

REGULAR CHICO CITY COUNCIL MEETING — October 7, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the October 7, 2008 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Dave Osborne, Seventh-day Adventist Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.7. Closed Session Announcement – None
- 1.8. Proclamation — Proclaiming October 2008 as “Domestic Violence Awareness Month”
2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2384 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 15.50 ENTITLED “STORM WATER MANAGEMENT AND DISCHARGE CONTROLS” TO THE CHICO MUNICIPAL CODE** - Final Reading and Adoption

ADOPTION OF A RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR STORM DRAINAGE DESIGN CRITERIA AMENDMENTS

Adopted - an ordinance implementing State-mandated storm water discharge requirements into the Chico Municipal Code and a resolution adopting a negative declaration. The ordinance was introduced by the Council at a noticed public hearing on 9/02/08. *The Building & Development Services Director recommended adoption of the ordinance by reading of the title only and adoption of the resolution.*

RESOLUTION NO. 69-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION FOR THE STORM DRAINAGE DESIGN CRITERIA AMENDMENTS AND STORM WATER MANAGEMENT AND DISCHARGE CONTROL ADDITIONS TO THE CHICO MUNICIPAL CODE

- 2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC UTILITY EASEMENTS - MCKINNEY RANCH**

Adopted - a resolution of intention to abandon and vacate public utility easements at McKinney Ranch Subdivision to facilitate the merging of two lots into one combined lot for construction of a duplex on the site. *The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing on 11/04/08.* The City Council was also provided with an alternate plat submitted by Lumos Engineering.

RESOLUTION NO. 70-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MCKINNEY RANCH LOTS 22 & 23 / ASSESSOR’S PARCEL NOS. 007-260-113 & 114)

2.3. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A STORM DRAIN/BIKE PATH EASEMENT - EAST 20TH STREET & BRUCE ROAD**

Adopted - a resolution of intention to abandon and vacate a storm drain/bike path easement located on the southwest corner of East 20th Street and Bruce Road to allow for construction of a commercial building. *The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing on 11/04/08.*

Councilmember Gruendl was disqualified on this item.

RESOLUTION NO. 71-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A STORM DRAIN/BIKE PATH EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (EAST 20TH STREET & BRUCE ROAD / APN 018-390-021)

2.4. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS - WATER POLLUTION CONTROL PLANT EXPANSION OUTFALL REPLACEMENT**

Approved - a minute order authorizing acquisition of right-of-way easements in connection with the Water Pollution Control Plant Expansion Outfall Replacement project according to the negotiated terms set out in the minute order for APN 039-530-018 located on Chico River Road (M&T Ranch). *The Capital Project Services Director recommended approval of the minute order.*

MINUTE ORDER NO. 12-08 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF TEMPORARY RIGHT OF WAY AND CONSTRUCTION EASEMENT, PERMANENT SANITARY SEWER EASEMENT AND PERMANENT UTILITY EASEMENT FOR THE WATER POLLUTION CONTROL PLANT EXPANSION OUTFALL REPLACEMENT (PACIFIC REALTY ASSOCIATES, L.P. – APN 039-530-018)

2.5. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATION REGARDING THE PLACEMENT OF BASKETBALL STANDARDS IN THE PUBLIC RIGHT-OF-WAY AND REPEALING THE CODE THAT PROHIBITS PLAYING OF ANY GAME IN THE PUBLIC RIGHT-OF-WAY**

Accepted - the recommendation from the Internal Affairs Committee meeting of 9/09/08 where it considered the issue of the placement of basketball standards in the public right-of-way and repealing the code that prohibits the playing of any game in the public right-of-way. *The Internal Affairs Committee recommended (3-0) that: (1) the placement of basketball standards not be allowed by right or permit in the public right-of-way; (2) that the current enforcement policy used by Code Enforcement be formally noted by the City Council; and (3) that the Council direct staff to prepare an ordinance to repeal Section 9.26.010 of the Chico Municipal Code (Playing in Streets).*

2.6. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING A REQUEST TO AMEND THE CARDROOM ORDINANCES**

Accepted - the recommendation from the Internal Affairs Committee meeting of 7/08/08, where it considered a request for consideration of certain amendments to the cardroom regulations from Alfred W. Driscoll, III, Attorney at Law, on behalf of Angie's Poker Club. The requested amendments to expand the operating hours and serve food would be permissible. If Council adopts the Internal Affairs Committee recommendation to amend the Municipal Code as to those items, an ordinance will be drafted and placed on a future agenda. *The Internal Affairs Committee recommended (2-0-1, Bertagna absent) to: (1) allow continuous cardroom operation throughout the week; (2) allow a cardroom to provide complimentary food and drink as a courtesy and accommodation to its patrons; (3) defer the increase in table capacity to a future meeting; and (4) ensure public noticing of the neighbors of the possible increase in hours of operation.*

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

Approved – minutes of the City Council meetings held on 8/05/08, 8/19/08, 9/02/08 and 9/16/08.

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

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Gruendl - on Item 2.3.

3. **NOTICED PUBLIC HEARINGS** – None

3.1. **HEARING ON THE IMPLEMENTATION OF SEWER LIFT STATION CAPACITY FEES - COHASSET ROAD SEWER LIFT STATION**

As a condition of development of the Salvation Army facility, a sewer lift station was constructed to serve the new facility and surrounding areas. This resolution will designate the area to be serviced by the Cohasset Road Sewer Lift Station and establish the lift station capacity fees to be assessed upon connection to the City's sewer system by properties within the designated areas. **(Report - Fritz McKinley, Bldg. & Development Services Director)**

The Building & Development Services Director recommended adoption of the resolution. Councilmember Wahl was disqualified on this item.

