ADJOURNED REGULAR CHICO CITY COUNCIL MEETING - November 19, 2019

Minutes

1.1. ADJOURNED REGULAR CITY COUNCIL MEETING - 6:00 p.m.

1.2. Call to Order - Mayor Stone called the November 19, 2019 Adjourned Regular 6:00 p.m. in the Council Chamber, located at 421 Main Street, Chico, CA.

1.3. Invocation - Police Chaplain Burkett

1.4. Pledge of Allegiance to the Flag

1.5. Roll Call

Present: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
Absent: None

2. CONSENT AGENDA

A motion was made by Councilmember Schwab and seconded by Vice Mayor Brown to approve the Consent Agenda, as read, with Councilmembers Reynolds and Schwab disqualified on Item 2.2.

The motion carried by the following vote:

AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
NOES: None


2.2. ORDINANCE NO. 2541 - ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, AMENDING TITLE 10 "VEHICLES AND TRAFFIC" OF THE CHICO MUNICIPAL CODE - Final reading and adoption

On November 5, 2019, staff presented the Downtown Access Action Plan (DAAP) Implementation Phase 1 to the Council and an ordinance amending Title 10 "Vehicles and Traffic" of the CMC was introduced. Additionally, at this meeting, Council adopted Resolution No. 97-19 which amended fee schedule 15-090 "Parking Fees and Rates". (Brendan Ottoboni, Public Works Director - Engineering)

Councilmembers Schwab and Reynolds recused themselves from participating on this item due to owning businesses in the area being discussed.

2.3. ITEMS REMOVED FROM THE CONSENT AGENDA - None
3. BUSINESS FROM THE FLOOR

Addressing the Council were Sascha Sarnoff, Ruth Sarnoff, Tim Lynch, Nichole Nava, Teri DuBose, Loretta Torres, and Steve Breedlove.

4. PUBLIC HEARINGS

4.1. PUBLIC HEARING REGARDING THE ESTABLISHMENT OF DISTRICT-BASED ELECTIONS

The Council held a public hearing to receive input from the community on City Council Districts to be established for "District-Based" elections. At its meeting of 11/12/19, the City Council adopted a resolution of intention to transition from an at-large to district-based elections in order to conform to the California Voting rights Act of 2001 (CVRA). The transition to district elections is proposed to be implemented for the November 2020 General Election.

The purpose of this hearing was to: (1) provide information regarding the composition of the districts and the districting process; (2) present options available to the City; and (3) receive community input on the criteria for drawing the boundaries of the voting districts, prior to the City's independent demographer drafting district map boundary alternatives. (Report - Andrew Jared, Assistant City Attorney and City Manager Mark Orme)

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

Mayor Stone opened the hearing to the public. Addressing the Council were Rob Berry, Chaz Kelley, Eric Chisler, Bryce Goldstein, Dee Austin, Steve Breedlove, Ken Fleming, Aaron Logan, Addison Winslow, Gabriel Fairchild, Ruth Sarnoff, Nathaniel Perry, Wilson Nybo, and Nichole Nava. The hearing was closed to further public comment.

A motion was made by Councilmember Huber and seconded by Vice Mayor Brown to confirm that a community meeting regarding this process will be held on Wednesday, December 4, 2019 at 1:00 p.m. This meeting will not be scheduled as an official Council meeting but instead a community meeting where the public will be provided with an opportunity to ask questions of the demographer.

The motion carried by the following vote:

AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
NOES: None

The Council recessed at 8:25 p.m. for a ten-minute break. The meeting was reconvened and all members were present.
5.1. INTRODUCTION OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.55 TO THE CHICO MUNICIPAL CITY CODE TO IMPOSE A PROHIBITION ON PRICE GOUGING DURING AND FOLLOWING A DECLARED EMERGENCY - Introductory Reading by title only

Addressing the Council were Robyn Engel, Nathaniel Perry, Eric Chisler, Chaz Kelley, Bryce Goldstein, Dee Austin, Lauren Kohler, Steven Breedlove, Mel Figueroa, Ali Meders-Knight, Aaron Logan, Addison Winslow, Gabriel Fairchild, Patrick Rose, and Izeck Hempseed.

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

ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.55 TO THE CHICO MUNICIPAL CITY CODE TO IMPOSE A PROHIBITION ON PRICE GOUGING DURING AND FOLLOWING A DECLARED EMERGENCY, by reading of title only

Council also requested staff to place enforcement information on the City's website for anyone experiencing higher than 10% rent increases so they know the process in how to lodge a complaint.

The motion carried by the following vote:

AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
NOES: None

5.2. CONSIDERATION OF CANNABIS RECOMMENDATIONS

On February 5, 2019, the City Council approved the creation of a Commercial Cannabis Citizen's Advisory Committee to evaluate various aspects of commercial cannabis. After conducting ten meetings between May 22, 2019 and August 14, 2019, Vice Mayor Brown presented the proposal of the Advisory Committee to the Internal Affairs Committee. On September 9, 2019, the Internal Affairs Committee in turn approved (3-0) recommending the proposal to the City Council. The Office of the City Attorney has prepared text amendments of the Chico Municipal Code, Chico Zoning Code, and a codified resolution to incorporate those issues and policy considerations raised by the Advisory Committee and Internal Affairs Committee.

Addressing the Council were Rob Berry, Garrett Baul, Teri DuBose, Loretta Torres, Nathaniel Perry, Steven Breedlove, Blake Ellis, Dan Gonzales, Crystal Keese, Jessica MacKenzie, Karla Issa, Charles Burton, and Izeck Hempseed.

