Council will be present, a closed session agenda will be posted in compliance with the Brown Act. Council concurred to hold the interviews on 10/25/02 if the consultant was available, or 11/15/02.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR

Jimmy Reed, Michael Courter, Mario Sagastume and Michael Dailey addressed Council about their concerns over the lighting issues pertaining to Halloween. Melinda Susan addressed Council about the procedures on proclamations.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No discussion was held on any of the items.

6.1. Letter dated 9/13/02 from Drake Homes requesting to be placed on tonight's agenda for consideration of an increase in the reimbursable amount in connection with its Hancock Park Reimbursement Agreement with the City. The City Manager recommended this request be referred to the Finance Committee for review and recommendation.

6.2. Memorandum dated 9/16/02 from the Finance Director reporting that the list of claims paid during the month of August 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. ADJOURNMENT

Adjourned at 10:00 p.m. to Friday, October 11, 2002 for a closed session meeting in the Council Chamber building if a quorum of the City Council will be present, or adjourn to Tuesday, October 15, 2002 at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 5, 2002

_________________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — Mayor Herbert called the October 15, 2002 adjourned regular Chico City Council Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1.1. Flag Salute

1.2. Invocation – Dr. Neal Neuenburg, Aldersgate United Methodist Church

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

Absents: None

1.4. a. Proclamation proclaiming October 21 - October 25, 2002 as “Red Ribbon Week”  

b. Proclamation proclaiming November, 2002 as “Celebrating Families Month”

1.5. Closed Session — Cancelled

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


These revisions to the Chico Municipal Code regarding Solid Waste and Recycling were reviewed and recommended by the Solid Waste Committee and the Finance Committee. The City Council was provided again with the memorandum dated 9/06/02, from Management Analyst Herman transmitting this ordinance. This ordinance received introductory reading at the City Council’s meeting of 10/1/02.


By memorandum dated 9/30/02, the Personnel Director proposed modification of two sections of the City’s Personnel Rules. The Human Resources Commission reviewed and recommended the proposed changes relating to placement on the Employment Eligibility List. Employee groups were provided with an opportunity to review and comment on other proposed changes in the rules. These are procedural changes only, and have no financial impact. The Human Resources Commission and Personnel Director recommended adoption of the resolution.

2.3. **MINUTE ORDER NO. 54-02** — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY RELATING TO THE MAINTENANCE OF A ROAD ACROSS THE SUDAD DITCH

As part of the development a portion of the Brentwood subdivision, the developer is required to construct infrastructure improvements to service the subdivision, including an extension of West Eaton Road. The road extension and related improvements will be installed across a portion of County-owned land which provides storm drainage in the Shasta Union Drainage Assessment District (SUDAD) area. The County has required an agreement with the City addressing access and maintenance obligations before the County will allow the developer to construct the improvements within the County’s property.

This minute order authorized an agreement with Butte County by which the City, once it has accepted
the subdivision improvements traversing the County property (a portion of the SUDAD ditch), would be responsible for maintenance of the City’s road and public infrastructure to a level that insures the continued viability of the County’s access for maintenance of the County’s drainage facilities. The annual operation and maintenance costs of the landscaping, irrigation and other public improvements adjacent to the roadway and along Eaton Road will be funded through the subdivision maintenance district. The Director of Public Works recommended approval of the minute order.

2.4. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 02-03 06 TO PROVIDE ADDITIONAL FUNDING FOR OUTSIDE COUNSEL AND ALL RELATED COSTS IN CONNECTION WITH THE CASE ENTITLED, ANDREW MEGHDADI V. CHICO CITY COUNCIL, ET AL.

This supplemental appropriation allocated $50,000 from the General Fund for outside counsel and all related costs in connection with the case entitled, Andrew Meghdadi v. Chico City Council, et al. The City Council was provided with a copy of the General Fund (001) Fund Summary, (cost center number 99083) which reflects the estimated 06/30/03 fund balance. Pursuant to the authority granted by Annual Budget Policy No. C.2., this request is being submitted directly to the City Council without prior consideration by the Finance Committee. The City Manager and City Attorney recommended approval of the supplemental appropriation.

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

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

3. NOTICED PUBLIC HEARINGS – No items

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2 CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 23, 2002

By memorandum dated 10/2/02, the Finance Committee provided a report on its meeting held on 9/23/02. Committee members present were Councilmembers Nguyen-Tan, Wahl, and Keene, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Consideration of Requests from the Boys & Girls Club for (1) Donation of City-Owned Property and (2) Closure of Wall Street Between Sixth and Seventh Streets. The Committee recommended (2-0, Wahl disqualified).

A motion was made by Councilmember Bertagna and seconded by Councilmember Kirk to approve the following:

1. That the City Attorney be directed to prepare an agreement for a long term lease by the Boys & Girls Club of City-owned property on the block bounded by East Sixth, Wall, East Seventh, and Flume Streets, with a provision that if the Boys & Girls Club relocates or the City determines to sell the property, the Club would be allowed to substitute leased properties and then sell the existing property.

2. That staff be directed to proceed with the abandonment of Wall Street between East Sixth and East Seventh Streets if the following conditions are met:
   a. Concurrence to the abandonment from the parcel owners and tenants on the west side of Wall Street between East Sixth and East Seventh Streets.
b. Reservation of a public utility easement over that portion of Wall Street between East Sixth and East Seventh Street.

3. That if these details can be worked out to the satisfaction of both parties, the long term lease agreement with the Boys & Girls Club be submitted to the City Council for approval without further review by the Finance Committee.

The motion carried by the following vote:

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

B. Consideration of Supplemental Appropriation to Provide Additional Funding for the Park Trail System Environmental Impact Report. The Committee recommended (3-0) that the supplemental appropriation not be approved due to fiscal constraints, and that a new project description be prepared in consultation with all interested groups for environmental review of the completion of the Yahi and Annie Bidwell Trails, after which new Requests for Proposals would be sent out based on the reduced scope of the project description, and that this recommendation be submitted to the Trails Committee of the Bidwell Park and Playground Commission, the Park Commission, and then to the City Council for confirmation, as recommended by the City Manager.

A motion was made by Councilmember Bertagna and seconded by Councilmember Jarvis to confirm the Finance Committee’s decision that the supplemental appropriation not be approved.

The motion carried by the following vote:

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

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

C. Consideration of Approaches for Construction of Baroni Park, Located East of Bruce Road. The Committee directed staff (3-0) to work with the Chico Area Recreation and Park District (CARD) to conduct a neighborhood meeting to set forth and address the options for construction of Baroni Park with full notification of the neighborhood.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to accept the 9/23/02 Finance Committee Report.

The motion carried by the following vote:

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

4.3. Consideration of Request from Councilmember Kirk for the City Council to Take a Position on the Housing and Emergency Trust Fund Act of 2002 - Proposition 46 on the November 5, 2002 Statewide Ballot

Councilmember Kirk requested that the City Council endorse Proposition 46 in time for the November election. The measure addresses California’s growing housing crisis and would authorize $2.1 billion in affordable housing construction through a state bond. Pursuant to City Council Rules of Procedure, the Council may, by majority vote, consider this matter at this meeting. Council concurred that if a letter went out it would be signed by individual Councilmembers versus a letter coming from the Council, due
4.4. **CONSIDERATION OF REQUEST FROM COUNCILMEMBER NGUYEN-TAN TO REVIEW THE PERFORMANCE OF THE CITY’S CABLE TELEVISION FRANCHISEE, A. T. & T. BROADBAND, AND OPTIONS REGARDING THE FRANCHISE**

By electronic message dated 9/19/02, Councilmember Nguyen-Tan requested that this matter be scheduled for Council consideration. Councilmember Kirk had also advised staff of her interest in discussing this matter. Pursuant to City Council Rules of Procedure, a majority vote of the Council is required to approve the request.

Council concurred, with Councilmember Bertagna disqualified, to wait to schedule a meeting with Comcast until after the 10/24/02 meeting with Susan Ritchie of AT&T, and then to agendize the matter after Comcast is operating the franchise.

4.5. **APPOINTMENT TO FILL VACANCY ON THE BIDWELL PARK AND PLAYGROUND COMMISSION**

By letter dated 9/17/02, Michael Jones resigned from the Bidwell Park and Playground Commission effective immediately. This resignation created a vacancy, the term of which expires 1/01/03. Council should acknowledge the resignation and consider making an appointment from those applicants with applications currently on file in the Clerk's office, or direct staff to advertise for additional applicants. For Council’s information, the Clerk’s office has begun the 2002 Boards & Commissions Biennial Recruitment process. Press releases will begin appearing the second week of October in the *Chico Enterprise Record* and the *Chico News & Review*. Approximately one-half of the Board and Commission members' terms will expire on 1/01/03 and Council typically schedules a meeting in December to make those appointments.

Council concurred to not fill this vacancy but instead wait for the Biennial Recruitment appointments.

4.6. **FUTURE MEETINGS**

To determine whether a quorum will be present, members of the City Council were requested to accept or decline an invitation to attend a Halloween Forum sponsored by the Associated Students of Chico State University. The forum will be held on 10/23/02 at 7:00 p.m. in Room 210 of the Bell Memorial Union.

Council concurred that if they attended the Halloween Forum that they would attend as individual Councilmembers, not as the Council.

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

5. **BUSINESS FROM THE FLOOR**

Jimmy Reed, Colby Barr, Mario Sagastume, Bobby Armstrong, and Michael Dailey addressed Council about their concerns over the lighting issues pertaining to Halloween.

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

7. **ADJOURNMENT**

The meeting was adjourned at 8:12 p.m. to November 5, 2002, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 5, 2002

___________________________________
Deborah R. Presson, City Clerk
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 Redevelopment Agency adjourned at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street to closed session to discuss negotiations with the Agency’s real property negotiator regarding the proposed acquisition affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleetwood Motor Homes of California, Inc.</td>
<td>11.087 acre parcel on Ryan Between Fortress &amp; Marauder</td>
<td>047-56-0-034</td>
</tr>
</tbody>
</table>

The Agency’s negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. CALL TO ORDER — Closed Session was called to order by Mayor Herbert at 7:00 p.m.

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

2. CLOSED SESSION

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION: The City Attorney reviewed the following: In re Mike’s Mobile Windshield, Inc., Debtor, United States Bankruptcy Court, Eastern District of California Case No 02-26524-B-7.