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt the following resolution:

RESOLUTION NO. 72-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 317 - SEWER LIFT STATION CAPACITY FEES)

The motion carried by the following vote:

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

3.2. **HEARING ON THE SELECTION OF A PREFERRED LAND USE ALTERNATIVE - GENERAL PLAN UPDATE**

Presented to the Council were the Planning Commission recommendations regarding the selection of a preferred Land Use Alternative, and a request that Council select a preferred Land Use Alternative. Significant background information related to the development of the Land Use Alternatives was provided at the 8/05/08 joint study session. The Land Use Alternatives serve to "bracket" the probable range of growth choices intended to be achievable within the 20-year time horizon of the General Plan. No single Land Use Alternative was offered as a "superior" alternative.

Since the 8/05/08 meeting, the Planning Commission has held three meetings to continue the discussion on the Land Use Alternatives and to forward a recommendation to Council on a preferred Land Use Alternative. The General Plan Team presented to Council the Commission's preferred Land Use Alternative recommendation, as well as other information that has been developed to support the Commission discussions. **(Report - Steve Peterson, Planning Services Director and Brendan Vieg, Principal Planner)**

The Planning Services Director recommended that the City Council:

- (1) Conduct a public hearing to hear testimony regarding the three Land Use Alternatives, as well as the Planning Commission's preferred Land Use Alternative.
- (2) Find that the three Land Use Alternatives A through C fully bracket the range of land use options for further analysis through the General Plan Update, Public Facilities Finance Plan, and Environmental Impact Report, including a "no project" option or alternative.
- (3) Consider the Planning Commission's preferred Land Use Alternative recommendation.
- (4) Select a preferred alternative from: (1) Land Use Alternatives A, B, C, or (2) the Planning Commission recommended Alternative, including any suggested modifications, based on a consideration of the Constrained Areas, Opportunity Sites, Special Planning Areas, and landowner requests, and (3) direct the Project Team to proceed with analysis and development of the General Plan Update.

A presentation was made by City staff and representatives of the consulting firm to discuss the process to date. Pam Johns indicated that the alternatives being presented at this meeting are initial concepts which reflect a wide range of community desires and intended viability. It was noted by staff that the alternatives can be adjusted to reflect findings of analysis and policy direction given by the City Council. In addition, Tim Snellings - Director of Butte County Department of Development Services provided an overview of the Butte County General Plan process to date.

The Land Use Alternatives process has included community workshops on vision, key issues, and land use alternatives. Stakeholder outreach on key issues and land use alternatives, property owner requests were also considered. In order to develop viable alternatives, staff used market analysis and land use absorption projections, opportunities and constraints, and input from the GPAC and Downtown Committee as well as two joint meetings between the Planning Commission and City Council.

The Council was provided with additional information which contained copies of emails and letters from the Peterson Family, Elizabeth Devereaux, Tom Lando, Lando and Associates, Rich and Bruce McGowan, and Dave Warren.

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

Mayor Holcombe opened the hearing to the public. Addressing the Council on a wide range of concerns, suggestions on modifications, readdressing the City's sphere of influence, and support for various alternatives were Tom Lando, Alan Gair, Dorothy Daun, Joe Chiapella, Peter Peterson, Jeff Farrar, Kate Hicks, Jim Brobeck, Duke Warren, Bob Kromer, George Nicolaus, Georgie Bellin, Dale Bennett, Nani Teves, Barbara Vlamis, Sharon Wallace, Kay Simenc, Caroline Burkett, Alan Chamberlain, Jason Bougie, Luke Anderson, Debbie Villasenor, Bill Brouhard, Jody Galloway, Pete Giampaoli, Dave Kelley, Wayne Brouhard, Pamela Posey, Grant Peterson, Eric Barden, Mike O'Donnell, Elizabeth Devereaux, Lee Perrizo, Marshall Thompson, Lon Glazner, Ned Morris, Steve Schuster, Lee Altier, and Jane Dolan.

The City Council recessed at 9:35 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to find that the three Land Use Alternatives A through C fully bracket the range of land use options for further analysis through the General Plan Update, Public Facilities Finance Plan, and Environmental Impact Report, including a "no project" option or alternative.

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF COUNCILMEMBER WAHL'S REQUEST FOR AN UPDATE ON THE DOWNTOWN PARKING IN LIEU FEE**

Councilmember Wahl requested that staff provide the Council with an update on the discontinuation of the Downtown parking in lieu fee which Council implemented at its meeting of 7/15/08.

Vice Mayor Schwab disqualified herself on this item as she owns a business in the area being discussed.

No action was taken on this item due to it already being scheduled for the 11/18/08 meeting. Additional information confirmed (1) prior Council action on the Downtown parking in lieu fee; (2) that the in lieu fee is currently not being charged; and (3) a time-line for the implementation of the fee elimination.

5. **BUSINESS FROM THE FLOOR**

Bob Kromer again addressed comments regarding the hearing on the General Plan Land Use Alternatives. Due to that public hearing being closed to further comment and pursuant to the Council policies contained in AP&P 10-10 and the Brown Act regulations, Mr. Kromer's comments are not included as part of the minutes.

6. **ADJOURNMENT**

Adjourned at 11:33 p.m. to October 21, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: October 21, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the October 7, 2008 – Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

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

Absent: None

Staff Members: City Manager Burkland, Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Management Analyst Carroll, Fire Chief Beery, Finance Director Hennessy, and Director of Human Resources Campbell

2. **CLOSED SESSION MATTERS**

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

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisition of 2051 Humboldt Road (APN 002-110-007). The City's negotiator is City Manager David Burkland and the parties with whom negotiations are proposed to be conducted is the property owner Helen M. Brown (or such persons designated as her agent for the purpose of negotiations).

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

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: Helen M. Brown

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

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

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



3. **ADJOURNMENT**

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