

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
December 8, 2009

1. The meeting was called to order at 7:00 p.m. by Mayor Towne.
2. **PLEDGE OF ALLEGIANCE:** Council Member Holvik led the Pledge of Allegiance.
3. **ROLL CALL:**
Present: Baker, Holvik, Yoder & Towne
Absent: Hansen
4. **Agenda Review & Acceptance:** There were no recommended changes to the agenda by Staff or Council and it was **moved** by Council Member Yoder and **seconded** by Council Member Baker to accept the December 8, 2009, agenda as presented. The motion was unanimously passed.

5. **Oral and Written Communications / Public Comment:**

Jana Adamson, Pastor for the United Methodist Church, speaking on behalf of “Glenn Communities Working Together” and “The Willows Citizens for Senior Housing”, stated that these groups are very grateful and pleased that the City is moving forward with seeking a CDBG grant application to potentially create a Senior Housing Project in the City of Willows.

Local Business Owner Rick Reynolds addressed the Council requesting that they consider changing Section 8 of the City’s Sign Ordinance in order to allow for private businesses to advertise by using off-site signage. He recently had an off-site sign removed from a property on Wood Street by the City’s Public Works Department which was advertising a special event at his business and indicated that he is bothered that there are several other illegal signs in the City which aren’t being removed. He indicated that he feels he is being “singled out” and he stated that he wanted to go on record that he hopes his affiliation with the “Citizens for Economic Sustainability” was not the reason that his business was being “singled out” or “harassed” and he hopes that the harassment does not continue.

6. **Consent Agenda:** It was **moved** by Council Member Yoder and **seconded** by Council Member Baker to approve the Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (20873-21009).
- b) Approval of Payroll & Direct Deposit Check Registers (30302-30351 & Z00971-Z01062).
- c) Approval of Minutes of the City Council November 10, 2009, Regular Meeting.
- d) Adoption of a Resolution declaring Library furniture and storage equipment as surplus property and authorize the disposal of said property.
- e) Adoption of a Resolution approving submittal of a CDBG PT/A Grant Application for a potential Senior Housing Project.
- f) Adoption of a Resolution authorizing the City Manager to sign a Notice of Completion for the 2009 Slurry Seal Project.

- g) Confirm a Special Council Meeting to be held Wednesday, December 16, 2009, at 9:00 a.m.

7. Presentations and Proclamations:

- a) City Clerk Natalie Butler administered the Oath of Office to the new Police Chaplain, Pastor Ted Crandell.

8. Public Hearings:

- a) Conduct a Public Hearing and following closure, consider reading by title only and passage of first reading of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING SECTION 10.60 TO THE WILLOWS MUNICIPAL CODE REGARDING SCHOOL SAFETY ZONES”.

BACKGROUND DATA:

This item is proposing the creation of an Ordinance to add section 10.60 to the City’s Municipal Code to establish “School Safety Zones” within the City in order to recognize areas of heightened focus to regulate traffic thereby creating a higher degree of safety for the children within such identified zones. There has been a long standing problem regarding traffic around the schools in the City, most specifically the traffic around the Elementary and Intermediate schools, as traffic is now becoming increasingly more dangerous for children. The majority of the problems occur mainly during drop-off and pick-up times when these areas become heavily congested with cars and children. The Police Department and the Willows Unified School District have worked to minimize the hazards through educational letters to parents, and Police and school staff are generally present during high activity periods. Although some improvement has been noted, the problems still remain. These problems must be addressed by use of three concepts in traffic safety, being; Education, Enforcement and Engineering. Addressing the “education” aspect, letters have been sent to parents in both English and Spanish, articles have been written to the local media and Law Enforcement have issued written and verbal warnings at the site(s). As to the “enforcement” aspect, Law Enforcement continues to issue citations to violators of the Vehicle Code at the school site(s). It was recently suggested by a few members of the Council that perhaps more substantial fines would gain further compliance to obey the laws. Research by staff has found that the only legal way to increase fine assessments around school campuses would be by the creation of “School Safety Zones”. Staff research has found that to properly post each of the zones, the cost for labor and materials has been estimated to be a total of \$5305.76.

The creation of “School Safety Zones” would become another tool for the City to promote the safety of children around the school campuses. It should be noted that the establishment of these zones in itself will not end the factors that create the problems, which brings into focus the third facet of traffic safety - “engineering”. In order to appropriately address the problem, there needs to be consideration of redesigning the drop-off and pick-up zones. The congestion aspect of the traffic needs to be relieved to further correct the overall problem. Should the City Council determine and support the creation of the “School Safety Zones” there must be continued efforts in the educational and enforcement facets of traffic safety to properly address and correct the situation. In essence, the mere creation of “School Safety Zones” alone will not entirely solve the problem, but will create a tool that will impact the improper actions of motorists around the schools. The deterrence of higher fines may gain more voluntary compliance.