2.3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PARCEL AT THE CHICO MUNICIPAL AIRPORT - APN 047-56-0-034 (FLEETWOOD MOTOR HOMES OF CALIFORNIA, INC.) Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the Agency’s negotiator on price and terms of payment for proposed acquisition. The Agency’s negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<table>
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<td>11.087 acre parcel on Ryan Between Fortress &amp; Marauder</td>
<td>047-56-0-034</td>
</tr>
</tbody>
</table>

3. ADJOURNMENT — Council adjourned at 7:10 p.m. to a regularly scheduled Chico City Council Meeting at 7:30 p.m.
REGULAR CHICO CITY COUNCIL MEETING — NOVEMBER 5, 2002
Minutes

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

1.1. Flag Salute

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

1.3. Absent: None

1.3. Invocation – Reverend Edward P. Pepka, Our Divine Savior Catholic Church

2. CONSENT AGENDA — At the request of Councilmember Wahl, Item 2.2 was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve the remaining Consent Agenda:

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING A 0.24 ACRE PROPERTY LOCATED AT 2837 ESPLANADE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-350-020, FROM CC COMMUNITY COMMERCIAL TO OR OFFICE RESIDENTIAL (REZONE O2-02 MARSHALL/CONROY) - INTRODUCTORY READING

By memorandum dated 10/24/02, Senior Planner Murphy reported that at its meeting of 10/17/02, the Planning Commission voted (6 in favor, 0 in opposition, 1 disqualified) to recommend Council approval of a rezone from CC Community Commercial to OR Office Residential for a 0.24 acre property located at 2837 Esplanade (RZ 02-02; Marshall/Conroy, applicant). The property is identified as Assessor’s Parcel No. 006-350-020 and is designated Office on the General Plan Diagram. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, as it has been determined to be covered under the previously certified General Plan EIR since the proposed zoning is consistent with the underlying General Plan designation. The Planning Commission and Planning Director recommend that the City Council introduce the ordinance by the reading of the title only and schedule a public hearing and adoption for the December 3, 2002 City Council meeting.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PROHIBITING THE USE OF SELF-SERVICE DISPLAYS FOR THE SALE OF TOBACCO PRODUCTS OR TOBACCO PARAPHERNALIA - INTRODUCTORY READING — This item was removed from the Consent Agenda and heard under Item 4.1.

2.3. RESOLUTION NO. 52 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.180 OF THE CHICO MUNICIPAL CODE TO REVISE THE CONFLICT OF INTEREST REPORTING CATEGORIES

By memorandum dated 9/27/02, the Personnel Director recommended approval of a resolution to amend Chico Municipal Code Section 2R.04.180 which lists the designated City officials and the required disclosure categories for conflict of interest reporting pursuant to the State Political Reform Act. It is necessary to update the City’s conflict of interest reporting code to reflect changes in positions and job duties on an annual basis. The Personnel Director recommended adoption of the resolution.

2.4. RESOLUTION NO. 53 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO TIM AND ANN EDWARDS AND WESLEY AND JEANNA HILL FOR ENCROACHMENT ON PUBLIC RIGHT OF WAY(500 ESPLANADE / APN 003-190-005-000)

By memorandum dated 10/8/02, the Director of Public Works submitted a request by Tim and Ann
Edwards and Wesley and Jeanna Hill for a revocable grant of license for the purpose of utilizing a portion of the public right of way adjacent to 500 Esplanade for vehicular parking. On 11/3/98, the City Council previously authorized a revocable grant of license for this purpose to Arthur and Sharon Lehmann. However, before the grant of license could be executed, Mr. Lehmann passed away and the property was subsequently sold to Wesley and Jeanna Hill and Tim and Ann Edwards. The Director of Public Works recommended adoption of this resolution which authorizes the Grant of License and execution of the Grant by the City Manager.

2.5. **MINUTE ORDER NO 56-02 – APPROVAL OF APPLICATION AND PERMIT FOR PARK USE FOR A COMMUNITY CAMPOUT EVENT BY THE CHICO AREA RECREATION AND PARK DISTRICT ON 7/29/03 - HOOKER OAK PARK IN BIDWELL PARK**

The proposed application is a one night Community Campout event hosted by the Chico Area Recreation and Park District (CARD) to be held on 7/29/03. CARD hosted a similar event at the 20th Street Community Park in July 2002. The event was attended by a diverse group of individuals who set up tents and enjoyed activities including arts & crafts for children, star gazing, and campfire songs. For many children, the event provided their first camping experience. City Council permission is required since camping is not normally allowed in Bidwell Park. Hooker Oak Park is in Bidwell Park and is under long-term lease to CARD. The Bidwell Park and Playground Commission unanimously recommended approval.

2.6. **MINUTE ORDER NO. 57-02 — AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE RIGHT OF ENTRY AGREEMENTS WITH PROPERTY OWNERS FOR THE IMPLEMENTATION OF THE LINDO CHANNEL BANK STABILIZATION PROJECT**

In January 2002, the City of Chico was awarded a $324,136 grant from the Department of Water Resources to assist private property owners with the repair of the stream bank at two locations along the Lindo Channel Greenway. This Minute Order authorizes the Assistant City Manager to execute Right of Entry Agreements with thirteen property owners on Nicole Lane and Brookwood Way to allow City staff and its contractors to enter onto these private properties to complete this project. The Park Director recommended approval of the Minute Order. It was noted for the record that City Manager Lando was disqualified from this item.

2.7. **MINUTE ORDER NO. 55-02 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1550 EAST AVENUE (APN 048-070-045) - GENCARELLI**

At its 10/16/01 closed session, the City Council authorized the negotiated purchase from Celestino Gencarelli of a portion of 1550 East Avenue (APN 048-070-045) in connection with the City’s East Avenue widening project. This minute order authorizes the City Manager to execute a sales agreement and other documents necessary to acquire a right of way easement for $11,500. The Assistant City Manager recommended approval of the minute order.

2.8. **APPROVAL OF TRANSFER OF VEHICLE FOR HIRE OWNER’S PERMIT - UNITED SENIOR ASSISTANCE (JAMES PEEPLES)**

At the 9/17/02 meeting, the City Council approved the issuance of a Vehicle for Hire Owner’s Permit to James P. Peeples of United Senior Assistance. By letter received 10/21/02, a copy of which has been provided to the Council with this agenda, Mr. Peeples requests that the Owner’s Permit be transferred to his father, Philip Peeples, who will be operating the business in place of James Peeples. No other changes to the Permit are being requested. Staff recommended that the Council approve the transfer of the Owner’s Permit to Philip Peeples.

2.9. **APPROVAL OF RECOMMENDATIONS REGARDING RESCISSION OF COMMUNITY ORGANIZATION FUNDING**

By memorandum dated 10/28/02, the Assistant City Manager provided recommendations on rescission of allocations of City funding for non-profit organizations and artists who have not yet submitted all documents required by the City to release or commit the funds. The memorandum also transmitted
written requests for extension of the rescission deadline by the Hmong Cultural Center and Rancho Chico Days. The Assistant City Manager recommended approval of the recommendations as set forth in the memorandum.

2.10. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON SEPTEMBER 17, OCTOBER 1, AND OCTOBER 15, 2002**

The City Council was provided with minutes from its meetings held on 9/17/02, 10/01/02, and 10/15/02.

The motion to approve the Consent Agenda, with Item 2.2. removed and heard under Item 4.1., carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON APPEAL BY ASPIRE HOMES OF STAFF DETERMINATION REGARDING ISSUANCE OF GRADING PERMIT**

By memorandum dated 9/17/02, the Community Development Director provided a report on this appeal. Tony Symmes, representing Aspire Homes, has appealed the Community Development Director’s determination that a grading permit for Phase 3 of the Richmond Park Subdivision Unit 1 will not be issued until certain conditions of approval have been satisfied. By memorandum dated 10/29/02, Assistant City Attorney Barker provided an analysis of the issues relating to the appeal. At its meeting of 10/1/02, the City Council decided to call up the record and hear the appeal. The Community Development Director recommended that the City Council deny this appeal, thereby upholding his decision.

The hearing on appeal was opened to the public. Ken Whitney, representing Tony Symmes, indicated that moving the bushes and paying double mitigation fees is the most the US Fish & Wildlife Service (USFWS) could require. Tony Symmes indicated he was willing to indemnify the City. Speaking in favor of granting the appeal were Tony Symmes, Delmar Hooper, Lance Wright and Tim Edwards. No one spoke in opposition. The hearing was closed to the public.

A motion was made by Councilmember Nguyen-Tan to deny the appeal. Councilmember Jarvis seconded it.

The motion failed due to the following vote:

**AYES:** Jarvis, Kirk, Nguyen-Tan

**NOES:** Bertagna, Keene, Wahl, Herbert

**ABSENT:** None

**DISQUAL:** None

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to grant the appeal, direct staff to issue the grading permit, that the removal of the elderberry bushes be done according to the protocol specifically delineated in the USFWS letter, including the bushes being moved to Butte Creek. Mr Symmes is to pay the mitigation costs and meet all requirements of USFWS and to indemnify the City.
The motion carried by the following vote:

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

3.2. **HEARING ON MODIFICATION OF MAINTENANCE DISTRICT NO. 524, (RICHMOND PARK SUBDIVISION)**

By memorandum dated 9/25/02, the Director of Public Works reported that this resolution will order the modification of Chico Maintenance Assessment District No. 524. This development, generally located between W. 8th and W. 11th Avenues on the east side of the Union Pacific Railroad right of way and north of Greenwich Drive, was originally formed on 6/4/02 by Council Resolution 138 01-02. After formation however, it was discovered that an area of landscaping along W. 8th Avenue was inadvertently not included in the district. The developer, Tony Symmes of Agasy, Inc., gathered signatures from 100% of the property owners within the Richmond Park Subdivision consenting to the modification of this district to add the W. 8th Avenue landscaping and irrigation. The district provided for the operation, maintenance, and future replacement of the landscaping and irrigation within the storm water detention facility, the traffic circle, the parkway strip along both Greenwich and West 8th Avenue, and the masonry wall. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution.

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

**RESOLUTION NO. 54 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE MODIFICATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 524 — RICHMOND PARK SUBDIVISION)**

The motion carried by the following vote:

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

3.3. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO RESCINDING APPROVAL OF RESOLUTION NO. 130 01-02 ADOPTED JUNE 4, 2002 AND INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CONNORS ANNEXATION DISTRICT NO. 1**

By memorandum dated 10/16/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 199 parcels which comprise the entirety of an “island” of unincorporated territory, with a total area of 58.09 acres, generally bounded by East Avenue on the north, the freeway on the east, Rio Lindo Avenue on the south and the Esplanade on the west. The fully developed properties are designated and zoned for residential, commercial and office use. Council originally initiated this annexation in February 2002 for only five parcels on Connors Court, but LAFCo staff rejected that application and directed that the entire “island” of unincorporated territory be...
Council adopted a resolution initiating the annexation of the entire “island” on June 4, 2002, but it was subsequently determined that the requirement for notice and hearing was not properly provided. Approval of the June 4, 2002 resolution will be rescinded by adoption of the current resolution. Property owners are identified in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

Mayor Herbert opened the hearing to the public. Speaking against the annexation was Charles C. Adams, Joyce Calderon and James Husband. The hearing was closed to the public.

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

RESOLUTION NO. 55 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CONNORS ANNEXATION DISTRICT NO. 1

The motion carried by the following vote:

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

3.4. HEARING TO INITIATE PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 8TH STREET ANNEXATION DISTRICT NO. 20

By memorandum dated 10/17/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 16 parcels which comprise the entirety of two adjacent “islands” of unincorporated territory, with a total area of 8.949 acres, located on the south side of East 8th Street east of Fir Street. The area is developed with residential uses, consistent with R-1 Low Density residential zoning. Two subdivisions to create a total of 21 additional lots for single family residential development have been proposed. The annexation proposal initially consisted of only the properties proposed for subdivision, but Butte LAFCo staff directed the City to initiate annexation of the entire “islands” as required by LAFCo policy. Property owners are identified in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

Mayor Herbert opened the hearing to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 56 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 8TH STREET ANNEXATION DISTRICT NO. 20

The motion carried by the following vote:

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

3.5. HEARING TO INITIATE PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - SHERIDAN AVENUE ANNEXATION DISTRICT NO. 6

By memorandum dated 10/23/02, the Assistant Community Development Director forwarded a report on initiation of the annexation of 119 parcels which comprise the entirety of an “island” of
unincorporated territory, with a total area of 65.507 acres, generally bounded by Palmetto Avenue on the north, the freeway on the east, Vallombrosa Avenue on the south and Arbutus Avenue on the west. After review of an initial, smaller annexation proposal in this area, Butte LAFCo staff directed the City to initiate annexation of the entire “island” as required by LAFCo policy. The area is nearly fully developed with residential uses, consistent with R-1 Low Density residential zoning. Property owners are identified in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

Mayor Herbert opened the hearing to the public. Speaking against the initiation of proceedings to annex was Larry Olsen and Tim Gallagher.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to table this item until staff has had an opportunity to have an information meeting with the neighbors. In addition, Council directed that the development of an annexation policy requiring neighborhood involvement prior to the initiating of proceedings be considered by the Internal Affairs Committee.

