

CITY COUNCIL

Gary L Hansen, Mayor
Jim Yoder, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
Jeff Williams, Council Member



INTERIM CITY MANAGER
Fire Chief, Wayne Peabody

CITY CLERK
Natalie Butler

201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL REGULAR MEETING AGENDA
Tuesday, April 12, 2016
7:00 p.m.

1. **Call to Order Willows City Council Regular Meeting – 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Presentations & Proclamations:**
 - a) Mayor Hansen will present a Proclamation declaring the Month of April as “Sexual Assault Awareness Month” with special recognition of April 27, 2016 as “Denim Day California”.
 - b) Mayor Hansen will present a Proclamation declaring the Month of May as “Poppy Month”.
5. **Public Comment / Written Communications:** Members of the public wishing to address the Council on any item(s) *not on the agenda* may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. ***(Public Comment is generally restricted to three minutes).***
6. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:
 - a) Approve General Checking, Payroll Checks & Payroll Direct Deposit Registers.
 - b) Approve the Minutes of the Willows City Council Meeting held on February 23, 2016.
 - c) Approve the Minutes of the Willows City Council Meeting held on March 8, 2016.
 - d) Declare two Police Department vehicles as surplus and allow staff to sell or dispose of said vehicles.

7. Public Hearings:

- a) Conduct a Public Hearing and upon conclusion it is recommended that the Council read by title only and pass first reading of an ordinance entitled "An Ordinance of the City Council of the City of Willows amending Title 8 Chapter 8.25 of the Willows Municipal Code to regulate smoking and secondhand smoke".

8. Ordinances: Action taken under item 7 (a).

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

10. New Business:

It is recommended that the Council:

- a) Review and accept the Annual Housing Element Progress Report and direct Staff to forward the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development as required by Government Code Section 65400.
- b) Receive the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering; adopt the Resolution of Intention to levy and collect assessments; and confirm May 24, 2016, as the date to conduct the required public protest hearing for the City of Willows Landscaping and Lighting Assessment District.
- c) Adopt a resolution accepting the public street right-of-way easement for Harvest Drive; the public street right-of-way easement for the temporary cul-de-sac constructed for Harvest Drive; an Emergency Vehicle Access Easement; and parcel for storm drain detention pond purposes within the Basin Street Commercial Development and direct the City Clerk to record all grant deeds.
- d) Adopt a resolution declaring weeds, rubbish, refuse and dirt public nuisances and approve the Weed and Rubbish Abatement Schedule for the 2016 fire season.
- e) Consider appointment of Walter Michael to a vacant seat on the Willows Planning Commission.

11. Council Member Reports:

12. Executive Session: None

13. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before April 8, 2016.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY COUNCIL, CITY OF WILLOWS
PROCLAMATION**

Proclamation declaring the Month of April as Sexual Assault Awareness Month

This Proclamation would recognize the month of April 2016 as Child Abuse & Sexual Assault Awareness Month in California and recognize April 27, 2016, as "Denim Day" in California.

WHEREAS, Child Abuse & Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every community member of **Willows**. In 2014, California rape crisis centers provided direct crisis intervention services to 31,781 individuals, provided 7,389 sexual violence forensic examinations, and provided community education services for almost 20,000 people; and

WHEREAS, women, children, and men are all victims of sexual violence, and it is estimated that nearly one in two women and one in five men experience sexual violence other than rape throughout their lifetime; and the National Intimate Partner and Sexual Violence Survey reports that there are over 22 million survivors of rape throughout the United States and two million of those survivors of rape are currently living in the State of California. Rape and sexual violence impact women, children, and men of all racial, cultural, and economic backgrounds; and women, children, and men suffer multiple types of sexual violence, including acquaintance rape, stranger rape, sexual violence by an intimate partner, gang rape, incest, serial rape, ritual abuse, sexual harassment, child sexual molestation, prostitution, pornography, and stalking; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual violence may also have severe and long-lasting consequences of post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide; and the federal Centers for Disease Control and Prevention have identified sexual violence as a significant, costly, and preventable health issue; and

WHEREAS, a coalition of rape crisis centers and their allies, known as the California Coalition Against Sexual Assault, has emerged to directly confront this crisis with the cooperation of law enforcement agencies, health care providers, institutions of higher education, and other allied professionals from California's diverse communities; and

WHEREAS, it is our responsibility to support all rape survivors by treating them with dignity, compassion, and respect; and it is important to recognize the compassion and dedication of the individuals involved in this effort, applaud their commitment, and increase public understanding of this significant problem. It is important to recognize the strength, courage, and challenges of the victims and survivors of sexual violence and their families and friends as they struggle to cope with the reality of sexual violence; and it is important to recognize that not all victims of sexual violence survive, either at the time of the assault or later, due to the horrific long-term trauma that sexual violence often inflicts upon victims; and

WHEREAS, there are rape prevention and education efforts underway throughout California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual violence; and it is crucially important to hold perpetrators responsible for sexual attacks, and to prevent sexual violence at every opportunity; and

WHEREAS, in 1998, the Italian Supreme Court overturned the conviction of a man who sexually assaulted an 18-year-old woman after the court determined that, "because the victim wore very, very tight jeans, she had to help him remove them, and by removing the jeans it was no longer rape but consensual sex". Enraged by the court decision, within a matter of hours, the women in the Italian Parliament launched into immediate action and protested by wearing jeans to work, where Nations and States throughout the World have followed the lead of the Italian Parliament by designating their own "Denim Day" to raise public awareness about rape and other forms of sexual violence. Harmful attitudes about rape and sexual violence allow these crimes to persist and allow survivors to be re-victimized through victim-blaming attitudes and unresponsive government systems; and

WHEREAS, California is a national leader within the judicial, criminal justice, medical, rape crisis, and health communities in promoting victim-centered approaches to victims of crime. And for the past 42 years **Rape Crisis Intervention & Prevention** has led the way in **Willows** in addressing sexual violence by providing FREE 24-hour crisis line services to victim/survivors and their significant others, responding to emergency calls, counseling, offering on-going support and comfort to those impacted by sexual violence during medical exams, law enforcement interviews, criminal proceedings, and empowering those impacted by sexual violence to chart their own course for healing; and

NOW THEREFORE BE IT RESOLVED,

That I, Gary Hansen, Mayor of the City of Willows and on behalf of the Willows City Council, join **Rape Crisis Intervention & Prevention** advocates and communities across the country in taking action to prevent sexual violence. Along with the United States Government and the State of California, I do hereby proclaim April 2016 as "Child Abuse & Sexual violence Awareness Month";

AND BE IT FURTHER RESOLVED, that **The Willows City Council** recognizes April 27, 2016, as "Denim Day California" and encourages everyone to wear jeans on that day to help communicate the message that there is no excuse for, and never an invitation to commit rape or any type of sexual violence.