The Council recessed at 9:48 p.m. for a five-minute break. The meeting was reconvened and all members were present.

A motion was made by Councilmember Schwab and seconded by Councilmember Morgan to take Councilmember questions at this meeting and have a further discussion of any other adjustments the Council would like to make before the City Attorney finalizes the ordinance.

A friendly amendment was also requested by Councilmember Morgan to request a discussion specifically related to THC levels and to ask Dr. Miller from the County to make a presentation to the Council regarding this matter.
A substitute motion was made by Councilmember Ory and seconded by Councilmember Schwab to continue this discussion to the meeting of November 26, 2019. Vice Mayor Brown asked that the PowerPoint presentation she made to the Internal Affairs Committee be included in next week’s agenda.

The motion carried by the following vote:

AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
NOES: None

Due to the passing of the substitute motion to continue this item to the November 26, 2019 Council meeting, the original motion did not require action.

5.3. CERTIFICATION OF NON-PUBLIC SAFETY MANAGEMENT EMPLOYEES AS THE CHICO MANAGEMENT EMPLOYEES

The proposed resolution, based on the results of a secret ballot election, certified that formal recognition should be granted to the Chico Management Employees (CME). (Report - Mark Orme, City Manager)

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

RESOLUTION NO. 81-19 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO RECOGNIZING THE CHICO MANAGEMENT EMPLOYEES AS A MAJORITY REPRESENTATIVE

The motion carried by the following vote:

AYES: Huber, Ory, Reynolds, Schwab, Brown, Stone
NOES: Morgan

5.4. CONFIRMATION OF DEPARTMENT HEAD APPOINTMENT

Section 605 of the City Charter states that the appointment of department heads is subject to confirmation by the City Council. In order to meet this requirement, City Council was presented with the employment agreement for the Director of Human Resources & Risk Management.

In compliance with Government Code Section 54953(c)(3), the City Manager first orally reported a summary of the recommendation for final action related to the Director of Human Resources & risk Management employment agreements as follows: "The City Manager was proposing to enter into an employment agreement with Jamie Cannon as the Director of Human Resources and Risk Management; and The City Manager was proposing to appoint Jamie Cannon with an annual salary of $123,531." (Report - Mark Orme, City Manager)

A motion was made by Vice Mayor Brown and seconded by Councilmember Huber to confirm the appointment of Jamie Cannon as the Director of Human Resources and Risk Management.

The motion carried by the following vote:

AYES: Huber, Ory, Reynolds, Schwab, Brown, Stone
NOES: Morgan

5.5. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None
6. **REPORTS AND COMMUNICATIONS** - The following reports and communication items were provided for the Council’s information. No action was taken on items under this section unless the Council agreed to include it on a subsequent agenda.

6.1. **CITY MANAGER’S REPORT** - Verbal Report, City Manager Orme

6.2. **COUNCILMEMBER REQUESTS** - Pursuant to AP&P 10-10, a majority vote of Council was needed to agendize these items for discussion at a future meeting.

   **Councilmember Huber – Request to Address Laura’s Law**

   A motion was made by Vice Mayor Brown and seconded by Councilmember Schwab to agendize Councilmember Huber’s request to discuss Laura’s Law.

   The motion carried by the following vote:

   **AYES:** Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone
   **NOES:** None

6.3. **SUNSHINING OF NEGOTIATION PROPOSALS - CPSA** *(Information only)*

   Under the terms of the Council’s request to sunshine Union Proposals, Council was provided with the initial proposals from the Chico Public Safety Association (CPSA). Additionally, Council was provided with the City’s initial/counter proposals for the CPSA. Once negotiations conclude, the final draft agreements will be brought back to Council for action in open session. *(Jamie Cannon, Human Resources & Risk Manager)*

7. **CLOSED SESSION** - Council recessed at 10:47 p.m. to Closed Session in Conference Room 2.

7.1. **CLOSED SESSION PUBLIC COMMENTS OR COUNCIL DISQUALIFICATIONS** - None

7.2. **CONFERENCE WITH LABOR NEGOTIATOR** - Pursuant to Gov. Code Sec. 54957.6

   **Negotiator:** Mark Orme, City Manager

   **Employee Organizations:** Chico Police Officers Association, Chico Public Safety Association, Confidentials, International Association of Fire Fighters, Stationary Engineers – Local 39, Management, Public Safety Management, Service Employees International Union – Trades & Crafts, United Public Employees of California – Local 792

7.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Pursuant to Gov. Code Sec. 54956.8. - This item was continued to the December 3, 2019 meeting.

   **Agency Negotiator:** Mark Orme, City Manager

   **Negotiating Parties:** None

   **Property:** APNs 039-620-012, 039-060-062, 039-420-002

**POSTED ADDENDUM - ITEM ADDED AFTER THE POSTING OF THE AGENDA:**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT/DISMISSAL/RELEASE:** *(Gov. Code section 54957(b)(1).) Title: City Attorney*

7.4. **RECONVENE TO CITY COUNCIL MEETING** - 11:46 p.m.
7.5. **CLOSED SESSION ANNOUNCEMENT** – The Council met in Closed Session with staff on the items listed on the agenda. No action was taken. Direction was provided.

8. **ADJOURNMENT** – Adjourned at 11:47 p.m. to the Adjourned Regular City Council meeting on Tuesday, November 26, 2019 at 6:00 p.m. in the Council Chamber at 421 Main St. Chico, CA.

**Date Approved:** /drp 1/21/20

**Deborah R. Presson, MMC, City Clerk**