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PROHIBITING THE USE OF SELF-SERVICE DISPLAYS FOR THE SALE OF TOBACCO PRODUCTS OR TOBACCO PARAPHERNALIA - INTRODUCTORY READING — This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1.

At its 4/2/02 meeting, the Council directed preparation of this ordinance as recommended by the Internal Affairs Committee. By memorandum dated 10/28/02, the Community Development Director advises that this ordinance will make it unlawful for any tobacco retailer to sell, permit to be sold, offer for sale, or display for sale any tobacco products or tobacco paraphernalia by means of a vending machine or self-service display. The ordinance would require employee assistance to retrieve such items for purchase. Existing non-conforming self-service displays may remain in place for up to 180 days after the effective date of the ordinance. The Community Development Director recommended that the Council introduce the ordinance by reading of the title only and schedule the public hearing and adoption of the ordinance for the 12/3/02 City Council meeting.

A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve the introduction of this ordinance by the reading of title only.

The motion carried by the following vote:

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

4.2. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF USE PERMIT 02-60 (SOMMER/IN MOTION FITNESS) TO MODIFY AN EXISTING USE PERMIT TO
ALLOW THE EXPANSION OF A HEALTH CLUB FACILITY ON PROPERTY LOCATED AT 1293 EAST 1st AVENUE (LONGFELLOW SHOPPING CENTER) AND TO ALLOW OFF-SITE PARKING ON PROPERTY LOCATED AT 1031 VILLAGE LANE TO ACCOMMODATE THE EXPANSION

By memorandum dated 10/21/02, Associate Planner Bob Summerville, reported that at its 10/3/02 meeting, the Planning Commission approved a use permit (5 in favor, 0 in opposition and 2 disqualified) to allow the expansion of a health club and to allow a portion of the required off-street parking for the expansion to be located on a separate property. The applicant has entered into a long-term lease with the property owner for use of a parking area located on Village Lane, west of the health club. A timely appeal was filed by Mr. Daryl Kaiser, a resident in the area. The subject sites are located in a CN Neighborhood Commercial zoning district and are designated Mixed Use Neighborhood Core on the City of Chico General Plan Diagram. The City Council has the option of taking no action and upholding the Planning Commission decision, thereby denying the appeal, or by a vote of at least four Council members, call up the record of proceedings and set the matter for a public hearing.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to uphold the decision of the Planning Commission, thereby denying the appeal and referring the issue of traffic on East 1st Avenue to the Internal Affairs Committee.

The motion carried by the following vote:

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

4.3. ITEMS ADDED AFTER POSTING OF THE AGENDA

4.3. COUNCILMEMBER NGUYEN-TAN REQUESTS THAT COUNCIL DISCUSS THE REFUNDOING OF BUILDING FEES — No action was taken on this item.

5. BUSINESS FROM THE FLOOR

Mario Sagastume addressed Council regarding his views on the Halloween event.

6. REPORTS AND COMMUNICATIONS

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

6.1. By letter dated 10/14/02, Mark Abouzeid, President of Chico Volkswagen, has requested that the City Council rescind Conditional Use Permit No. UP-99-44. Staff has reviewed this matter and Mr. Abouzeid would still be required to obtain a use permit for his new operation. Staff will work to resolve this issue and report back to the City Council.

6.2. Acknowledgment of report from Mary Cahill, General Manager of Chico Area Recreation District, submitting Foothill Associates final report, “Approaches to Park Funding.” It is anticipated that a presentation will be made to the City Council at its January work session.

6.3. Memorandum dated 10/10/02 from the Chief of Police providing the Citizen’s Option for Public Safety Grant Summary Report for the period of July 2002 - September 2002.

6.4. Memorandum dated 10/21/02, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within
the appropriations approved therefor in the current Annual Budget.

6.5. Memorandum dated 10/22/02 from the Risk Manager reporting on the tort claims that were denied for the quarter ending 9/30/02.

6.6. Memorandum dated 10/29/02 from the Finance Director reporting that the list of claims paid during the month of September 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.7 Letter dated 10/24/02 from Boradori Automotive reporting concerns regarding the Humboldt Road Skate Park. Councilmember Kirk requested this be referred to an Park Commission ad hoc committee made up of stakeholders for immediate action.

7. ADJOURNMENT

Adjourned at 10:10 p.m. to a closed session on November 15, 2002, at 8:00 a.m. in Conference Room No. 2 for Chief of Police interviews. The next adjourned regular meeting of the City of Chico City Council will be held on November 19, 2002, at 9:00 a.m. in the Council Chamber.

Date Approved:

______________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — Mayor Herbert called the meeting to order at 9:00 a.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

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

Absnt: None

2. **CONSENT AGENDA**

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

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

4.2. **WORK SESSION**

Agency staff reviewed the financial status of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas and related funds.

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

**CONSENT AGENDA**

2.1. **RESOLUTION NO. 06-02** — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH FLEETWOOD MOTOR HOMES OF CALIFORNIA, INC. FOR AGENCY ACQUISITION OF 11.087 ACRES OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT (047-560-049), AND AUTHORIZING THE APPROPRIATION OF TAX INCREMENT REVENUE FROM THE CHICO MERGED REDEVELOPMENT PROJECT AREA FOR PROPERTY ACQUISITION AND FOR THE INSTALLATION OF PARKING IMPROVEMENTS ON PROPERTY OWNED BY THE CITY OF CHICO AT THE CHICO MUNICIPAL AIRPORT

In 1991, the Chico Redevelopment Agency sold 11.087 acres of property located on Ryan Avenue between Fortress and Marauder Streets to Fleetwood Motor Homes of California, Inc. The property was adjacent to the Fleetwood plant and was acquired for the purpose of constructing a parking facility. In 1998 a conceptual agreement between the Agency and Fleetwood was reached under which the Agency would construct the parking improvements and Fleetwood would deed the property back to the Agency. The agreement was never completed and the parking improvements were not installed. Fleetwood has negotiated an agreement with R-Vision for the lease/purchase of the plant. However, R-Vision is not interested in acquiring the 11.087 remnant parcel.

A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to adopt Resolution No. 06-02 which (1) authorized the Executive Director to enter into an agreement with Fleetwood Motor Homes of California, Inc. to acquire 11.087 acres of property; (2) appropriate tax increment revenue from the Chico Merged Redevelopment Project Area in the amount of approximately $800,000, plus title and escrow costs, staff time, and other related costs; and (3) appropriate tax increment revenue from the Chico Merged Redevelopment Project Area in the amount of $150,000 to construct public parking improvements on property owned by the City of Chico.

The motion carried by the following vote:

AYES: Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
1. **CALL TO ORDER**

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

2. **CONSENT AGENDA** — At the request of Vice Mayor Kirk Item 2.5. was removed from the Consent Agenda and heard under Item 4.1. for further discussion. A motion was made by Councilmember Jarvis and seconded by Councilmember Keene to approve the following items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING FOUR ACRES LOCATED ON THE NORTHEAST SIDE OF ELM STREET, OPPOSITE E. 22ND STREET - GENERAL PLAN AMENDMENT/REZONE/PREZONE 02-05 (MYERS/CITY OF CHICO) - INTRODUCTORY READING**

By memorandum dated 10/30/02, Senior Planner Claudia Sigona reported that at the City Council meeting of 10/1/02, the Council conducted a public hearing on a proposed General Plan Amendment and rezone of seven parcels totaling four acres, located on the northeast side of Elm Street, opposite E. 22nd Street, Assessor’s Parcel Nos. 005-467-001, 003, 004, 010, 012, and 005-490-052 and 053, from Low Density Residential/R1 (2.01 to 6 units per acre) land use designation/zoning/prezoning to Medium Density Residential/R2 (4.01 to 14 units per acre) land use designation/zoning/prezoning. At the hearing, co-applicant Linda Myers indicated opposition to the recommended design consideration overlay district which, among other things, would mandate that parking be placed in the rear or side of parcels. Council directed Ms. Myers to submit her pending site plan for multi-family development at 2159 Elm Street to the Architectural Review Board (ARB) for consideration of a front-loaded parking lot to determine if the project could be sufficiently screened, and postponed action on the General Plan Amendment and Rezone. At its 10/23/02 meeting, the ARB reviewed Ms. Myers’ plan and determined that the proposed design would adequately buffer the parking area, voting unanimously to recommend Council approval. Based on the outcome of this process, staff has removed the special design consideration overlay district from the rezone ordinance. The revision necessitates that the ordinance be reintroduced. The Planning Director recommended that the City Council: 1) introduce the revised rezone ordinance by the reading of the title only; and 2) schedule a public hearing for adoption of the negative declaration, consideration of the General Plan Amendment, and adoption of the rezone ordinance at the 12/3/02 City Council meeting.


APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 02-03 08 TO PROVIDE FUNDING FOR PAY AND BENEFIT CHANGES FOR CHICO POLICE OFFICERS’ ASSOCIATION - SWORN UNIT

By memorandum dated 10/08/02, the Personnel Director recommended approval of the proposed resolution, which approves an amendment to the current Memorandum of Understanding (MOU) between the City and Chico Police Officers’ Association - Sworn Unit. The amendment makes changes in pay rates, health insurance contribution and term, and provided that a replacement MOU which incorporates these changes, and reorganizes and clarifies the MOU language will be provided to Council for adoption by approximately 01/07/03. The Supplemental Appropriation will allocate funds in the amount of $948,658 from the General Fund (001) and $19,207 from Supplemental Law Enforcement Service Fund (099) for the costs of the amendment. Fund Summaries which reflect the estimated 06/30/03 fund balances were provided. The City Manager and Personnel Director recommended adoption of the resolution and approval of the supplemental appropriation.
2.3. RESOLUTION NO. 58-02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE NO. 11.030 (COPY FEES, BOOKS, CODES, DOCUMENTS, MAPS, REPORTS, SPECIFICATIONS)

By memorandum dated 10/31/02 the Information Systems Director recommended amendment of the City's Copy Fees to provide for copying files in electronic format to CD-ROM. The City Manager recommended adoption of the resolution.

2.4. MINUTE ORDER NO. 58-02 — AUTHORIZING ESTABLISHMENT OF POLICY TO ALLOW EMPLOYEES TO PURCHASE RETIRED CANINE UNIT DOGS

By memorandum dated 11/1/02, the Personnel Director recommended approval of a minute order authorizing establishment of a policy to allow Police Department employees who have handled Canine Unit dogs to purchase those dogs when the dogs are retired. There is no budget impact related to this minute order. The Chief of Police and Personnel Director recommended adoption of the minute order.