Gary L. Hansen, Mayor

City of Willows Proclamation

DECLARING THE MONTH OF MAY, AS "POPPY MONTH"

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, millions who have answered the call to arms have died on the field of battle; and

WHEREAS, a nation that is at war must be reminded of the price of war and the debt owed to those who have died in war; and

WHEREAS, the red poppy has been designated as a symbol of the sacrifice of all the lives lost in all of the wars; and

WHEREAS, the American Legion Auxiliary, for ninety six years, has pledged to remind America annually of this debt through the distribution of the memorial poppy; and

WHEREAS, proceeds from the distribution of over 25 Million poppies annually under the guidance of the American Legion Auxiliary amount to more than \$2,000,000, every penny of which is devoted to Veterans Affairs;

NOW THEREFORE, I, Gary Hansen, Mayor of the City of Willows, and on behalf of the entire Willows City Council, do hereby proclaim the month of May, 2016, as "POPPY MONTH" and ask that all citizens pay special tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during the month of May.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Willows, Glenn County, California, this 12th day of April, 2016.

Gary Hansen

Period

3/17/2016 TO 4/6/2016

General Checking 30675 TO 30675 (BOFA CHECK STOCK)
 33330 TO 33384 (UMPQUA CHECK STOCK)

Payroll Direct Deposit Z07158 TO Z07193

Payroll Checks 26029 TO 36082 (GAP IN SEQUENCE-4/8/16 PAYROLL RUN)

APPROVAL DATE 4/12/2016

Approved _____

REPORT.: Mar 25 16 Friday
 RUN...: Mar 25 16 Time: 13:59
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Automatic Check Listing/Update
 Control Date.: 03/25/16 Cash Account No.: 000 1050

PAGE: 001
 ID #: PY-CL
 CTL.: WIL

Invoice No	Description	Invoice Date	Actual Period	Discount		Gross Amount	Discount Amount	Net Amount
		Due Date	Fiscal Tm	G/L	Account No			
Check #.: 030675 Check Date.: 03/25/16		Vendor I.D.: CIT08 (CITY OF WILLOWS)						
B60325-	XFER BOA TO UMPQUA	03/25/16	03-16			700000.00	.00	700000.00
		03/25/16	09-16					
** Total Checks Paid ----->						700000.00	.00	700000.00
						=====	=====	=====

REPORT.: Mar 25 16 Friday
 RUN...: Mar 25 16 Time: 10:09
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 03-16 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information
36055	03/23/16	BAN01	BANK OF AMERICA - EXPRESS	-6347.56	.00	-6347.56	B60324u	Ck# 036055 Reversed
				-3277.10	.00	-3277.10	1B60324u	Ck# 036055 Reversed
				-766.42	.00	-766.42	2B60324u	Ck# 036055 Reversed
			Check Total.....	-10391.08	.00	-10391.08		
033330	03/25/16	ABF01	CERTIFIED/FORTRESS SECURI	72.00	.00	72.00	2367722	ALARM MONITORING 4/1-6/30
033331	03/25/16	ALL06	ALLCAL EQUIPMENT SERVICES	395.00	.00	395.00	46257	AERIAL TRUCK REPAIR
033332	03/25/16	ALT01	ALTEC INDUSTRIES, INC.	3563.02	.00	3563.02	10538831	LEVELING CABLE
033333	03/25/16	AME02	AMERIPRIDE UNIFORM SVCS.	435.11	.00	435.11	B60323	FD UNIFORMS JAN-FEB
033334	03/25/16	ATT01	A.T.& T.	86.29	.00	86.29	B60321	TELEPHONE EXP. JAIL 2/12-
				925.60	.00	925.60	B60324	TELEPHONE EXP.1/19-2/18/1
				33.73	.00	33.73	AB60321	TELEPHONE EXP.EC LIBRARY
			Check Total.....	1045.62	.00	1045.62		
033335	03/25/16	BAL00	BALDWIN CONTRACTING/ESCRO	7903.65	.00	7903.65	B60323	RETENTION TO ESCROW ACCOU
033336	03/25/16	C&R00	C & R RADIO	430.45	.00	430.45	938	RADIO COMMUNICATIONS EQUI
033337	03/25/16	CAL01	CALIFORNIA WATER COMPANY	1381.62	.00	1381.62	B60324	WATER EXPENSE 2/5-3/4/16
033338	03/25/16	CER00	CERTIFIED/FORTRESS	38.00	.00	38.00	12949	CHARGE BATTERY
033339	03/25/16	COA00	COASTLAND CIVIL ENGINEERI	277.50	.00	277.50	38918	STARKWEATHER DEVELOPMENT
				3120.50	.00	3120.50	38923	EDA GRANT THROUGH 2/29/16
				431.25	.00	431.25	38926	WILLOWS SR APTS THROUGH 2
				158.00	.00	158.00	38928	WILLOWS CITY ENGINEERING
				630.00	.00	630.00	38938	WILLOWS LLAD THROUGH 2/29
				1643.75	.00	1643.75	38960	PG&E SERVICE CENTER THROU
				315.50	.00	315.50	38998	TEHAMA ST RECONSTRUCTION
				18541.75	.00	18541.75	39006	SACRAMENTO-BUTTE ST THROU
			Check Total.....	25118.25	.00	25118.25		
033340	03/25/16	COD00	CODE PUBLISHING COMPANY	321.30	.00	321.30	52393	MUNICIPAL CODE UPDATE 719
				160.65	.00	160.65	52469	MUNICIPAL CODE UPDATE 720
			Check Total.....	481.95	.00	481.95		
033341	03/25/16	COM16	COMCAST CABLE	150.97	.00	150.97	B60321	INTERNET FD 3/19-4/18/16
033342	03/25/16	DEP02	DEPT. OF FORESTRY & FIRE	2284.80	.00	2284.80	132940	REIMBURSEMENT FOR WORK CR
033343	03/25/16	EDG00	ADAM EDGINGTON	77.00	.00	77.00	B60321	DAR TRAINING
				40.00	.00	40.00	AB16421	TASER TRAINING
			Check Total.....	117.00	.00	117.00		
033344	03/25/16	ENL00	ENLOE MEDICAL CENTER	282.00	.00	282.00	B60321	PHYSICAL EXAM
033345	03/25/16	GAN01	GANDY-STALEY OIL CO.	3265.67	.00	3265.67	B60324	FEBRUARY STMT PER ATTACHE
033346	03/25/16	GLE05	GLENN CO. FLEET SERVICES	3343.77	.00	3343.77	FL1614	FEBRUARY VEHICLE RENTAL &
033347	03/25/16	JON00	JON'S BACKFLOW	605.00	.00	605.00	266	ANNUAL TESTING
033348	03/25/16	KNI03	KNIFE RIVER CONSTRUCTION	70.10	.00	70.10	167930	CONCRETE SAND
				208.87	.00	208.87	167933	WET PATCH
				150169.35	.00	150169.35	B60323	SACRAMENTO & BUTTE ST REC
			Check Total.....	150448.32	.00	150448.32		
033349	03/25/16	MAT01	MATSON & ISOM TECHNOLOGY	3062.00	.00	3062.00	53612	MANAGED PARTNER AGREEMENT
033350	03/25/16	MAX01	MAXIMUM SECURITY SYSTEMS	60.00	.00	60.00	26709	PROF. SERVICES PARKS/PUB.
033351	03/25/16	MEN02	MENDES SUPPLY COMPANY	115.71	.00	115.71	R010041	LINERS
033352	03/25/16	MTS00	MT SHASTA SPRING WATER CO	27.73	.00	27.73	B60321	PD WATER
033353	03/25/16	NOR43	ACCESS	21.40	.00	21.40	1372947	SHREDDING SERVICES
033354	03/25/16	OMN00	OMNI PIPELINES	29815.00	.00	29815.00	B60321	SOUTH WILLOWS SEWER PROJE