DISCUSSION:

Prior to opening the Public Hearing, Mayor Towne stated that he would like to hear some Council discussions on this item first. He stated that he had previously submitted a list of 15 questions for staff to address, the written responses for which he was just given tonight. Although he expressed that the answers are well and good, he stated that he feels this is a School District problem. The District created an unsafe environment to drop-off and pick-up children, and it is their responsibility to fix it, not the City's. He continued, stating that there was a statement in the written response which said the school does not have any jurisdiction over the City streets, however, the School District displayed something to the contrary during a recent incident in which a High School student who had been out hunting with a friend parked his pickup intentionally off the school property on a public street and had his rifle in the back of his vehicle, along with his hunting partner, who also had his rifle in the back of the same pickup. The student came to school and intentionally parked off the school grounds because he knew that weapons were not allowed on school property. The school, however, took the point that they were in charge of the streets around the school and they expelled the student because they were in charge and that the student brought the gun onto school property. He continued, stating that it is interesting that the other person in the student's vehicle who also had a rifle, was presented his rifle and told to go home, and did not receive a reprimand, suspension or expulsion. He believes there is something wrong with this, and that the school has indicated that they are in charge and he does not want to interfere with that. If the school thinks that they are in charge, then he stated that we should let them be in charge. He believes the schools should be responsible to fix the problems that they created and it is not the City's responsibility.

Mayor Towne went on to state that putting up several signs that will be ignored, will clutter the landscape and that people will not pay attention to is not going to solve the problem which has been occurring in front of Murdock Elementary. The same people who are breaking the laws will continue to do so. He stated that the numbers of citations issued would be minimal and each citation takes approximately thirty minutes to issue, therefore, if the City has the time and wishes to incur the expense of putting an Officer at those sites each morning and each afternoon, there may be two or possibly four citations issued, at a maximum. Therefore, if you take the cost of the Officers time in writing the citation, the cost of the signage, etc., it is not going to pay itself back, nor is it going to solve the problem of congestion, location, and control of the children. Those problems are all within the jurisdiction of the Willows Unified School District, not the City of Willows. With that Mayor Towne stated that he would encourage the Council to say no to this proposal.

At 7:23 p.m. Mayor Towne declared the public hearing officially opened, and receiving no comments, subsequently closed the public hearing.

Council Member Yoder stated that he has mixed feelings on this issue, but he agrees with the Mayor to the extent that the school has to take a more proactive role in this and the District does have properties that they could develop to help alleviate the problem of congestion but he thinks they simply may not have the funds to do this. He agrees with the three-prong approach of "Education", "Enforcement" and "Engineering" and he believes that the engineering is the one element that is lacking that is contributing to this problem. He believes that at some point the School District needs to take the responsibility to look at the engineering problems and come up with a cohesive plan of how they are going to alleviate the problems and address the safety of the children through their own economic means and not place the responsibility on the City and the Police and Public Works departments. He also stated that he agrees with the Mayor that the City

will not recover the costs it would take to implement this program and that the signs are not going to be a deterrent for people who park illegally. The City has been working on the education component and as far as the enforcement component, he does not believe that a fine of \$54.00 versus \$27.00 will be a deterrent for people who are illegally parking. He does not believe that the creation of “School Safety Zones” and the increase of citations from \$27.00 to \$54.00 is the answer to this problem.

Council Member Holvik agreed, but stated that he has no problem with what the Council is trying to do tonight with the creation of “School Safety Zones” in the Willows Municipal Code. That part of it is fine and that leads to the education and enforcement aspects, but agrees with Council Member Yoder that this is a school problem. He believes that poor planning on the School District’s part should not create an emergency on the City’s part. He does not believe that it is the City’s responsibility to solve the School District’s problem and does not believe the City should give the District money to do so.