2.5. APPROVAL OF DRAFT 2002 CHICO URBAN AREA BICYCLE PLAN — This item was removed from the Consent Agenda for further discussion at the request of Vice Mayor Kirk

2.6. REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - LAST CALL LOUNGE 876 EAST AVENUE, CHICO

By memorandum dated 11/6/02 from the Community Development Director, staff recommended City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of an on-sale alcoholic beverage license for the Last Call Lounge located at 876 East Avenue, Chico.

The motion to approve the Consent Agenda, with item 2.5. being heard under Item 4.1., carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS — None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.5. APPROVAL OF DRAFT 2002 CHICO URBAN AREA BICYCLE PLAN — This item was removed from the Consent Agenda for further discussion at the request of Vice Mayor Kirk.

By memorandum dated 11/4/02, the Director of Public Works requested that the City Council approve the Draft 2002 Chico Urban Area Bicycle Plan in advance of the 3/16/03 expiration date in order to apply for Bicycle Transportation Account (BTA) grants for the 03-04 funding cycle. The Bicycle Advisory Committee has reviewed and recommended Council approval. If adopted, the plan will remain valid until the year 2006. The Director of Public Works recommended approval of the Draft Chico Urban Area Bicycle Plan. Members of the public commenting on this item included Michael Jones.

Vice Mayor Kirk indicated that she wanted the Council to be aware of the fact that there were projects listed within the plan that were not feasible. Councilmember Keene indicated that he felt that the Council was not making any commitments when approving this overall planning tool and that projects would be
Item 4.2 below, Affordable Housing Workshop, was considered at 10:00 a.m. and was limited to two hours.

4.2. Affordable Housing Workshop. By memorandum dated 11/13/02, the Housing Officer provided background information to assist in the Council’s discussion of affordable housing issues and concerns. The purpose of the Council’s discussion will be to provide direction to the Housing Element Technical Advisory Committee (TAC) and City staff. The TAC’s primary task will be to make recommendations regarding policy and programs that will address the affordable housing needs of the community.

Addressing Council were Mary Andrews, Andy Holcombe, Amy Rohren, Brewster Beetta, Jason Bougie, Evanne O’Donnell, Tami Ritter, Dale Downey, Dave Ferrier, Gary Sannar, and Michael Jones.

The City Clerk was directed to prepare a verbatim transcript of these comments for future Council discussions.

Council adjourned for lunch from 12:00 to 1:00 p.m.

At 1:00 p.m., Mayor Herbert reconvened the meeting and Council recessed to Closed Session.

1.2. CLOSED SESSION

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

The City Council adjourned at 1:00 p.m. to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition relating to the East/Esplanade intersection project, listed as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Property Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sherrie S. Dunn</td>
<td>2539 Esplanade</td>
<td>006-530-028</td>
</tr>
</tbody>
</table>

The City’s negotiator is City Manager Tom Lando 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).
A. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

B. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER – The City Attorney and Risk Manager reviewed settlement of the workers’ compensation claim of Kenneth Coons. (Gov. Code Sec. 54596.9(a.).)

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: The City Attorney reviewed the following: Meghdadi v. Chico City Council, Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a.).)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION FOR THE EAST/ESPLANADE INTERSECTION PROJECT. Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The items under discussion are instruction to the City’s negotiator on price and terms of payment for proposed acquisition. The City’s negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are as follows:

<table>
<thead>
<tr>
<th>Property Owner</th>
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</thead>
<tbody>
<tr>
<td>Sherrie S. Dunn</td>
<td>2539 Esplanade</td>
<td>006-530-028</td>
</tr>
</tbody>
</table>

Council reconvened from Closed Session at 1:30 p.m. to a City Council meeting in the Council Chamber.

4.3. REPORT FROM PLANNING DIRECTOR REGARDING STATUS OF PROPOSED TERRA BELLA SUBDIVISION, INCLUDING UNAUTHORIZED TREE REMOVAL

By memorandum dated 11/14/02, the Planning Director responded to questions raised by the Council on 7/16/02, and provided a status report on the project. This matter was first considered at a public hearing held before the Council on 4/2/02, and was the subject of a presentation to the Council by the developer’s attorney on 7/16/02.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to accept the report and await additional information and/or recommendation(s) from staff.

The motion carried by the following vote:

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

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON OCTOBER 28, 2002

By memorandum dated 11/12/02, the Finance Committee provided a report on its meeting held on 10/28/02. Committee members present were Councilmembers Nguyen-Tan, Wahl and Keene, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:
A. **Consideration of Supplemental Appropriation No. 02-03 07 to Fund the Installation of New Drip Pans at Each Gasoline Pump at the Municipal Services Center and an Amendment to the City's Fee Schedule to Establish an Administrative Fee for Fuel Sales.**

A motion was made by Vice Mayor Kirk and seconded by Councilmember Nguyen-Tan to approve the Supplemental Appropriation in the amount of $25,000 from the Facilities Maintenance Fund (933) and Resolution No. 59 02-03 which amends the Fee Schedule.

**SUPPLEMENTAL APPROPRIATION NO. 02-03 07 TO FUND THE INSTALLATION OF NEW DRIP PANS AT EACH GASOLINE PUMP AT THE MUNICIPAL SERVICES CENTER.**

**RESOLUTION NO. 59 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 273 - PUBLIC WORKS FEES).**

The motion carried by the following vote:

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

B. **Approval of Supplemental Appropriation No. 02-03 10 to Provide Funding for the Construction of the Sycamore Creek Bicycle Path.** A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve a Supplemental Appropriation to allocate $291,600 in competitive grant fund from the California Department of Transportation and $32,400 from the Bikeway Improvement Fund (305).

**SUPPLEMENTAL APPROPRIATION NO. 02-03 10 TO PROVIDE FUNDING FOR THE CONSTRUCTION OF THE SYCAMORE CREEK BICYCLE PATH.**

The motion carried by the following vote:

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

C. **Review of Budget Policies Related to Supplemental Appropriations and Assignment of Priorities to City Expenditures.** A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve a Budget Modification which would amend the 2002-03 Annual Budget Policies by establishing formal fiscal control policies as recommended by the Finance Committee. In addition, this Budget Modification will establish a formal budget policy which is consistent with existing policy regarding the City's contribution for Council health insurance coverage.

**BUDGET MODIFICATION NO. 02-03 11 TO AMEND ANNUAL BUDGET POLICIES TO CONSOLIDATE AND FORMALIZE CITY COUNCIL FISCAL CONTROL POLICIES AND TO ESTABLISH A FORMAL POLICY REGARDING THE CITY'S CONTRIBUTION FOR COUNCIL HEALTH INSURANCE COVERAGE.**

The motion carried by the following vote:

- **AYES:** Bertagna, Jarvis, Keene, Kirk, Nguyen-Tan, Wahl, Herbert
- **NOES:** None
- **ABSENT:** None
- **DISQUAL:** None
COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

D. Consideration of Request from Drake Homes for an Increase in the Reimbursable Amount in Connection with its Hancock Park Reimbursement Agreement with the City. This item was removed from the agenda at the request of applicant.

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A motion was made by Vice Mayor Kirk and seconded to Councilmember Nguyen-Tan to accept the 10/28/02 Finance Committee Report.

The motion carried by the following vote:

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

4.5. WORK SESSION

All approved budget items will be confirmed with an administrative supplemental appropriation and/or budget modification.

A. Approval of 2003-04 Budget Calendar.

By memorandum dated 11/12/02, the Budget Officer submitted the proposed 2003-04 Budget Calendar for approval by the City Council. In accordance with prior City Council direction that the January work session would not be scheduled for the day following the Martin Luther King holiday, the session was scheduled for January 28, 2003, and will replace the adjourned regular meeting of January 21, 2003. Council approved the 2003-04 Budget Calendar and will determine the need for one or two days for the June 2003 session at the April work session.

B. General Budget Review.

1. The City Manager discussed the General and Park Funds Projected Trends, a copy of which was provided to the City Council.

A motion was made by Councilmember Jarvis and seconded by Councilmember Wahl to approve $25,000 from the Park Fund to be used to treat the infestation of aphids on the Chinese Hackberry trees.

The motion carried by the following vote:

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

2. The City Council was provided with the Summary of Estimated Fund Balances and the Capital Project Status Report.

C. Consideration of Proposed City Manager Recommended Budget Adjustments.

By memorandum dated 11/12/02 the City Manager forwarded a copy of the additive requests which were postponed from the June work session to this meeting. Due to the City’s current fiscal condition, and the extreme uncertainty of the State budget, the City Manager did not recommend approval of any of the additive requests.

A motion was made by Councilmember Keene and seconded by Councilmember Bertagna to
confirm the City Manager’s recommendation to not approve any of the additive requests.

The motion carried by the following vote:

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

D. **Approval of Supplemental Appropriation to Fund Tenant Improvements at the Chico Municipal Airport Terminal to Provide Office Space for the Transportation Security Administration.**

By memorandum dated 11/8/02, the Airport Manager reported that the Transportation Security Administration has requested office space within the airport terminal in order to handle the processing of the airline passengers. The General Services Administration handles all Federal real estate transactions and has requested modification to the terminal building. The cost of the modifications is estimated to be $22,000 to be drawn from the Airport Fund (856). These funds will be recovered either through Passenger Facility Charges (Fund 303) or amortized through lease payments.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the supplemental which allocates $22,000 from the Airport Fund (856).

The motion carried by the following vote:

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

E. **Consideration of Conceptual Approval of the Acquisition of Fire Station No. 6.**

By memorandum dated 11/13/02 the City Manager requested conceptual approval to begin the process of purchasing the privately owned site of Fire Station 6 at 2544 Highway 32.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk for conceptual approval of acquisition and directed staff to bring back a request for a supplemental appropriation to fund the acquisition.

The motion carried by the following vote:

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

F. **Discussion of Operating Budget Carryover and Budget Savings Incentive Programs.**

By memorandum dated 11/12/02, the City Manager requested conceptual approval and authorization to implement an Operating Budget Carryover Program which allows departments to retain a percentage of departmental operating budgetary savings to be used for capital projects, and a Budget Savings Incentive Program under which employees would be rewarded for their actions to produce measurable operating budget savings.

A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to conceptually approve and authorize the implementation of an Operating Budget Carryover Program and a Budget Savings Incentive Program and directed staff to come back with the details of the programs.
The motion carried by the following vote:

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

G. Review of Park Funding Issues.

The Finance Committee has been discussing Park Facility Fees and other park development funding issues since September 2001. By memorandum dated 11/13/02, the Assistant Community Development Director provided an overview of the issues. While the Committee discussion is continuing, Councilmember Keene asked that the following three issues be discussed by the full Council.

1. Elimination of benefit zones for Neighborhood Parks to provide Council with greater flexibility in funding new park development.

   Council directed the City Attorney to provide a legal opinion on whether benefit zones for Neighborhood Parks could be eliminated so that neighborhood park fees could be expended on any neighborhood parks.

2. Establishment of separate funds for community parks and greenways in addition to the neighborhood park fund. No action was taken on this item.

3. Establishment of an annual budget allocation to fund a portion of neighborhood park development.

   A motion was made by Councilmember Bertagna and seconded by Councilmember Keene to commit an annual allocation of up to $500,000 from funds in excess of the General Fund reserve for neighborhood park development; provided that the funds would be allocated only if funds are available after the City has met its obligation of a 20% emergency reserve and after review by the Finance Committee and the City Council.