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033355	03/25/16	PGE01	PG & E	9637.16	.00	9637.16	B60325	P.G. & E. 2/12-3/14/16
033356	03/25/16	PLA02	NESLY PLATA	25.00	.00	25.00	B60317	SOCCER REPUND
033357	03/25/16	SAC08	SACRAMENTO VALLEY MIRROR	27.00 486.00	.00 .00	27.00 486.00	13853 13998	LEGAL AD LEGAL ADS
Check Total.....:				513.00	.00	513.00		
033358	03/25/16	SAF03	SAFETY TIRE SERVICE	38.44 416.37	.00 .00	38.44 416.37	27531 27609	#14 BACKHOE REPAIR #20 FLATBED
Check Total.....:				454.81	.00	454.81		
033359	03/25/16	STA01	STANDARD INSURANCE CO.	921.85	.00	921.85	B60323	LIFE INSURANCE
033360	03/25/16	SUN04	SUNRISE ENVIRONMENTAL	203.87	.00	203.87	59860	VEHICLE POLISH
033361	03/25/16	SWR01	SWRCB FEES	1282.00	.00	1282.00	0110870	ANNUAL PERMIT-STORM WATER
033362	03/25/16	TAB02	TAB PRODUCTS CO. LLC	368.83	.00	368.83	2324667	OFFICE SUPPLIES PD
033363	03/25/16	UND00	UNDERWRITERS LABORATORIES	1887.05	.00	1887.05	20130072	VEHICLE INSPECTION SERVIC
033364	03/25/16	VER02	VERIZON WIRELESS	110.08 508.60	.00 .00	110.08 508.60	B60323 1184203	TELEPHONE EXP. EC LIBRARY TELEPHONE EXP. 1/27-2/26/
Check Total.....:				618.68	.00	618.68		
033365	03/25/16	WAL07	WAL-MART COMMUNITY	504.71	.00	504.71	B60323	FEBRUARY STMT PER ATTACHE
033366	03/25/16	WIL17	WILLDAN	7400.00 8325.00 7575.00 8400.00	.00 .00 .00 .00	7400.00 8325.00 7575.00 8400.00	7-11994A 7-11994B 7-11994C 007-12003	PLANNING SERVICES NOVEMBE PLANNING SERVICES DECEMBE PLANNING SERVICES PLANNING SERVICES THROUGH
Check Total.....:				31700.00	.00	31700.00		
Cash Account Total.....:				272189.92	.00	272189.92		
Total Disbursements.....:				272189.92	.00	272189.92		
Cash Account Total.....:				.00	.00	.00		

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033367	04/05/16	ABO00	STEVE ABOLD	200.00	.00	200.00	B60405	PUB. WKS. TOOL PARKS/PUB.
033368	04/05/16	ALV04	TRICIA ALVES	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033369	04/05/16	CHA00	LANCE CHAPMAN	215.00	.00	215.00	B60405	CLOTHING EXP. FIRE DEPART
033370	04/05/16	COR12	SANDRA CORBIN	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033371	04/05/16	DAH00	JASON DAHL	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033372	04/05/16	EDG00	ADAM EDGINGTON	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033373	04/05/16	JOH07	LUCAS JOHNSON	215.00	.00	215.00	B60405	CLOTHING EXP. FIRE DEPART
033374	04/05/16	LEM01	CAROL LEMENAGER	200.00	.00	200.00	B60405	VEHICLE ALLOW. RECREATION
033375	04/05/16	LOM00	TYLER LOMBARD	215.00	.00	215.00	B60405	CLOTHING EXP. FIRE DEPART
033376	04/05/16	MCI01	TROY MCINTYRE	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033377	04/05/16	PEA00	WAYNE PEABODY	200.00	.00	200.00	B60405	TECHNOLOGY ALLOWANCE APR
033378	04/05/16	SAI02	TIMOTHY L. SAILSBERY	200.00	.00	200.00	B60405	VEHICLE ALLOW. FINANCE AP
033379	04/05/16	STO00	MICHAEL STOVER	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033380	04/05/16	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B60405	ELK CREEK LIBRARY RENT AP
033381	04/05/16	SYK01	GENE SYKES	215.00	.00	215.00	B60405	CLOTHING EXP. FIRE DEPART
033382	04/05/16	THO05	ROBERT THOMPSON	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033383	04/05/16	VES01	RAY VESSELS JR.	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
033384	04/05/16	WILHN	SHAWN WILLIAMS	215.00	.00	215.00	B60405	CLOTHING EXP. POLICE DEPT
Cash Account Total.....:				3695.00	.00	3695.00		
Total Disbursements.....:				3695.00	.00	3695.00		

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD February 23, 2016

1. Mayor Hansen called the meeting to order at 7:03 p.m.
2. **PLEDGE OF ALLEGIANCE:** Glenn County Sheriff Rich Warren led the Pledge of Allegiance.
3. **ROLL CALL:**

<u>Present:</u>	Domenighini, Mello, Williams, Yoder & Mayor Hansen.
<u>Absent:</u>	None
4. **Presentations & Proclamations:**

Mayor Hansen presented Council Member Domenighini with a Plaque of Appreciation for his service as Mayor during 2015.
5. **Public Comment/Written Communications:**
 - Julia Mercado, accompanied by her husband and daughter, wished to go on record to thank City Planner Karen Mantele and City Manager Scott Taylor for all of their help with her planning application to allow her family to open up their own wholesale meat distribution warehouse in Willows.
 - Tina Lore thanked City Manager Scott Taylor for allowing the Students Working Against Tobacco (SWAT) to give a presentation to the City Council about the dangers of tobacco use during the February 9, 2016 City Council Meeting.
6. **Consent Agenda:**
M/S –Williams/Yoder to approve the Consent Agenda as presented. All Ayes and the motion unanimously passed 5/0 and the following items were approved/adopted:
 - a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30546-30589; Z07046-Z08083; 34569-34588).
 - b) Approval of General Fund Appropriations in the amount of \$85,000, as per Council direction at the Special Mid-Year budget meeting held on February 18, 2016.
7. **Public Hearings:**
 - a) Conduct a public hearing and consider reading by title only and passage of first reading of Ordinance Number 723-2016 – Development Agreement between California Land Investors LLC and the City of Willows:

On July 27, 2015, the City was awarded an EDA Grant to assist with infrastructure improvements associated with the development of certain property owned by California Land

Investors, LLC located approximately at Highway 99 and County Road 57, known as the “North Valley Commercial Center Project.” Council approved the grant award on September 8, 2015 and directed staff to prepare a development agreement with California Land Investors, LLC.