Council Member Baker stated that she disagreed with her fellow Council Members and she believes there are two issues being looked at here – congestion and safety – and congestion is something that the School District needs to correct and not something the City can alleviate. Safety, on the other hand, is something that she believes the City should enforce. The problems occurring on the City streets are a City issue. She stated that she drops off at the Elementary School nearly every day and there is almost always an Officer present, so it is obvious to her that our Officers are aware that there is a problem. She believes that the posting of signs that announce the doubling of fines in the “School Safety Zones” will, in fact, be a deterrent and will get peoples’ attention and make people think twice before breaking the law. She believes that signs cluttering up the landscape is something we deal with in every City and on every road, but that they are necessary, such as the posting of speed limit signs, in order to ensure safety. Although she does agree that the School District should have to also deal with their portion of the problem, her thinking is that rather than to close a street and inconvenience and punish the residents who live there, she wonders if the City could not put something forward to stop people. She wonders if there have been multiple citations issued, and if so, she was curious if there have been repeat offenders once cited. In her opinion the formation of Government is for mutual protection and that is what she cares about. Congestion is something that we have to deal with on a daily basis, but if the creation of the “School Safety Zones” will save a life she said that she is willing to go along with it. As far as the \$5000 cost, she pointed out that on the “labor” side, the Public Works and Law Enforcement staff would be on duty irregardless of what assignment they would be performing and it would just be a matter of temporarily re-assigning Public Works duties at the time that the signs would be installed. She agrees that the City may or may not recuperate the cost of the actual signs, but questioned whether the children and public should be safe or unsafe because of the possibility that the City may not recuperate something. Additionally, she stated that the City hasn’t even looked into the possibility of using some the School’s “Safety Funds”. The schools actually receive funds for safety only, part of which is used to pay for the Student Resources Officer. If there is still money available in that fund, she believes that this would be a perfect opportunity for the schools to use these funds to pay for the signs. It would be a one-time fee and it would show that the City has done their part to at least help to solve the problems. Besides the cost of enforcement, which the City already does and is required to do, if the City approves the Ordinance to establish “School Safety Zones” the City’s part would be over. It is a one-time fee, the City will have done their part and helped out and it would show that the City has at least helped out in an area which she believes the City is highly responsible for. Council Member Baker stated that schools are a big part of our community in which a lot of “little people” of our community are present, and she believes if the children can

be mutually protected, this Ordinance is a good way to start. She believes that we should move forward with the Ordinance and believes that the \$2800 for the cost of the signs is something that the City could easily come up with, and simply re-prioritize what the Public Works crews are doing when the signs are installed.

Mayor Towne spoke to Council Member Baker's comment of the \$2800.00 as the actual cost of material and the remainder of the money coming from paying the Public Works crews who would already be working regardless and re-prioritizing their projects, however, he stated that the Public Works crews could be doing the things that they have to do, which is taking care of the City streets, sewers, parks, etc., and it would take time away from their regular duties in order to place the signs. He stated that the City can not ignore the cost of the Public Works employees simply by shifting priorities. Council Member Baker agreed that the City can not ignore it, but the Council could always shift the Public Works priorities to include safety.

Council Member Holvik then stated that he would like to clarify his earlier comments after having listened to the discussions which have taken place thus far. He stated that he is not necessarily against the signs if they will assist with the safety of the children. He is against the City paying for the signs for a school project. He believes it is the District's responsibility to come up with the money in order to ensure the safety of their students. Council Member Baker concurred, stating that she too believes that the schools should carry some of the responsibility but she sees that the City is in the position of having an opportunity to pass an Ordinance which will double the fines, and give a little more claw to the enforcement aspect and then the City will be done with their part at little or no expense. Council Member Holvik stated that he is not so concerned about the dollars, other than that he believes the City should not be paying for it.

Mayor Towne asked the Council to realize that if the City puts up the signs and increases the enforcement, the people that will then be blamed for the entire problem of congestion and safety in the first place will be the City Council and not the School Districts. He reiterated that this is the School District's problems and that they should fix it and they should assume complete responsibility for designing, approving and promoting an unsafe environment to drop-off and pick-up children. By passage of this Ordinance, all the City will be doing is increasing a fine, which he believes will be meaningless to the people who are going to get cited. The environment needs to be fixed in order for the problem to be solved and that is within the province of the School District, not the City of Willows. He stated that he does not want the City of Willows to assume responsibility for the School District's problem.

Jeff Williams, a member present in the audience, asked to speak. Mayor Towne allowed him the opportunity to do so. Mr. Williams stated that he disagrees with Mayor Towne and agrees with Council Member Baker that he looks at the problem as a safety issue and he believes if anybody were to get injured they will likely sue both the District and the City, irregardless of jurisdiction. He agrees that the City should ask the schools to put up the money, but also believes that the safety issue is also the responsibility of the City. Mayor Towne disagreed, stating that by passing this Ordinance the City would be assuming a responsibility and a liability that belongs to the School District alone.