   The motion carried by the following vote:

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

Additional Information Item:

4. Request from Friends of Baroni Park

   By memorandum dated 11/18/02, the Park Director forwarded a request from property owners in the vicinity of Baroni Park for assistance in moving toward development and maintenance of the 7.3 acre site. A significant number of neighbors are interested in receiving help to create a master plan and phased implementation for the park, and are also interested in discussing how to finance long-term maintenance. The City Manager and Park Director recommended approval of the request.

   A motion was made by Councilmember Jarvis and seconded by Vice Mayor Kirk to allocate $50,000 from the Neighborhood Park Zone I Fund (347) for design and pre-development costs associated with the development of Baroni Park.

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

H. Consideration of Request to Fund the Arts Marketing Campaign.

At its meeting of 06/04/02, the City Council directed the Arts Commission to prepare a plan in conjunction with the Chamber of Commerce outlining a strategy to market the arts as preparation for the upcoming listing in the book *The 100 Best Small Art Towns in America*. By memorandum dated 11/12/02, the Art Projects Coordinator forwarded the plan and outlines the Commission's request for funding in the amount of $55,663 from the General Fund (001) for a campaign to promote Chico as an art town. Representatives from the Arts Commission and the Chamber of Commerce were in attendance at today's meeting to present the plan.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Kirk to approve the request to allocate $55,663 from the General Fund in 2002-03 with a commitment to fund an additional $51,663 in 2003-04, and an additional $55,663 in 2004-05.

The motion carried by the following vote:

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

I. Consideration of Funding Request for an Analysis of Surveys Related to Halloween.

By memorandum dated 11/08/02, Dr. Lori Beth Way, Dr. Matthew Thomas, and Dr. Rick Ruddell requested funding in the amount of $3,000 to interpret and analyze data obtained from three surveys performed by the College of Behavioral and Social Sciences and the Department of Political Science regarding Halloween.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to approve the request for $3,000, with the report due to Council by January 10, 2003.

The motion carried by the following vote:

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

J. Update on Downtown Sidewalk Cleaning and Approval of Supplemental Appropriation to Fund Acquisition of Gum Removal Equipment.

By memorandum dated 11/5/02, the Director of Public Works reported on the current status of sidewalk cleaning in the downtown area. The update includes costs for a one-time cleanup, approximate costs to perform the cleanup in-house, and a description of the upcoming Social Accountability Program (SAP). This program requires defendants who have been cited for socially inappropriate behavior to perform 20 hours of community service work within the City. The Director of Public Works requested approval of a supplemental appropriation in the amount of $10,000 to purchase a gum removal machine and materials to operate this machine. The funds would be allocated from the General Fund (001) and would be partially offset by revenue received from the SAP. Mary Andrews addressed Council on this issue.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Jarvis to authorize
$10,000 for the purchase of a gum removal machine allocated from the General Fund (001), to be offset by revenue received from the SAP.

The motion carried by the following vote:

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

**NOES:** None

**ABSENT:** None

**DISQUAL:** None

4.6. **CONSIDERATION OF WAYNE COOK’S PROPOSAL TO PURCHASE OLD MUNICIPAL BUILDING**

By memorandum dated 10/29/02, the City Manager reported that Wayne Cook has indicated that a long term lease is not an option, and that he must have ownership of the old Municipal Building in order to make an investment in the property feasible. Mr. Cook is willing to purchase the building for the appraised value and to agree the City could repurchase the building at any time after five years at the then appraised value. Councilmember Wahl disqualified himself from the discussion and left the dias.

Wayne Cook addressed the Council regarding his proposal to purchase the Old Municipal Building and indicated that he was willing to pay a maximum of $350,000 for the building. Susan Mason spoke in favor of the City selling the building to Mr. Cook. Speaking against selling the building was Mary Andrews, Karen Laslo, and Bill McCoy.

The Council did not authorize the appraisal to be done and at this time is not interested in selling the Municipal Building. The City Manager will discuss the building and all issues related to it with staff and will determine whether a committee is needed.

4.7. **CONSIDERATION OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE TO PROVIDE FUNDING ASSISTANCE TO ERIC HART FOR FACADE IMPROVEMENTS TO THE SENATOR THEATER**

At its 11/14/02 meeting, the Economic Development Committee reviewed a request from Eric Hart for City funding assistance through the Historic Rehabilitation Loan Program. Mr. Hart requested $302,620 to fund restoration of the marquee, completion of exterior paint and stucco, replacement of awnings and restoration of the tower. Mr. Hart agreed that $100,000 of the loan funds would be set aside for tower restoration.

In the event the costs for the tower exceed $100,000, the City Manager has requested the authority to use up to $40,000 of Historic Rehabilitation Funds, as a grant, to complete the tower, which would be matched by $11,000 that was previously raised by the Chico Heritage Association. Council was provided with a memorandum, dated 11/07/02, to the Economic Development Committee which included the recommendation and funding conditions from the City Manager and provided background on the loan request. The Economic Development Committee meeting occurred after preparation of the Council agenda, therefore, the Committee provided a verbal report and recommendation at this meeting. Councilmember Wahl disqualified himself from the discussion and subsequent action on this item.

A motion was made by Councilmember Jarvis and seconded by Councilmember Bertagna to acknowledge that the need to discuss the request of the Right Now Foundation for funding assistance arose after the posting of the agenda.

The motion carried by the following vote:

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

**NOES:** None
A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to approve:

1. $302,620 from the Historic Rehabilitation Loan Program subject to the conditions set forth in the Economic Development Housing Specialist’s memo dated 11/7/02, to fund restoration of the marquee, completion of exterior paint and stucco, replacement of awnings and restoration of the tower. In the event the costs for the tower exceed $100,000, the City Council authorized up to $40,000 of Historic Rehabilitation Funds, as a grant, to complete the tower, which would be matched by $11,000 previously raised by the Chico Heritage Association. Any costs over $150,000 would be Mr. Hart’s responsibility.

2. A motion of intent to allocate $200,000 as a forgivable loan to allow Right Now Foundation to purchase the building with the stipulation that the amount is the limit of the City’s contribution and would be recorded in first position against the property to be acquired. Staff to determine a non-general fund funding source and submit a formal supplemental appropriation on a future consent agenda.

The motion carried by the following vote:

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

4.8. PROPOSAL FROM COUNCILMEMBER WAHL REGARDING CHICO AREA OF CONCERN

The City Council appointed a subcommittee composed of Councilmembers Rick Keene, Larry Wahl, and Dan Nguyen-Tan. As a result, Councilmember Wahl provided a proposal for Council discussion and possible action which may include sending a letter of proposal to Butte County.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Kirk to hear the discussion at this meeting and to send a letter to the Board of Supervisors under the Mayor’s signature indicating that the City’s subcommittee would like to talk about these discussion points with the County subcommittee members and would request that the meetings be formalized, with staff participation from both the City and County.

The motion carried by the following vote:

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

4.9. INITIAL CONSIDERATION OF REQUEST FROM VICE-MAYOR KIRK TO INSTALL AUDIBLE SIGNALS IN THE VICINITY OF WARNER STREET NEAR THE UNIVERSITY

By email dated 11/13/02, Vice Mayor Kirk requested that the City Council agendize discussion of the installation of one or more audible traffic signals in the vicinity of Warner and Second Streets near the Chico State University campus.
A motion was made by Councilmember Jarvis and seconded by Councilmember Nguyen-Tan to refer this item to the Internal Affairs Committee.

The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS**

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

6.1. The City Council was provided with a copy of the panhandling ordinance adopted by the City of Santa Cruz. Based upon requests from the Downtown Chico Business Association and the Chico Police Department, the City Manager recommended that an aggressive panhandling ordinance be considered by the Internal Affairs Committee.

7. **ADJOURNMENT** — Mayor Herbert adjourned the meeting at 4:20 p.m.

Date Approved:

____________________________________
Deborah R. Presson, City Clerk
7:30 SWEARING IN CEREMONIES FOR NEWLY-ELECTED COUNCILMEMBERS AND AGENCY MEMBERS, AND SELECTION OF MAYOR AND VICE MAYOR

City Clerk Presson called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

Presentation of Colors and the Pledge of Allegiance was by the Girl Scouts of Sierra Cascade Color Guard.

Invocation was by Pastor Tim Ruhl, Pleasant Valley Baptist Church

Swearing in of newly elected Councilmembers by Judge Darrell Stevens, Butte County Superior Court.

City Clerk Presson opened nominations for the selection of Mayor. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Jarvis to nominate Maureen Kirk as the Mayor and that the nominations be closed.

The motion carried by the following vote:

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

A motion was made by Councilmember Nguyen-Tan and seconded by Mayor Kirk to nominate Councilmember Jarvis as the Vice Mayor and to close nominations.

The motion carried by the following vote:

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

THE CITY COUNCIL RECESS AT 7:40 P.M. AND RECONVENED AT 8:00 P.M. AS THE CHICO REDEVELOPMENT AGENCY FOR THE PURPOSE OF CONSIDERING REDEVELOPMENT AGENCY ITEMS

1. CALL TO ORDER — Mayor Kirk called the meeting to order at 8:00 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

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

1.2. Proclamation – Mayor Kirk presented Councilmember Herbert with an outgoing Mayor’s plaque and gavel.

2. CONSENT AGENDA — This item was removed from the Consent Agenda by Councilmember Nguyen-Tan for further discussion.

2.1. CONSIDERATION OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE TO REFUND $250 OF THE $1,000 DEPOSIT TO JOHN FARSAT IN CONNECTION WITH THE PROPOSED SALE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT (CMA) — this item was removed from the Consent Agenda and heard under Item 4.1.

3. ITEMS ADDED AFTER POSTING OF THE AGENDA — No Items
4. **REGULAR AGENDA**

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

2.1. **CONSIDERATION OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE TO REFUND $250 OF THE $1,000 DEPOSIT TO JOHN FARSAI IN CONNECTION WITH THE PROPOSED SALE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT (CMA) — this item was removed from the Consent Agenda by Councilmember Nguyen-Tan for further discussion.**

At its 11/14/02 meeting, the Economic Development Committee considered a request from Paul Farsai for a refund of the $1,000 deposit for the proposed purchase of a 2.14 acre site at the CMA owned by the Redevelopment Agency. Mr. Farsai made the deposit on behalf of his brother, John Farsai, of United Technology, Inc. in November, 2001. Administrative Procedure and Policy No. 90-5 states that the Agency is to refund deposits for Airport Property only if the City Council or Airport Commission disapproves the sale or if the City is prevented by law from entering into the agreement, lease or option. By memorandum dated 11/22/02, the Economic Development/Housing Specialist provides background on this item. The Economic Development Committee recommended (2-0, Keene absent) that the Redevelopment Agency refund $250 of the $1,000 deposit to John Farsai in connection with the proposed sale of property at the Chico Municipal Airport.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to refund $250 of the $1,000 deposit to John Farsai.