Staff has drafted an agreement with California Land Investors, LLC incorporating appropriate performances including contribution of California Land Investors, LLC of approximately \$535,715 in matching monies associated with the conditions of the EDA Grant Award. 3CORE on behalf of the City of Willows, in partnership with California Land Investors has acquired funding opportunities in support of the necessary infrastructure improvements; including Highway 99 traffic accommodations, bridge work necessary to access the business park, main street/entry-way highway, frontage improvements, as well as water, sewer and associated improvements to commence development of the North Valley Commercial Center Project.

Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities.

As mentioned above, California Land Investors, LLC has agreed to reimburse the City in the amount of approximately \$535,715 over the span of five years, payable in annual installments. The interest rate payable to the City is 5% which equals the interest rate charged to the City associated with the 3CORE loan. Thus, the City is net zero dollars in terms of repayment of the matching funds. These criterion are included in the proposed development agreement.

As a final condition of approval of the project and in concert with the development agreement, the assets created by the construction of streets, utilities and other public improvements, are always dedicated or transferred back to the ownership/control of the City of Willows. These improvements are essential elements in the economic enhancements of the project site and basically facilitate the economic drivers that generate higher rates of revenue to the City of Willows. It is therefore common practice for municipal agencies to share in the development burden of this type of business park investment environment.

As such, staff is recommending the Mayor conduct the public hearing and upon conclusion, the Council should read by title only and pass first reading of an ordinance adding chapter 19.10 and 19.10.05 of the Municipal Code.

Mayor Hansen opened the public hearing at 7:07 p.m. Hearing no comments from the public, Mayor Hansen subsequently closed the public hearing.

M/S – Mello/Domenighini to read by title only an Ordinance next in line. The motion unanimously passed 5/0 on a roll-call vote.

M/S – Mello Domenighini that Ordinance #723-2016 entitled “**An Ordinance of the City Council of the City of Willows, California approving a Development Agreement between California Land Investors, LLC and the City of Willows, and adding Chapter 19.10 (Development Agreements) and adding Chapter 19.10.05 (Development Agreement**

between California Land Investors, LLC and the City of Willows) to the Willows Municipal Code” pass first reading. The motion unanimously passed 5/0 on a roll-call vote.

- b) Conduct a public hearing and upon conclusion consider adoption of a Resolution to extend Ordinance Number 719-2016:

On January 26, 2016, the City Council of the City of Willows adopted urgency Ordinance No. 719-2016 regulating marijuana within the City of Willows. The urgency interim Ordinance was adopted in order to meet the March 1, 2016 deadline to preserve the City’s right to regulate marijuana, pursuant to newly-enacted Health & Safety Code section 11362.777. Urgency Ordinance No. 719-2016 is effective only for 45 days from enactment.

Government Code section 65858(a) permits the City, by a four-fifths vote of the City Council, to extend the ordinance for an additional 10 months and 15 days pursuant to the procedure set forth in Government Code section 65090. In addition, the interim ordinance may be extended for one additional year.

Section 65090 requires publication and public hearing on a resolution to extend the period of validity of the urgency ordinance. Publication has been completed, and this matter comes before the Council for a public hearing and adoption of a Resolution to extend Ordinance Number 719-2016.

As previously reported, AB 21 has been enacted by the California Legislature and signed into law by Governor Brown. For purposes of the resolution now before the Council, the material aspect of AB 21 is that it removed the March 1 deadline by which cities must act in order to preserve their right to regulate medical marijuana.

With the enactment of AB 21 which revised Health & Safety Code section 11362.777, the City could now move forward with adoption of a permanent marijuana regulatory ordinance. However, a number of open issues and unanswered questions remain.

The head of the newly created agency formed to regulate the prescribing, cultivation, distribution, delivery and use of medical marijuana has been appointed by Governor Brown. Aside from building the infrastructure necessary to accomplish those regulatory functions, the department’s first task will be to promulgate regulations implementing the new laws, which will likely take many months or even years. As with most other governmental rulemaking processes, at this point we have no idea what those rules and regulations may ultimately be.

Moreover, as previously discussed by Council, subsection (g) of Section 11362.777 is contradictory and confusing. We are informed that that section was the result of negotiation with stakeholders and, if true, it is unlikely to be challenged in the courts by those at the negotiating table. That does not mean that other interests will not bring such challenges.

A further unknown that will likely be a crucial component of any further action by the City Council is the upcoming election. There are several potential recreational marijuana initiatives

that may be on November's ballot. While several will die in the process, it is very likely that at least one will make it to November. At this point, the impact of such legislation is unknown.

Finally, extending the urgency interim ordinance until January, 2017 will give the City of Willows a full year's experience in enforcing the ordinance. That experience will prove very helpful in crafting a permanent ordinance.

Mayor Hansen opened the public hearing at 7:12 p.m. Robert Faust addressed the Council and stated that he was in favor of extension of the urgency ordinance. Zack Weathers spoke and suggested that the Council look a little closer at this issue and at least allow medical marijuana cultivation in the City. Planning Commissioner Bob Griffith spoke and stated that he was fully in favor of the ban of medical marijuana and he wants to keep Willows drug-free. Hearing no further comments, Mayor Hansen closed the public hearing.

M/S – Domenighini/Williams to adopt a Resolution of the City Council of the City of Willows extending the effective period of Ordinance Number 719-2016. The motion unanimously passed 5/0 on a roll-call vote.

8. Ordinances:

- a) Approval of second reading by title only and adoption of Ordinance #722-2016 repealing Title IX Section 9.05.010 of Chapter 9.05 of the Willows Municipal Code:

This ordinance is to address an archaic, unnecessary ordinance within the Willows Municipal Code that currently is realistically unenforceable. A review of Section 9.05.010 revealed the ordinance to be archaic, unconstitutional, and unnecessary. Currently, section 9.05.010 makes it unlawful for a person to:

"...insult, annoy or publicly ridicule any woman or child, or, in the presence of any woman or child, to use vulgar, profane or obscene language, or to publicly apply vulgar, profane or obscene epithets to or concerning any woman or child.

It shall be unlawful for any person upon the streets or in any public place, wantonly or willfully to attempt to direct public attention to or concerning any woman or girl in a manner intended or likely to expose her to ridicule or unusual notice, or to cause her annoyance or mortification, or to against her will or consent quarrel with, attempt to quarrel with, or accompany her." (see WMC §9.05.010).

This ordinance violates free speech protections provided for within the U.S. Constitution. Further, the ordinance, in a real world application, is arguably unenforceable. Given our current culture, many persons including women and children spanning a wide range of ages, utilize "vulgar, profane, or obscene epithets" as part and parcel of their everyday language and communications. This form of speech occurs amongst and between men, women, and children on a regular basis. In many instances, such language may be utilized as a form of emphasis as opposed or intended to "annoy, insult or publicly ridicule" people in general including women and children.

Council has previously passed first reading by title only of this proposed ordinance and staff is recommending the Council pass second reading by title only and adopt an Ordinance repealing, in its entirety, Section 9.05.010 of the Willows Municipal Code.