Police Chief Spears then addressed the Council, stating that the Police Department has been working closely with the School District for some time to look at possible ways to solve this issue. As part of those discussions, it was proposed by the Council to look at ways to increase the fines in and around the schools. In researching the Vehicle Code it was discovered that the only way to do this is to establish "School Safety Zones". He stated that he understands Mayor

Towne's frustration and his position of believing on one hand it appears that the City is taking on the responsibility of the streets but on the other hand, the School District has indicated that they have jurisdiction over the streets. Chief Spears clarified stating that the District does not have jurisdiction over the City streets by statute or by the Vehicle Code. The particular law that deals with the aspect of the weapons which Mayor Towne referred to earlier states that the Districts are granted some authority under that particular law that states if it is a vehicle within 1000 feet of the a school campus, and only for those purposes alone. That law was written specifically as a gun-free, ammunition-free, safe area by the State Legislature and they specifically earmarked 1000 feet. Along those same lines, the District also has some responsibilities within the Education Code for dealing with the transient movement of children to and from their homes, to the school and then back again, however, the Public Safety aspect is encumbered by the City. The City is responsible for the streets and if a child is struck or injured or there is an accident on the City streets it is not the School District that conducts the investigation, but rather the Police Department. He continued, stating that the passage of this Ordinance alone will not solve the problem and that the Ordinance was prepared at the direction of the Council. Regardless of whether the Ordinance passes or not, the Police Department will continue to educate the public, enforce the laws and promote safety of the children around the schools. He also agrees that there is a need on the part of the schools to improve the engineering, however that will take thousands of dollars and although there have been discussions on the part of the schools to re-engineer the layouts, this is something that is still years away. He stated that a step in the right direction by the City to try to fix the problem can't hurt, although he understands that it will cost some money, but in any event he assured the Council that no matter what the decision they make tonight, the Police Department will continue to enforce and educate as they already are.

Mayor Towne stated that he appreciated Chief Spears' comments and agrees with most of what he said up until the part in which it was said that the City should do something. He believes the City has already done everything they should do, and if it costs thousands of dollars it should be the District's money, their arrangements, their environment, and their decision of where they drop-off children and pick them up. Mayor Towne does not think the City should interfere with or accept responsibility for those things. Everybody tonight has basically stated that the passage of this Ordinance will not solve the problem of congestion and confusion and he believes that this is the Districts problem to correct. Further he stated that the Chief indicated that there has been coordination between the City and the School District, however he has not ever seen any correspondence from the School District to the City requesting that we do this or any of the District's comments. That is not to say that there have not been any comments from the School District, however the Council has never seen this information and therefore as far as he is concerned the School District has never requested any action on the City's part.

Council Member Yoder addressed Chief Spears and agreed that the Police Department has done all that they can do with regards to the two of the three facets of this issue, being education and enforcement and that he truly believes it should be the obligation of the School District to take care of the engineering to make things safer and he doesn't agree with the District putting this on the City to fix the problem. He has not seen the District take any steps to make things safer for children and he feels that they are now reversing it and putting it on the City's shoulders because they do not have the money to address these problems. He stated that everybody in the room wants to see children safe and wants no harm to come to them under any circumstances but the City has done everything they can in the way of education and enforcement and this is now merely an engineering problem that the District needs to address.

Council Member Holvik stated that he likes the process of discussion that the Council goes through with issues such as this and the more they discuss, the more he learns. Although he stated he has not come quite full-circle, he is beginning to think after hearing the discussion, that the City should do what they need to do and if they don't, how would any of the members of the Council hold their heads up if a kid does get injured. It is true that the whole of the issue is engineering and the District will eventually need to do something bigger. This is not a solution but rather a temporary fix, but it is at least within the realm of what the City can do. Council Member Holvik mentioned that one thing that got him to change his way of thinking on this issue is that he was thinking about the "Safe Routes to School" program that the City has implemented and he noted that the project had nothing to do with school property and was all performed on City property, but it was an avenue by the City in which to get kids safely to and from school. He believes that the Ordinance being proposed would merely be an extension of that.

City Manager Steve Holsinger addressed the Council and gave a brief background and history behind this item and reminded Council that during a previous City Council Meeting the Council directed City staff to research this item further and bring it back before the Council for consideration. Now, after hearing tonight's discussions, he feels that perhaps staff did not satisfy or provide the Council with exactly what they were looking for and he is seeking further direction from the Council on whether staff should provide additional information to the Council. He suggests that perhaps this item be tabled until such time as staff receives further direction from the Council, because it now appears that this may not have been exactly what the Council wanted.