The motion carried by the following vote:

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

5. **ADJOURNMENT** — The Redevelopment Agency meeting was adjourned to a regular City Council meeting at 8:07 p.m.
REGULAR CHICO CITY COUNCIL MEETING — DECEMBER 3, 2002
Minutes

1.1 CALL TO ORDER — Mayor Kirk called the Regular Chico City Council Meeting to order at 8:07 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street,

2. CONSENT AGENDA — A motion was made by Councilmember Herbert and seconded by Vice Mayor Jarvis to approve the following items:

2.1. ORDINANCE NO. 2254 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PROHIBITING THE USE OF SELF-SERVICE DISPLAYS FOR THE SALE OF TOBACCO PRODUCTS OR TOBACCO PARAPHERNALIA - FINAL READING AND ADOPTION

At its 11/05/02 meeting, Council approved the introduction of this ordinance prohibiting the use of self-service displays for the sale of tobacco products by a 6-1 vote, with Councilmember Wahl voting against. As background information, Council directed on 4/2/02, the preparation of this ordinance as recommended by the Internal Affairs Committee. This ordinance will make it unlawful for any tobacco retailer to sell, permit to be sold, offer for sale, or display for sale any tobacco products or tobacco paraphernalia by means of a vending machine or self-service display. The ordinance will require employee assistance to retrieve such items for purchase. Existing non-conforming self-service displays may remain in place for up to 180 days after the effective date of the ordinance. The Community Development Director recommended adoption of the ordinance by reading of the title only.

2.2. RESOLUTION NO. 60 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EAST 8TH STREET ANNEXATION DISTRICT NO. 19.

By memorandum dated 11/8/02, the Assistant Community Development Director forwarded a report on the initiation of annexation proceedings for a single 2.07 acre parcel at 2275 East 8th Street. The parcel proposed for annexation contains a single family residence. The site is designated and zoned for low density residential use. The annexation has been initiated to allow creation of an additional parcel for single family residential development and connection to the sanitary sewer system. The Assistant Community Development Director recommended adoption of the resolution.

2.3. RESOLUTION NO. 61 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE NOVEMBER 5, 2002 GENERAL MUNICIPAL ELECTION

Pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code, this resolution declares the results of the General Municipal Election held on 11/5/02 in the City of Chico. The certified election results will be forwarded to Council upon receipt from the Butte County Clerk. The City Clerk recommended adoption of the resolution.

2.4. RESOLUTION NO. 62 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 3 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 11/21/02, the Personnel Director recommended approval of a resolution approving Amendment No. 3 to the Memorandum of Understanding between the City and International Association of Firefighters. The Amendment makes minor changes in the scheduling of future pay increases, and
the method of calculation of those pay increases. There is no unbudgeted cost for these changes. The Personnel Director recommended adoption of the resolution.

2.5. MINUTE ORDER NO. 59-02 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE “ANIMAL SHELTER OPERATING SERVICES AGREEMENT (CITY OF CHICO/BUTTE HUMANE SOCIETY, INC.)”

Since 1994, the City has contracted with the Butte Humane Society (BHS) to operate the City’s Animal Shelter facility. Among other things, the operating services agreement provides that the Shelter will be open to the public on a daily basis, from 11:00 a.m. to 5:00 p.m., excepting Wednesdays, when the hours are 12:00 p.m. to 7:00 p.m., and Sundays, when the hours are 12:00 p.m. to 4:00 p.m. At its option, BHS may close the Shelter on City-observed holidays. By letter dated 11/04/02, BHS Executive Director Cathy Augros requests, among other things, that the public hours for the Shelter be changed so that the Shelter would be open daily, including Sundays, from 12:00 p.m. to 6:00 p.m., excepting Wednesdays when the Shelter would continue to be open until 7:00 p.m. BHS feels that this extension of the hours in the evening, and the additional two hours on Sundays would better serve both the public and the Shelter.

This Minute Order authorized the City Manager to execute Amendment No. 4 to the Animal Shelter Operating Services Agreement to implement this change in the public hours, to be effective 1/1/03. The Risk Manager recommended approval of the Minute Order.

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

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: Wahl - on Item 2.1.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON GENERAL PLAN AMENDMENT AND REZONE/PREZONE 02-05 (MYERS/CITY OF CHICO) FOR PROPERTIES LOCATED ON THE NORTHEAST SIDE OF ELM STREET OPPOSITE E. 22ND STREET, ASSESSOR’S PARCEL NOS. 005-467-001, 003, 004, 010, 012, and 005-490-052 and 053

By memorandum dated 11/20/02, Senior Planner Claudia Sigona reported that at the City Council meeting of 10/1/02, the Council conducted a public hearing on a proposed General Plan Amendment and rezone of seven parcels totaling four acres, located on the northeast side of Elm Street, opposite E. 22nd Street, Assessor’s Parcel Nos. 005-467-001, 003, 004, 010, 012, and 005-490-052 and 053, from Low Density Residential/R1 (2.01 to 6 units per acre) land use designation/zoning/prezoning to Medium Density Residential/R2 (4.01 to 14 units per acre) land use designation/zoning/prezoning. At the hearing, co-applicant Linda Myers opposed the recommended design overlay district which, among other things, would mandate that parking be placed in the rear or side of parcels. Council directed Ms. Myers to submit her pending site plan for multi-family development at 2159 Elm Street to the Architectural Review Board (ARB) for consideration of a front-loaded parking lot to determine if the project could be sufficiently screened, and postponed action on the General Plan Amendment and Rezone. At its 10/23/02, meeting, the ARB reviewed Ms. Myers’ plan and determined that the proposed design would adequately buffer the parking area, voting unanimously to recommend Council approval. Based on the outcome of this process, staff removed the design consideration overlay district from the rezone ordinance. The revision necessitated that the ordinance be reintroduced, which it was at the 11/19/02, City Council meeting.
Mayor Kirk opened the hearing to the public. Linda Myers addressed Council and then the hearing was closed.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to 1) adopt the proposed negative declaration; 2) adopt the resolution approving General Plan Amendment 02-05; and 3) adopt the ordinance approving General Plan Amendment/Rezone/Prezone 02-05 (Myers/City of Chico).

RESOLUTION NO. 63 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN DESIGNATION FOR FOUR ACRES LOCATED ON THE NORTHEAST SIDE OF ELM STREET, OPPOSITE E. 22ND STREET - GENERAL PLAN AMENDMENT 02-05 (MYERS/CITY OF CHICO)

ORDINANCE NO. 2255 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING FOUR ACRES LOCATED ON THE NORTHEAST SIDE OF ELM STREET, OPPOSITE E. 22ND STREET - GENERAL PLAN AMENDMENT/REZONE/PREZONE 02-05 (MYERS/CITY OF CHICO) - FINAL READING AND ADOPTION

The motion carried by the following vote:

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

3.2. HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 2837 ESPLANADE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-350-020, FROM CC COMMUNITY COMMERCIAL TO OR OFFICE RESIDENTIAL (REZONE O2-02 MARSHALL/CONROY)

By memorandum dated 11/22/02, Senior Planner Murphy reported that at its meeting of 10/17/02, the Planning Commission voted (6 in favor, 0 in opposition, 1 disqualified) to recommend Council approval of rezoning from CC Community Commercial to OR Office Residential for a 0.24 acre property located at 2837 Esplanade (RZ 02-02; Marshall/Conroy, applicant). At its 11/05/02 meeting, the City Council introduced the ordinance by reading of the title only. The property is identified as Assessor’s Parcel No. 006-350-020 and is designated Office on the General Plan Diagram. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, as it has been determined to be covered under the previously certified General Plan EIR since the proposed zoning is consistent with the underlying General Plan designation. Mayor Kirk opened the hearing to the public and no one spoke. The hearing was closed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to determine that no further environmental review is required and to adopt the proposed ordinance approving Rezone 02-02 by final reading of the title only.

ORDINANCE NO. 2256 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 2837 ESPLANADE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-350-020, FROM CC COMMUNITY COMMERCIAL TO OR OFFICE RESIDENTIAL (REZONE O2-02 MARSHALL/CONROY)

The motion carried by the following vote:

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

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 525 (HUSA RANCH SUBDIVISION)

By memorandum dated 10/31/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 525. As a condition of approval of a subdivision map for this development, generally located on the west side of Bruce Road adjacent to the south of the Nob Hill Subdivision and north of Dead Horse Slough, the developers, Sterling Oaks Land and Hignell...
Development Group, have consented to the formation of this district for the operation, maintenance, and future replacement of the Bruce Road entry statement, the soundwall, bike path, landscaping and irrigation along Bruce Road and within the Bruce Road median, the park site, the levee, detention basin and its wall, chain link fence and gates, and the open space area. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. The Mayor opened the hearing to the public and no one spoke. The hearing was closed.

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

RESOLUTION NO. 64 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 525 — HUSA RANCH SUBDIVISION)

The motion carried by the following vote:

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

NOES: None

3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 527 (SHASTAN @ FOREST AVENUE SUBDIVISION)

By memorandum dated 10/28/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 527. As a condition of approval of a subdivision map for this development, generally located on the east side of Forest Avenue, north of SHR 32, south of East 8th Street, the developers, Jay and Linda Halbert of Shastan Homes, have consented to the formation of this district for the operation, maintenance, and future replacement of the absorption trenches and the open space areas. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. Mayor Kirk opened the hearing to the public and no one spoke. The hearing was closed.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Jarvis to adopt:

RESOLUTION NO. 65 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 527 — SHASTAN @ FOREST AVENUE SUBDIVISION)

The motion carried by the following vote:

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

NOES: None

3.5. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 528 (LAKE VISTA SUBDIVISION)

By memorandum dated 11/12/02, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 528. As a condition of approval of a subdivision map for this development, generally located on the north side of State Highway 32, east of Yosemite Drive, the developer, Sunset Development LLC, has consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage detention basin and the drainage swales, and the landscaping and irrigation of the traffic roundabout, neighborhood park, along the bike
path and the drainage swales. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the Resolution. Mayor Kirk opened the hearing to the public and no one spoke. The hearing was closed.

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

RESOLUTION NO. 66 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 528 — LAKE VISTA SUBDIVISION)

The motion carried by the following vote:

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

3.6. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMA IN FOR THE RECONSTRUCTION OF THE INTERSECTION OF ESPLANADE AND EAST AVENUE (2539 ESPLANADE - ASSESSOR’S PARCEL NO. 006-530-028 - DUNN)

The City is undertaking reconstruction of the intersection of Esplanade and East Avenue to widen the intersection to provide for a right turn lane, two through lanes and two left turn lanes, for each approach. Because of this reconstruction project, the City must acquire additional right-of-way, public utility easements, and temporary construction easements from several property owners proximate to the East/Esplanade intersection.

By notice letter dated 11/15/02, Sherrie S. Dunn, the property owner of 2539 Esplanade was advised of tonight’s hearing, of the City’s intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owner should submit a request in writing within 15 days of the date of the letter if she wished to be heard at tonight’s meeting. No request was received as of the date of preparation of this agenda.

By memorandum dated 11/22/02, the Assistant City Manager transmits copies of the notice letter to the property owner, the resolution authorizing acquisition of interests in the properties by eminent domain, the 11/14/02 Engineer’s Report from the Director of Public Works which supports the California Government Code findings required to adopt the resolution, and the notice of determination for the reconstruction project. The Mayor opened the hearing to the public and no one spoke. The hearing was closed.