M/S – Mello/Domenighini to read by title only the Ordinance next in line. The motion unanimously passed 5/0 on a roll-call vote.

M/S – Mello/Domenighini that Ordinance #722-2016 entitled “**An Ordinance of the City Council of the City of Willows repealing Title IX of Section 9.05.010 of Chapter 9.05 of the Willows Municipal Code**” pass second reading and be adopted. The motion unanimously passed 5/0 on a roll-call vote.

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

- Mayor Hansen announced that “The Wall that Heals” which is a half-scale replica of the Vietnam Memorial Wall, will be arriving in Willows tomorrow and will be set up at Willows Memorial Park for the following several days.
- City Manager Scott Taylor informed the Council that the Sewer line project going to Basin Street underneath the GCID canal had been completed smoothly and timely.

10. **New Business:**

- a) Contract for HUD Auditing Services with the Adams Ashby Group:

One of the conditions of compliance associated with the \$4.6MM HOME Program grant for the building of the Willow Springs Senior Apartments is an annual audit of compliance with HUD standards (for up to 55 years, according to HOME program guidelines). One of the issues involved is how to pay for this annual audit.

Staff has received permission from the HOME Program Manager to cover up to three years of audit cost via HOME Program Income (loan repayments from previous HOME Housing loans), provided that the contract is in place and the three years are paid in total before the final closing of the current HOME Program grant. The grant is nearing close out, so time is of the essence in order to take advantage of this funding source for the first three years.

The proposed contract (\$8900 for three years’ service) fits under the HOME program guidelines for small contract purchases, so the formal RFP process is not required. Further, Staff has worked with Lorie Adams of the Adams Ashby group in other endeavors when she was with California Engineering Company, and staff has found her work to be thorough and professional.

Staff is recommending that the Council approve the Contract for HUD auditing Services with the Adams Ashby Group for three years and authorize the City Manager to sign the contract.

M/S – Yoder/Williams to approve the Contract for HUD Auditing Services with the Adams Ashby Group for three years, and authorize the City Manager to sign the contract. The motion unanimously passed 5/0.

b) Façade Improvement Mini-Grant Application – 123 South Tehama Street signage:

Bob & Norma Beamati have made an application request to the City for a mini-grant under the Downtown Façade Improvement Program, to install/replace new signage for an existing commercial building located at 123 S. Tehama Street. There are currently four signs located on this commercial building which are in need of repair. The applicant desires to replace these signs with new signage that will comply with the City's Comprehensive Sign Ordinance. The total cost estimate of the project is approximately \$1915.50. Per the updated Façade Improvement Program guidelines, an applicant may request mini-grant funding assistance not to exceed \$1500. This request complies with the Program Guidelines with respect to the use of funds as signage that is attractively integrated into the architecture of the building and it is an acceptable use of Program Funds. Staff is recommending that the Council approve the funding for this project application.

M/S – Yoder/Williams to adopt a Resolution of the City Council of the City of Willows Approving the use of Downtown Façade Improvement Funds to install new signage on an existing commercial building for Bob & Norma Benamati, owners of an existing commercial building located at 123 S. Tehama Street, APN 003-051-020. The motion unanimously passed 5/0 on a roll-call vote.

11. Council Member Reports:

- Council Member Mello thanked the Public Works Department for taking such great care of the grounds at the Museum.
- Mayor Hansen reported that on February 10 he toured an anaerobic digester facility to get an idea of what the KVB Waste to Energy project will be similar to. He reported that the Glenn County Planning Commission approved the KVB Waste to Energy project at their meeting on February 17. He also stated that he attended the February 18 Transit and Transportation and the Waste Management Regional Agency Meetings. He stated that it was reported at the Waste Management Meeting that the County landfill's final closure will occur in September of this year. Finally he reported that he attended the Museum Board's annual Business Meeting last Sunday.

12. Executive Session:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public spoke and the council convened into Executive Session at 7:48 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GC Section 54957)
Title: City Manager

13. Reconvene to Open Session & Report out, if any, on Closed Session:

The City Council reconvened into open session at 8:46 p.m.

Mayor's Report Out from Closed Session:

Mayor Hansen reported that Mr. Scott Taylor has tendered his resignation as City Manager of the City of Willows effective immediately.

While still in Open Session, it was moved by Vice Mayor Yoder that pursuant to Government Code Section 54954 (b) (2), there is a need to take immediate action to appoint an Acting City Manager so the City's business can continue uninterrupted, such as signing necessary documents, etc. and the need for this action arose after the agenda for this meeting was posted, be approved. Council Member Domenighini seconded the motion and the motion unanimously passed 5/0.

While still in Open Session, it was moved by Vice Mayor Yoder to add the following agenda item to the Closed Session for tonight's meeting:

Public Employee Appointment, pursuant to Government Code Section 54957.
Position – Acting City Manager.

Council Member Domenighini seconded the motion and the motion unanimously passed 5/0.

The Council then **convened back into Closed Session at 8:48 p.m.**

The City Council reconvened into open session at 9:43 p.m.

Mayor's Report Out from Closed Session:

Mayor Hansen reported that Fire Chief Wayne Peabody has been named the Interim City Manager for the City of Willows effective immediately. Mayor Hansen then adjourned the meeting at 9:43 p.m.

14. **Adjournment:** Mayor Hansen adjourned the meeting at 9:06 p.m.

Dated: February 22, 2015

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD March 8, 2016

1. Mayor Hansen called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Vice Mayor Yoder led the Pledge of Allegiance.
3. **ROLL CALL:**
Present: Domenighini, Mello, Williams, Yoder & Mayor Hansen.
Absent: None
4. **Presentations & Proclamations:** None
5. **Public Comment/Written Communications:**
 - Mark Fowler complimented and thanked Council Member Williams and the staff for following up on his previous suggestion to contact Cal-Trans and request that they look into and correct the poor lighting that is on the overpass on Highway 162 that crosses Interstate 5.
6. **Consent Agenda:**
M/S –Yoder/Williams to approve the Consent Agenda as presented. All Ayes and the motion unanimously passed 5/0 and the following items were approved/adopted:
 - a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30590-30656; Z07084-Z07118; 34589-34612).
 - b) Approval of the Minutes of the Willows City Council Meeting held on January 26, 2016.
7. **Public Hearings:**
 - a) Appeal File Number 16-01 – Appeal to the City Council by Michael and Monica Schwenne of the Planning Commission decision to require covered parking as a Condition of Approval of Use Permit Number 16-02, 459 North Tehama Street; APN 005-403-012:

City Planner Karen Mantele presented the staff report for this item to the Council. Before the Council this evening is an appeal that was filed by Monica & Michael Schwenne in regards to a Planning Commission decision of February 17, 2016. Ms. Mantele gave the Council the background on this application, explaining that on January 29, 2016 Mr. & Mrs. Schwenne submitted a Planning application for a Use Permit to allow the establishment of a 2-family residential use within an existing structure located at 459 North Tehama Street. The application was circulated for comments to all internal City departments and from there it was brought before the Planning Commission for a Public Hearing on February 17, 2016. After the Commission heard the Staff Report, heard from the applicant and heard public comments, a motion was made by Commissioner Woods and seconded by Commissioner Benningfield to

adopt the Resolution that granted approval of the Use Permit allowing the Schwenne's to have this dwelling as a residential use. Because the Commission recognized that the Schwennes wanted to have this dwelling be a residential use in a Commercially-zoned District, the Commissioners felt that the property should look residential in nature. As such, one of the conditions of approval on the Resolution that was implemented as part of the approval was Condition number 6 which stated "On-site parking shall be provided in accordance with the City parking regulations Section(s) 18.120.020 (1)(a) and 18.120.050 prior to establishing the residential use." Mr. & Mrs. Schwenne are now appealing condition number 6. Attached to the City Council's Staff Report was the applicant's letter of reasoning, stating that the codes allow the Planning Commission or the City Manager the ability to forego the request for covered parking. A written request was made by Mr. Schwenne to the City Manager that was received on February 16, requesting an exemption for a garage under Section 18.120.020(3) which exemption states "Parking requirements for commercially zoned property with 50 feet or less street frontage may be reduced or waived by the City Manager, although the reduction is required for approval by the Planning Commission." That request was denied by the City Manager, stating that garage parking is a standard and it is required by the City Code for two-family residential uses.

Within Mr. Schwenne's letter of reasoning he made several statements – and if the Council would like to, Ms. Mantele could go through every one of those items. Although she has listed them in the staff report, for the public's benefit she will go through the letter that Mr. Schwenne submitted and address the points if that is the wish of the Council. The Council stated that they believe that would be appropriate.

Initially Mr. Schwenne stated that there is an issue with respect to affordability to low income housing and it is the City's obligation to provide adequate, appropriately zoned sites to meet the existing and projected housing needs of all economic segments of the community. The property is zoned to allow residential use with the approval of a Use Permit, so Ms. Mantele feels that the City has appropriately zoned areas to allow accommodation of housing needs. Another of Mr. Schwenne's issues was for the City to eliminate any constraints to the private development of a supply of housing to meet the needs of all economic segments of the community. In the City's Housing Element is Goal RC-1 which is to remove or eliminate governmental constraints on the maintenance, improvement and development of housing, where appropriate and legally possible. The policy of this goal states that the City will periodically reexamine local building and zoning codes and propose possible amendments to reduce housing construction costs without sacrificing basic health and safety considerations.

Ms. Mantele stated that the requirement for garages for a 2-family dwelling has been a part of the City's Zoning Code since 1991, as well as other prescribed standards, rules and procedures for development. A point that was made was to facilitate the actions required of the development industry in providing an adequate supply of housing. Another statement that was made in Mr. Schwenne's letter was Goal M1-1 from the City's Housing Element which is to ensure that the quality, safety, affordability and livability of the housing stock in Willows is continually maintained or upgraded and that dilapidated housing which cannot be improved is replaced. Ms. Mantele stated that within the past few years the City had a Housing Conditions survey completed which has been applied throughout the City, so there are records of the homes that are

in need of maintenance and repairs and their exact state of dilapidation and status of livability. She stated that a copy of that survey is available and it is a public document that can be viewed. Ms. Mantele also stated that the City of Willows' Building Department regularly issues building permits for maintenance or upgrading housing within the City. A building permit was issued to Mr. Schwenne for replacement of light fixtures & plumbing fixtures on January 26, 2016. The statement was made by Mr. Schwenne that the property sits in the middle of many other non-conforming low income units without garages, placing a heavy burden on a neighborhood made to comply with the zoning code requirements. The subject property at 459 North Tehama Street is the topic of discussion here, and it is not known without further investigation, whether other non-conforming uses are adjacent to, or near, this property. During Mr. Schwenne's investigation on what would be required for this use regarding parking requirements, he was directed to the City's parking standards, Code 18.120 and specifically the parking requirements for a two-family residential unit. Additionally, under Code Section 18.60.040(2), which is the "General Commercial Zoning District", it states under "Other Regulations", specifically under "Residential Uses", that parking requirements for residential uses permitted with a use permit "shall be subject to the regulations of the Residential Zones for which use is considered a permitted use". What that would mean is if the subject property was in an R-1 or an R-2 district where there were homes and/or development, garages would be required for those types of uses.

The structure was approved for residential use by the Planning Commission by way of a Use Permit. Any residential use at the subject property prior to this Use Permit approval was done without City approval and therefore was non-conforming. Section 18.110.090(1)(b) "Non-Conforming Uses and Continuances" states that if any non-conforming use is abandoned or discontinued for any reason, subsequent use of such land shall be in conformity with provisions of this title. The discontinuance of a non-conforming use for a period of six months or more is in itself evidence of abandonment.

The Appellant states that this property has been used as residential dating back to 1998. The City's Planning file states that on May 5, 1998, an application was submitted to the City for this property to be used as a billiard parlor. Subsequently the same file shows that on May 28, 1998, the City Manager sent a letter to the then property owner, Mr. Joseph Russo, indicating that residential use is allowed within this General Commercial Zone with a Use Permit. No records indicate that a Use Permit was ever applied for or granted in 1998 for residential use of the structure.

Property title verified by Glenn County is residential. The document provided is a Deed of Trust which indicates that the previous owner had a loan for the property with Bank of America and on the Deed of Trust it states "single-family". This does not provide any verification of a residential use of the property per the City code.

Another statement that was made in the Appellant's letter was reference to previous owners having appraisals and loans with multiple large banks that don't lend money for uninhabitable converted commercial spaces. Staff feels that this fact has no bearing on the requirement for a garage for a two-family residential dwelling.

Lastly, Ms. Mantele addressed the Appellant's statement that additions or changes to a property which would normally constitute a 65 year old structure would not meet 2016 demands. Ms. Mantele stated that the current parking code has been in effect since 1991, which states that "parking spaces required for one or two family dwellings shall not be less than specified herein below":

"A one car garage for each dwelling unit containing one bedroom".

Therefore, the requirement to have a one-car garage per each dwelling unit is not a "2016 demand" and has in fact been in effect since 1991. In Willows Code Section 18.25 under "definitions", a "Private Garage" is listed as an accessory building or a portion of a main building designed as a use for a shelter or for storing of vehicles by occupants of the dwelling of the same lot. A garage must be a building with a roof supported by walls. "Carport" is defined as a detached accessory building, not enclosed on more than two sides and designed to use as shelter or house automobiles.

With that, Ms. Mantele stated that she would be happy to answer any questions of the Council and she also pointed out that the Appellants, Michael and Monica Schwenne were present at the meeting and also available for questions.

Council Member Domenighini asked Ms. Mantele about the Appellant's mention of Section 18.120.020 (3) about the fifty feet or less of street frontage parking for an exemption, but he stated that this particular lot is a corner lot so it would have more than fifty feet. Ms. Mantele agreed. He also stated that the Staff Report and the Appellant's letter talks about having an adequate amount of appropriately zoned units to meet the housing numbers; which he stated that if he remembers correctly, the last Housing report that the City sent to the State, the City had a sufficient number of parcels zoned for low income housing, and a decent inventory of vacant low income housing. What Council Member Domenighini was getting at is the City has an adequate amount of low income housing available and an abundance of low income units that are potentially available, such as the Waterman Apartments on Yolo Street and the motel located on South Tehama Street. Ms. Mantele affirmed this, stating that the City's Housing Element reflects that the City has more than enough land and vacant lots in order to satisfy the RHNA numbers required for low income housing.