Mayor Towne disagreed and stated that the information presented to the Council is exactly what the Council requested from staff and now that the Council has had an opportunity to review all of the information, perhaps the Council does not want to approve it. Mayor Towne stated that he is opposed based on all of the additional information provided to him as a result of staff's research.

Mayor Towne then stated that he will now be asking for a motion either to approve, deny or to table the issue to a later date. Brief additional discussion ensued among the Council and Staff and it was then **moved** by Council Member Baker and **seconded** by Council Member Holvik to read by title only the Ordinance next in line entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING SECTION 10.60 TO THE WILLOWS MUNICIPAL CODE REGARDING SCHOOL SAFETY ZONES". Mayor Towne asked for a roll call vote with the following results:

Ayes: Baker & Holvik
Noes: Yoder & Towne
Absent: Hansen

The motion was defeated.

9. Ordinances: Action taken under item 8 (a).

10. Items introduced by City Council or Administrative Staff for discussion purposes only:

Library Director Sandie Hobbs wanted to formally inform the Council that due to a recent resignation of a member of the Library Staff, she will be advertising to fill that vacancy.

11. New Business:

- a) Consider Council Subcommittee's recommendations of two individuals to serve on the Planning Commission for a term beginning January 1, 2010, and expiring December 31, 2013:

At the October 13, 2009, Council Meeting, staff was directed to advertise and solicit applications to fill the expiring seats of Larry Domenighini and Amy Alves on the Planning Commission. Applications were accepted until 4:00 p.m. on Thursday, November 19, 2009. The City received only two applications from the currently seated Commissioners, Mr. Domenighini and Ms. Alves.

The Council Subcommittee, consisting of Council Members Baker and Holvik will be making their recommendations to Council to reappoint these two individuals whom they believe are suited to remain on the Commission for another four-year term which will expire on December 31, 2013. It was then **moved** by Council Member Baker and **seconded** by Council Member Yoder to reappoint Larry Domenighini and Amy Alves for another four-year term on the Planning Commission. The motion was passed by the following vote:

Ayes: Baker, Yoder & Towne
Noes: None
Absent: Hansen
Abstain: Holvik (stating a potential conflict)

- b) Consider allocation of funding, not to exceed \$3000.00 to advertise weekly in local newspapers the local economic benefits in conjunction with the "3/50 Project":

Recently staff discussed a new economic development tool known as the "3/50 Project" with representatives of GWIL and the Chamber of Commerce. These groups were seeking funding for a downtown banner to advertise the program. Following review of the program website and available information, it was staff's determination that none of the "trademark" information available through participation in the program could be altered or modified to accommodate a "localized" banner for display in the downtown. Nevertheless, the program appears to offer a substantial benefit as a specialized "Economic Development Ad Campaign" that could boost local business sales revenues significantly. Therefore, staff requested quotes from the two local newspapers to run an advertising blitz weekly throughout the remainder of the fiscal year. Based upon the cooperative spirit of the local media to participate in a joint effort with the City to provide some economic stimulus programming, staff is requesting an appropriation of up to three thousand (\$3000) to fund a weekly advertising campaign. The estimated cost is based upon a blended rate for a one-quarter page ad in one newspaper each week through June 30, 2010. Staff is requesting that Council appropriate funds not to exceed \$3000 for this program.

Council Member Baker indicated that she would be interested in seeing the data tracked once the advertisements begin to see if there will be an impact on the local businesses created by the 3/50 Project. The City Manager indicated that he would request a Business Impact Report from the Chamber. Additionally, the City will also be able to somewhat track the project's success through quarterly sales tax revenue which is collected. It was then **moved** by Council Member Yoder and **seconded** by Council Member Baker to approve a one time, not-to-exceed \$3000 allocation from fund 333 (Economic Development Fund) to advertise weekly, in local

newspapers, the local economic benefits in conjunction with the “3/50 Project”. The motion was unanimously passed.

12. Council Member Reports:

Council Member Yoder announced that Peggy White will be retiring from the County and that she will be sadly missed.

Mayor Towne gave a reminder of the Special City Council Meeting on December 16 at 9:00 a.m. and also reminded everybody about the Museum Christmas party on December 17 from 5:00 – 7:00 p.m.

13. Executive Session: None

14. Adjournment: The meeting adjourned at 8:31 p.m.

Dated: December 8, 2009

NATALIE BUTLER

City Clerk