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

RESOLUTION NO. 67 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 2539 ESPLANADE (ASSESSOR’S PARCEL NO. 006-530-028) IN CONNECTION WITH A PROJECT TO RECONSTRUCT THE INTERSECTION OF ESPLANADE AND EAST AVENUE AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

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

4. REGULAR AGENDA
4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. APPEAL FROM STEVE HUGHES - FRONTAGE IMPROVEMENTS AT 456 JUNIPER STREET

By memorandum dated 11/20/02, the Director of Public Works reported on a request from general contractor Steve Hughes to construct the sidewalk and roll-curb at the frontage of 456 Juniper Street contiguously in order to provide a more convenient handicap access for a family member of the new homeowner. Since the vacant lot at 456 Juniper is currently being developed as a single family residence, and Chico Municipal Code Section 18R.08.020 F.4. requires that “sidewalks shall be separated from the adjacent curb and gutter by a parkway....” for all new development, Mr. Hughes’ request to construct the sidewalk and curb contiguously was denied. Mr. Hughes has appealed this decision and in accordance with the Chico Municipal Code, the appeal is coming before the City Council for consideration. The Director of Public Works recommended that the requirements established by the Chico Municipal Code for separated sidewalk be upheld and the appeal denied.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Jarvis to hear the appeal at the 12/17/02 meeting.

The motion carried by the following vote:

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

4.3. CONSIDERATION OF REQUEST FROM COUNCILMEMBER JARVIS TO SET A MEETING FOR DISCUSSION AND DETERMINATION OF COUNCIL PRIORITIES

By letter dated 11/12/02, Councilmember Jarvis requested that the City Council set a meeting in early January for a discussion and determination of Council priorities. She would like to see this agendized as a Council workshop designed to elicit discussion by Councilmembers, possibly facilitated by an outside professional facilitator. The City Manager recommended that this discussion take place at the 01/28/03 Council Work Session and Council concurred. In addition, it would leave the decision of whether an outside professional facilitator would be used and if so, who that person would be to the Mayor.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON NOVEMBER 12, 2002

By memorandum dated 11/22/02, the Internal Affairs Committee provided a report on its meeting held on 11/12/02. Committee members present were Councilmembers Jarvis, Kirk and Bertagna, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Approval of Ordinance Amending Chico Municipal Code (CMC) to Require a 10-day, Rather than 15-day, Appeal Period. — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to direct staff to bring back a draft ordinance for introductory reading at the December 17, 2002 meeting.

The motion carried by the following vote:

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

B. Approval of Changes and Additions to City Administrative Procedure and Policy Manual - Series #10 (Council Established Procedures and Policies). The Committee recommended (2-0, Bertagna absent) that these changes and additions to the Administrative Procedure and Policy Manual be forwarded to Council with an additional revision to AP & P 10-1, to require that
agendas for all City meetings, including standing committees, be publicly posted to the City website. By supplemental memorandum dated 11/18/02, the Risk Manager forwarded a copy of the revised AP&P 10-1 which incorporates a number of changes needed to implement the Committee’s recommendation. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve the Internal Affairs Committee recommendations for approval of these AP&P changes, including this revised AP&P 10-1.

The motion carried by the following vote:

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

C. **Review and Discussion of Inappropriate Use and Vandalism in and Adjacent to Humboldt Neighborhood Park (Skatepark).** A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve the committee’s recommendation for structural changes to the existing fence or the addition of a wall, installation of cameras, and directed the Park Commission to form a Park Task Force made up of park users and community volunteers.

The motion carried by the following vote:

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

4.5. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — No Items

5. **FUTURE MEETINGS**

5.1. **SCHEDULING OF INTERVIEW MEETING FOR APPOINTMENTS TO CITY BOARDS, COMMISSIONS, OR COMMITTEE**

By memoranda dated 11/25/02, the City Clerk forwarded a list of applicants for appointment to the City’s Boards, Commissions, and Community Transit Committee, as well as the guidelines for making appointments. (Councilmembers only will be provided with separate folders containing copies of all applications and other pertinent information to be brought to the interview meeting).

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to hold the meeting on January 6, 2003 at 6:00 p.m. in Conference Room 1 of the Council Chamber.

The motion carried by the following vote:

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

6. **BUSINESS FROM THE FLOOR**

Mario Sagastume addressed Council about considering permanent high intensity lights year round in the south campus area. He also felt that it would be more effective if the police got out of their cars and walked an actual beat.

7. **REPORTS AND COMMUNICATIONS**

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

7.1. Memorandum dated 11/18/02 from the Finance Director reported that the list of claims paid during the month of October 2002 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
7.2. Memorandum dated 11/18/02, from the Assistant City Manager provided a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

8. **ADJOURNMENT**

Adjourned at 9:07 p.m. to December 17, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved:

_______________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** — Mayor Kirk called the meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street

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

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City’s negotiator is Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando is the City’s negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. **CONFERENCE WITH LEGAL COUNSEL -- PENDING LitIGATION:** The City Attorney reviewed the following: *Meghdadi v. Chico City Council*, Butte County Superior Court Case 127773. (Gov. Code Sec. 54956.9(a).)

2.3. **CONFERENCE WITH LEGAL COUNSEL -- PENDING LitIGATION:** The City Attorney reviewed the following: *Service Employees International Union, Local 1292 v City of Chico*, Public Employment Relations Board Case No. SA-CE-71-M. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

   Adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** — Mayor Kirk called the meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Flag Salute

1.2. Invocation - Police Chaplain Dale Rash

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

1.4. Closed Session Announcement - None

2. **CONSENT AGENDA** — Item 2.1. was removed from the Consent Agenda and heard under Item 4.1.

2.1. **RDA RESOLUTION NO. 07-02** — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING PROCEEDS FROM THE CHICO MERGED REDEVELOPMENT PROJECT AREA 1996 CHICO PUBLIC FINANCING AUTHORITY TAX ALLOCATION REVENUE BONDS TO FUND IMPROVEMENTS TO THE COMPOST FACILITY AT THE CHICO MUNICIPAL AIRPORT

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE MID PLAN REVIEWS OF THE FIVE YEAR IMPLEMENTATION PLANS FOR THE CHICO MERGED AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT AREAS, AND THE CHICO REDEVELOPMENT AGENCY AFFORDABLE HOUSING PLAN**

By memorandum dated 12/10/02, the Executive Director reported that the provisions of the Community Redevelopment Law require the Chico Redevelopment Agency to adopt implementation plans for the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas that provide documentation of the link between the elimination of blight and the proposed activities of the Agency. In addition, a public hearing on the implementation plans must be held at least once during the five year period of the plans to hear testimony of all interested parties for the purpose of reviewing the implementation plans. The review of the plans is to take place during a noticed public hearing no earlier than two years and no later than three years after adoption of the implementation plans. The Five Year Implementation Plans for the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas (2000-02 through 2004-05) were adopted by the Agency 12/21/99. Therefore, the Agency is required to conduct a review of the Plans no earlier than December 2001, and no later than December 2002. Notice of tonight’s public hearing was published and posted in the manner required by the Community Redevelopment Law. During the hearing, the Agency shall hear any comments related to the progress of the Plans.

Although California Redevelopment Law does not require preparation of a written document, staff has prepared Mid Plan Reviews of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas Five Year Implementation Plans (2000-02 through 2004-05) to assist the Agency in its review of the progress of the Plans. The Mid Plan Reviews summarize the actual Agency activities and resources for the 2000-01 and 2001-02 fiscal years and set forth potential projects and projected revenues for the remaining years of the Plans. In addition, staff has prepared a Five Year Update, Mid Plan Review, of the Affordable Housing Plan which provided an update on the Housing Production Goals as set forth in the Plan.

Mayor Kirk opened the hearing to the public and no one spoke. The hearing was closed. No Agency action is required.
4. **REGULAR AGENDA**

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

2.1. **RDA RESOLUTION NO. 07-02 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING PROCEEDS FROM THE CHICO MERGED REDEVELOPMENT PROJECT AREA 1996 CHICO PUBLIC FINANCING AUTHORITY TAX ALLOCATION REVENUE BONDS TO FUND IMPROVEMENTS TO THE COMPOST FACILITY AT THE CHICO MUNICIPAL AIRPORT** — this item was removed from the Consent Agenda for further discussion.

By memorandum dated 12/09/02 to the Solid Waste Committee, a copy of which was provided to the City Council, the Director of Public Works reported that improvements to the City’s Compost Facility at the Chico Municipal Airport are required in order to eliminate environmental concerns noted by the Butte County Environmental Health Department. The improvements would consist of the installation of aggregate base and a three inch asphalt surface to eliminate infiltration of leachate into the groundwater and to eliminate ponding water which promotes vector, odor, and other environmental problems. The estimated cost of the improvements is $400,000 and the proposed funding source is bond proceeds from the 1996 Chico Public Financing Authority Tax Allocation Revenue Bonds (Fund 354). The Chico Redevelopment Agency was provided with a Request for Tax Increment Allocation Redevelopment Project Analysis. The resolution would appropriate funds in the amount of $400,000 from Fund 354. This request was considered by the Solid Waste Committee this morning (12/17/02).

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt Resolution No. 07-02, amending the estimated costs to be $231,000 and the additional amount to be reviewed by the Airport Commission.

The motion carried by the following vote:

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

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

6. **ADJOURNMENT**

Adjourned to a City Council meeting.
1. **CALL TO ORDER** — Mayor Kirk called the meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

2. **CONSENT AGENDA** — Items 2.2. and 2.3. and 2.7. were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 2.80 OF THE CHICO MUNICIPAL CODE RELATING TO APPEALS TO THE CITY COUNCIL - INTRODUCTORY READING**

At its 12/3/02 meeting, the City Council approved the recommendation of the Internal Affairs Committee to amend the Chico Municipal Code to establish a 10-day, rather than 15-day appeal period. The Council was provided with a memorandum dated 9/13/02 from the Planning Director regarding his recommendation to conform the appeal periods in the Chico Municipal Code and State law. The ordinance will amend Chapter 2.80 of the Chico Municipal Code relating to appeals. The Planning Director and City Manager recommended introduction of the ordinance.

2.2. **MINUTE ORDER NO. 60-02 – AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR TRANSFER OF A NEW STATE FIRE ENGINE AND EQUIPMENT TO THE CITY** — this item was removed from the Consent Agenda and heard under Item 4.1.

2.3. **MINUTE ORDER NO. 61-02 - AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT FOR PARK FACILITY WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR MAINTENANCE AND OPERATION OF HANCOCK NEIGHBORHOOD PARK** — this item was removed from the Consent Agenda and heard under Item 4.1.

2.4. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 02-03 14 TO PROVIDE ADDITIONAL FUNDING FOR MAJOR LITIGATION COSTS**

At its meeting held 10/15/02, the City Council approved Supplemental Appropriation No. 02-03 06 which allocated $50,000 to fund outside legal counsel in the City’s defense of Andrew Meghdadi, et al. v. City Council, et al. These funds have been depleted and it is anticipated that an additional $50,000 will be needed to cover litigation costs through the end of the 2002-03 fiscal year. This Supplemental Appropriation would allocate $50,000 from the General Fund. The City Council is being provided with a copy of the General Fund (001) Fund Summary which reflects the 06/30/03 estimated fund balance. The City Attorney recommended approval of the Supplemental Appropriation.