Mayor Hansen asked Ms. Mantele if there is adequate room on this property to build the garages as required by the code. Ms. Mantele stated that it is her opinion that there is more than sufficient room to construct one or two garages – depending on the desire of the applicant. The structure sits at the corner of the lot, leaving quite a bit of the lot open in the rear and it also abuts the alley so there is an ability to enter the structure either from Vine Street or from the alley.

Mayor Hansen opened the Public Hearing at 7:19 p.m. The applicant/owner, Mike Schwenne stated that he purchased the property back in 2012. The property is already in use as a dual-residential unit. The previous owner of the property, Joseph Russo, actually lived on the property dating back to 1998, and although he may not have been doing so legally, the City was aware of this. At one point Mr. Russo was selling carport structures at the property, at which time the City contacted him and told him that he was not able to conduct that type of business. About 2 ½ years ago after Mr. Schwenne purchased the property, he came to the City to seek out

an over-the-counter building permit to change out windows at the property. At that time he was notified that since the property had been vacant for a period of 6 months, City Code requires that he must obtain a Conditional Use Permit in order to use this property as residential. He began this process but after about 6 months it became too cumbersome so Mr. and Mrs. Schwenne decided that they didn't have the time to go through the process at that time. Once Mr. Schwenne determined that he would have time to re-focus his efforts on the Use Permit process, at that time he came back and started working on the application again a few months ago. He stated that he has been above board with everything that has been done to the property. He stated that the City has been great to work with, but the requirement to have a garage is a huge financial burden on him and his family. Mr. Schwenne indicated that if he thought it was really going to be a benefit to the next property owner, he would put it in, but the reality is that when you are in an entry-level home, having a garage isn't really a number one priority. Mr. Schwenne handed out pictures that he had taken of other neighboring residences in this CG District and he didn't find any other residents that had garages. He said there may have been one or two residences that had garages in the back of the property adjacent to the alley, but that was beyond his vantage point when taking the photos. Mr. Schwenne stated that the house adjacent to his property that is clearly visible on North Tehama has some serious inhabitability issues and he can't believe that that property isn't being noticed and addressed but that his garage is such a big focus. There are boarded up windows and the paint is falling off. He stated that he wants to make the City great and he wants to make his house inspiring to the neighbors next door and he has had other neighbors see the work that he has done which then motivated them to begin to improve their residences.

Although he understands the purpose and theory of requiring the construction of a garage in order to make the property look and feel more residential, he would argue that all of the work that he has already put into the property has made the unit come to life as a residential dwelling in that area. Mr. Schwenne stated if he is made to build a garage, it is going to be a tremendous financial burden on him and he will likely have to sell something before he can afford to begin to construct the garage. He stated that his goal is to list this property in the near future and the burden of having to construct a garage will set him back significantly. He stated that if it is the Council's decision that he has to construct a 2-car garage, he asked if he could receive some clarity on what the Council's specific definition of a garage is. City Planner Karen Mantele clarified that the definition of a garage is considered to be a roof structure supported by four walls.

Doug Ross, Willows Resident, wondered from a legal, structural standpoint, would an appeal come before a body for an appeal if it didn't have some foundation or some sort of merit. Mayor Hansen addressed Mr. Ross's question, stating that the appeal of the Planning Commission decision before the City Council is due process and the City Council is the appeal body.

Hearing no additional public comments, Mayor Hansen closed the public hearing at 7:32 p.m.

Council Member Domenighini asked Ms. Mantele if there is a definition of a garage in the California Building Code. Ms. Mantele stated that she was unaware of a definition, per se, but she did ask Building Official Clay Dawley what his interpretation of a garage would be, and Mr.

Dawley stated that it would be his interpretation that a garage is a structure that is enclosed on all four sides and has a roof; it is not an open-air structure such as a car-port.

Council Member Mello commented that one of the nice things about attending a Planning Commission Meeting is that one gets to see the future plans, activities and upcoming developments in Willows. He stated that did attend the February 17 Planning Commission Meeting where this item was originally heard and he listened to all sides. Along with that fact and what is stated in the agenda tonight, he feels that he can make a good decision.

Vice Mayor Yoder stated that he understands the requirements that the City is putting on the Schwenne family, but Mr. Schwenne makes a good argument and he has seen the improvements to the exterior of the building in that area. That area is a major thoroughfare into the City, so a lot of times a person's first views of a City make an everlasting impression. He thanked Mr. Schwenne for making the improvements to the dwelling in order to make the area look a lot better than it did prior to the improvements. He is not advocating that the City allow new or existing structures or site plans or plans to only do part of the City requirements. But again, this is an area unto itself and an older area that has very few improvements. If Mr. Schwenne's improvements are the start of a process that other residents in the area are going to see and start making that entryway into the City have a beautification process to it, he is all for that. With that being an older area, if the City is going to mandate that all structures have garages, it could be another 50 years before that area becomes viable again and has a beautification process to it. He stated that he is on Mr. Schwenne's side and he would be in favor of waiving the requirement to construct the garage.

Council Member Williams stated that he agreed with Vice Mayor Yoder. He has driven around this area and there is a duplex right to the West of the property and he drove down the alley and saw one parking structure of sorts, but there are quite a few residents in that area that don't have a garage, a carport or anything. He thought the property looked very nice. He realizes the property isn't new and he remembers when he was growing up people were usually living there as a residence and it wasn't a business. There is plenty of off-street parking in the area without a garage being constructed. Council Member Williams stated that he would also be in favor of waiving the requirement to construct the garage.

Council Member Mello had some additional questions about where the residents of the property would park without there being a garage and if they would park on-site inside the property line or on the main road.

Mr. Schwenne stated that there is currently a driveway on the property with Class 2 base rock already on it. There is also a locked privacy fence.

Council Member Domenighini stated that it is his understanding that there would be a reason to deny this, which would be residential competing for commercial parking. Parking at this area on Tehama Street has been a big issue in the past and has been the discussion of many past Planning Commission meetings. He stated that if the City Council upholds this appeal, it is disregarding the City law. It is clear to him in the City Code that by obtaining a Conditional Use Permit for Residential use, City Code states that it is subject to the residential requirements. The residential

requirements are black and white in the City Code that it has to have a two-car garage. He stated that he is sympathetic to the applicant, but he does not see where the City Council has any authority to overturn the Planning Commission's decision on this. The Planning Commission was well within their bounds and compelled to have this requirement for this application. He then stated that he would advise the Planning Commission as a whole to resign if the Council were to overturn their decision.

Vice Mayor Yoder stated that for Council Member Domenighini to say that he would want the Planning Commission to resign is completely disregarding Council Member Domenighini's position as a City Council Member.