2.5. **APPROVAL OF RECOMMENDATION FOR EXTENSION OF RESCISSION DEADLINE FOR RANCHO CHICO DAYS TO RECEIVE COMMUNITY ORGANIZATION FUNDING FY 02-03**

The City Council previously approved an extension until 11/30/02 for Rancho Chico Days to submit all documentation required by the City in connection with the community organization funding agreement. Rancho Chico Days, by letter dated 12/3/02, advises that it has a new Board of Directors and will be able to submit the required insurance by 12/31/02. By memorandum dated 12/4/02, the Assistant City Manager recommended approval of the extension as, unlike most other organizations, Rancho Chico Day’s funding is not released for use until the second half of the fiscal year for the summer parade and extension of the deadline until the end of December would not affect the performance requirements under the City’s funding agreement. The Assistant City Manager recommended approval of the extension as set forth in the memorandum.
2.6. ACKNOWLEDGMENT OF RECEIPT OF ANNUAL FINANCIAL REPORTS

By memorandum dated 12/5/02, the Finance Director submitted, for the year ended 6/30/02, the Independent Auditors’ Communication, City of Chico Annual Financial Report, City of Chico Single Audit Reports, Chico Redevelopment Agency Component Unit Financial Report, and Chico Public Financing Authority Component Unit Financial Report. Pursuant to the provisions of Section 1109 of the City’s Charter, an independent auditor, hired by the City 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 City 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 the reports and refer the reports to the Finance Committee for review.

2.7. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS — this item was removed from the Consent Agenda and heard under Item 4.1.

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

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON APPEAL FROM STEVE HUGHES - FRONTAGE IMPROVEMENTS AT 456 JUNIPER STREET

By memorandum dated 11/20/02, the Director of Public Works reported on a request from general contractor Steve Hughes to construct the sidewalk and roll-curb at the frontage of 456 Juniper Street contiguously in order to provide a more convenient handicap access for a family member of the new homeowner. Since the vacant lot at 456 Juniper is currently being developed as a single family residence, and Chico Municipal Code Section 18R.08.020 F.4. requires that “sidewalks shall be separated from the adjacent curb and gutter by a parkway...” for all new development, Mr. Hughes’ request to construct the sidewalk and curb contiguously was denied. Mr. Hughes has appealed this decision and, in accordance with the Chico Municipal Code, the appeal is coming before the City Council for consideration. The Director of Public Works recommended that the requirements established by the Chico Municipal Code for separated sidewalk be upheld and the appeal denied.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to waive the requirements for separated sidewalk and to uphold the appeal and to send the requirements to Internal Affairs for review.

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. MINUTE ORDER NO. 60-02 – AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR’S OFFICE OF EMERGENCY SERVICES FOR TRANSFER OF A NEW STATE FIRE ENGINE AND EQUIPMENT TO THE CITY — this item was removed from the Consent Agenda and heard under Item 4.1.
This minute order authorized the City Manager to execute all necessary documents for the temporary transfer of a new fire engine from the Fire and Rescue Branch of the State Office of Emergency Services to the City. The City may use the fire engine for any Chico Fire Department purpose except as a first-line engine.

The State pays for most parts and repairs for the engine and provides a substantial complement of new fire fighting and rescue equipment. In return, the City will maintain the engine in good condition, train City firefighters on its use and respond to State Mutual Aid Requests with a standard crew of three firefighters. Reimbursement for Mutual Aid Response through FEMA or the Cooperative Agreement for Local Government Fire Suppression Assistance is the same as for other City resources. The Fire Chief recommended approval of the minute order.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve Minute Order No. 60-02.

The motion carried by the following vote:

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

2.3. MINUTE ORDER NO. 61-02 - AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT FOR PARK FACILITY WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR MAINTENANCE AND OPERATION OF HANCOCK NEIGHBORHOOD PARK — this item was removed from the Consent Agenda and heard under Item 4.1.

This minute order authorized the City Manager to execute an agreement with the Chico Area Recreation and Park District (CARD), and any amendments thereto, for maintenance and operation of Hancock Neighborhood Park. The lease agreement will have a initial term of 25 years, with CARD to receive reimbursement for eligible direct and indirect costs associated with maintenance and operation of the park. The reimbursement costs will be funded from Chico Maintenance District #500. The Park Director recommended approval of the minute order.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Jarvis to approve Minute Order No. 61-02 and requested staff to provide Council at budget time with a comparison of maintenance costs for CARD and private contractors.

The motion carried by the following vote:

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

2.7. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS — this item was removed from the Consent Agenda and heard under Item 4.1.

The City Council was provided with a memorandum dated 12/11/02 forwarding a list of the Mayor’s recommended appointments.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to confirm the Mayor’s recommendation as amended which included Councilmember Bertagna being appointed to the Internal Affairs Committee and Councilmember Gruendl being appointed to the Intergovernmental Committee.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
4.2. CONSIDERATION OF ESTABLISHMENT OF HUMBOLDT ROAD BURN DUMP STEERING COMMITTEE

By memorandum dated December 9, 2002, the City Manager recommended that the City Council establish an informal Humboldt Road Burn Dump steering committee comprised of property owners in the affected area as well as other interested parties not to exceed 15 - 20 people to meet on an ad hoc, as needed, basis.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to have the Mayor and the City Manager select the members of the committee.

The motion carried by the following vote:

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

4.3. CONSIDERATION OF POLICY REGARDING SANITARY SEWER SERVICE FOR PROPERTIES IN THE UNINCORPORATED AREA

At the request of Councilmember Nguyen-Tan, the City Council agreed at its 11/19/02 meeting to consider the City’s policy regarding sanitary sewer service for properties in the unincorporated area. By memorandum dated 12/9/02, the Assistant Community Development Director provided background information regarding the City’s existing policy. The City Manager recommended that the policy not be changed. If the Council wishes to revise the current policy, the City Manager recommended that the matter be referred to the Internal Affairs Committee. Speaking in favor of providing sewer service for properties in the unincorporated areas was Jim Pedri, John Byrne and Steve Schuster.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Wahl to send the current annexation policy to the Internal Affairs Committee for review, which would include participation by LAFCo, since they would have to approve it.

The motion carried by the following vote:

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

4.4. REPORT AND CONSIDERATION OF PROPOSAL TO REMEDIATE LEAD AND TARGET FRAGMENTS FROM THE FORMER RIFLE/SKEET RANGE - UPPER BIDWELL PARK

By memorandum dated 12/6/02 the Park Director provided a report on a proposal to remediate lead and target fragments from the former rifle/skeet range in Upper Bidwell Park and recommended that the Council approve the minute order which would authorize the City Manager to execute a voluntary cleanup agreement with the Department of Toxic Substances Control (DTSC) and would approve funding in the amount of $25,000 for consultant services to develop plans and cost estimates. The Park Director and the City Manager recommended approval of the Minute Order.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve:

MINUTE ORDER NO. 62-02 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A VOLUNTARY CLEANUP AGREEMENT WITH THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC) FOR THE FORMER RIFLE/SKEET RANGE- UPPER BIDWELL PARK

The motion carried by the following vote:

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

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON
ITS MEETING HELD ON NOVEMBER 25, 2002

By memorandum dated 12/10/02, the Finance Committee provided a report on its meeting held on 11/25/02. Committee members present were Councilmembers Nguyen-Tan, Wahl and Keene, Chair.

COMMITTEE MATTERS REQUIRING COUNCIL ACTION AT THIS MEETING:

A. Consideration of Changes to Fee Schedule 11.025 - Chico Municipal Center Use Fee. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna that no fee be established for use of the Chico Municipal Center parking lot, that the Fee Schedule be amended to increase the fee for use of meeting rooms after hours and on weekends and holidays, because it represents actual cost to the City, and to adopt:

RESOLUTION NO. 68 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 272 – CHICO MUNICIPAL CENTER USE FEES)

The motion carried by the following vote:

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

B. Consideration of Social Accountability Program Fee. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Wahl to establish a fee to cover City costs as ordered by Butte County Superior Court for participation in the Social Accountability Program, that the program be reviewed in August of 2003 to determine if the fee is matching the actual cost of administering the program, and to adopt:

RESOLUTION NO. 69 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 276 – SOCIAL ACCOUNTABILITY PROGRAM)

The motion carried by the following vote:

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

C. Approval of City Fee Schedule Amendment Relating to Animal Shelter Fees. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve changes to impounding fees as requested by the Butte Humane Society and to adopt:

RESOLUTION NO. 70 02-03 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 275 – ANIMAL SHELTER FEES)

The motion carried by the following vote:

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

D. Consideration of Recommendation from Arts Commission Regarding Public Art Fund Matching Program Funding Source. The Committee recommended (2-1, Nguyen-Tan against)
a new General Fund matching program to be funded by a supplemental appropriation in the amount of $10,000 for fiscal year 02-03 with funding for future years to come from the Arts set aside of the Transient Occupancy Tax. The recommendation is for a $2,000 maximum grant per project and a 50% match, subject to determination by the City Attorney that an unsecured maintenance agreement is acceptable. The Committee recommended no changes to the existing program funded from redevelopment funds.

The City Council was provided with a copy of Supplemental Appropriation No. 02-03 13 which would allocate $10,000 from the General Fund for this program. The Council was also provided with a copy of the General Fund (001) Fund Summary which reflects the 06/03/03 estimated fund balance. Also provided was a memorandum from the Arts Project Coordinator dated 12/17/02 transmitting comments from the Arts Commission that the funding of this new program continue to come from the General Fund instead of the TOT funds. Addressing the Council on this issue were Daniel Donnelly and Gregg Payne.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve:

SUPPLEMENTAL APPROPRIATION NO. 02-03 13 TO ALLOCATE $10,000 FROM THE GENERAL FUND (001) TO FUND THE CITY PUBLIC ART ON PRIVATE FACILITIES PROGRAM

The motion carried by the following vote:

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

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING:

E. Approval of Housing Rehabilitation Loan Request -Dori Moura- 124 West 22nd Street. The Committee recommended (3-0) conditional approval of this request with the funds to be allocated from the City’s HOME Program and determined that in the event expansion requests become typical, the Housing Rehabilitation Program will be reviewed by the Finance Committee.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to accept the November 15, 2002 Finance Committee Report.

The motion carried by the following vote:

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

4.6. FUTURE MEETINGS

The Council considered and set standing meeting dates and times for the Finance Committee to be held on the 4th Wednesday of the month from 8:00 - 10:00 A.M., the Internal Affairs Committee continuing to be held on the currently scheduled 2nd Tuesday from 8:00 - 10:00 A.M., and the date and times for the Economic Development Committee and Solid Waste Committee to be determined by the Chair.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on any of the items.
6.1. PROPOSAL FOR A TRIAL PERIOD ALLOWING TWO-WAY BICYCLE TRAVEL ON SOUTH PARK DRIVE IN BIDWELL PARK ON DAYS THAT HANK MARSH JUNIOR HIGH SCHOOL IS OPEN

By memorandum dated 11/18/02, the Park Director requested the City Council consider a proposal to allow the public to travel both directions on South Park Drive between the Cedar Grove Bridge and Centennial Avenue during weekdays when school is in session. The motivation for the proposal is to allow students attending Hank Marsh Junior High School to travel both directions to access improvements to El Monte Avenue accommodating student use of bicycles. Under current policy, vehicular and bicycle traffic is restricted to one-way travel east on South Park Drive at all times. As proposed, one-way travel would be restricted to weekends, holiday breaks and the summer when school is not in session. The recommendation is to evaluate the change during a trial period set for the end of the current school year (4/21/03 to 5/30/03). Permanent changes, if any, would be presented to the City Council for consideration after the trial period. The City Manager recommended that this proposal be referred to the Internal Affairs Committee.

7. ADJOURNMENT

Adjourned at 9:38 p.m. to January 6, 2003, at 6:00 p.m., in Conference Room No. One, to conduct interviews with applicants for Boards and Commissions.

Date Approved:

_________________________________
Deborah R. Presson, City Clerk