Council Member Domenighini stated that the Council Members take an Oath to uphold the law. Council Member Yoder stated that Council Member Domenighini does not have the ethical right to advise a body to resign just because the Council is having a discussion. He stated that is irresponsible.

Council Member Williams asked for clarification about why, if a residence is vacant for over 6 months, does that trigger the requirement for a garage. City Planner Karen Mantele explained that when a non-conforming use of a structure is not occupied for six or more months, the non-conforming use is considered to be abandoned thereafter. Any development subsequent to the abandonment would have to adhere to the current title and conform to the current codes in place when the structure becomes occupied after 6 + months of being vacant. Council Member Williams stated that while he understands what Ms. Mantele explained, he feels that that may stunt any activity to clean up any of the City's old abandoned buildings because it is just not cost effective to the owner. Council Member Williams then asked City Attorney Bob Hunt if the Council has the right to waive this requirement. Attorney Hunt stated that the Council does have the right to overturn the Planning Commission's decision to require the owner to construct a garage on the property. He stated that it is the Council's responsibility to hear the information regarding the appeal and it is then their duty to either uphold the Planning Commission's decision or overrule the Planning Commission and grant a waiver on the requirement to construct a garage.

Council Member Williams stated that one of the things that he has a hard time with is that this is an old facility and the Schwenne's have made it look attractive and now the Council is arguing over whether it has to have a garage when the properties to the North and to the East don't have garages. He then stated that he definitely respects the Planning Commission and following the letter of the law is one thing; but he also thinks that since the Schwenne's have already invested a good deal of money into upgrading the existing property, when push comes to shove if it weren't for the amount of money, they would probably construct a garage.

Attorney Hunt explained that the Council is here tonight listening to this appeal as a quasi-legislative and quasi-judicial body. In other words, judicially the Council is being asked to review a decision made by the Planning Commission. Legislatively, the Council is making a determination whether the laws of the City should be waived in this particular circumstance.

Council Member Domenighini reiterated that to him it is clear in the City Code that a 2-car garage is required, and the only remedy to this would be to change the Code by going through due process including public hearings, noticing requirements, meetings, code reviews, suggested code edits/amendments, etc. He stated that he does not see tonight how the Council could, in good conscience, overturn the Planning Commission's decision which was based solely on a common person's interpretation of a City Code.

Mayor Hansen first thanked the Appellant, Mr. Sweeney, for the improvements that he has already done to this structure and stated that the structure looks nicer than it has looked in many years. Mayor Hansen gave a brief history about this particular structure stating that there have been several commercial uses there over many years in the past, such as a café and TV repair store. Then over the following years the building was either often times vacant or had been used on and off as a non-conforming residential unit and fell into a state of disrepair. Mayor Hansen stated that his issue with this is similar to that of Council Member Domenighini's, in that the appeal is based on the City Code requirement for the construction of a garage; either two single-car garages or one 2-car garage to allow for two vehicles to have off-street parking. Mayor Hansen stated that he absolutely understands the economic factor for the applicant and the issue of the cost of \$10,000+ to construct a garage. It has been determined that there is adequate space to construct the garage on the property, and although Mayor Hansen can sympathize with the applicant as it pertains to the financial hardship, from his point of view he would have to fall back on the City Code requirements and that is where he is going to side. He stated that this is an unfortunate situation, but it really boils down to the laws, ordinances and the requirements of the City Code.

Mr. Schwenne addressed the Council and stated that in the Council talking about City Codes, are they saying that the 50 foot frontage on Tehama doesn't classify as a possible exception? He stated that the City Code clearly states that if there are any parking requirements, if there is 50 feet or less of frontage of parking on the main road, there may be a parking exemption. He stated that the City Planner Karen Mantele pointed that out to him. He asked if he would classify for that exemption. He informed the Council that he asked this question to the previous City Manager, Scott Taylor, but that he didn't want to give an answer to that question. Ms. Mantele addressed this and stated that under the City's Parking Regulations, Section 18.120.020 (3) "Commercial Uses", there is an exception which states "Parking requirements for commercially zoned property with 50 feet of less street frontage may be reduced or waived by the City Manager. All other reductions require approval by the Planning Commission". Mr. Schwenne did put his request in writing to the former City Manager to waive or reduce that requirement for the garage prior to this going before the Planning Commission meeting, but the City Manager declined Mr. Schwenne's request on the condition that garages are a standard and garages are required for residential use.

Mr. Schwenne stated that if you read through almost all of the residential parking requirements as far as additions, all of the language mainly talks about in situations where the owner is required to improve a parking situation or add or modify garages, so almost all of the language in the Code almost always talks about when the owner is adding use. He stated that he would like to point out that he is not adding any additional use of anything and if anything he may be subtracting use. Mr. Schwenne stated that he had one other issue to address to the Council that

he keeps biting his tongue on, but it hit him hard because he has studied U.S. Government. He informed the Council that on the day of the Planning Commission meeting when his Use Permit request was to be heard, while he was speaking to the now former City Manager Scott Taylor, Mr. Taylor basically told Mr. Schwenne that the Planning Commission is going to do whatever he says.

Additional Council discussion continued and Mayor Hansen stated that he was confident that all of the Council Members seemed to know what their roles are here tonight and he asked what the pleasure of the Council was at this point. Vice Mayor Yoder stated that he would like to have this item continued to the next agenda. Since one of his counterparts on the Council made a comment earlier that created a perception that for the Council to overturn the decision of the Planning Commission would be a violation of the City Council as a whole, he stated that he would like to get a better legal clarifying written opinion from the City Attorney as to whether that statement was accurate or not before the Council makes a decision regarding this appeal. It was the unanimous consensus of the City Council to continue this item to the March 22 City Council Meeting. Direction was given to the City Attorney to prepare a written legal opinion on what specifically the City Council can and cannot legally make a decision on as it pertains to this appeal. Staff was also directed to include the approved Planning Commission Minutes in the next Staff Report when this item comes back before the Council so the Council can be clear on what occurred at that meeting. Finally, Council directed staff to begin to look at other remedies and possible amendments to the code that could be reviewed and addressed in the future.

8. Ordinances:

- a) Approval of second reading by title only and adoption of Ordinance #723-2016 entitled **“AN ORDINANCE OF THE CITY OF WILLOWS, CALIFORNIA APPROVING A DEVELOPMENT AGREEMENT BETWEEN CALIFORNIA LAND INVESTORS, LLC AND THE CITY OF WILLOWS, AND ADDING CHAPTER 19.10 (DEVELOPMENT AGREEMENTS) AND ADDING SECTION 19.10.05 (DEVELOPMENT AGREEMENT BETWEEN CALIFORNIA LAND INVESTORS, LLC AND THE CITY OF WILLOWS) TO THE WILLOWS MUNICIPAL CODE”**.

M/S – Williams/Yoder to read by title only Ordinance number 723-2016. The motion unanimously passed 5/0 on a roll-call vote.

M/S – Willows/Yoder that Ordinance #723-2016 entitled **“AN ORDINANCE OF THE CITY OF WILLOWS, CALIFORNIA APPROVING A DEVELOPMENT AGREEMENT BETWEEN CALIFORNIA LAND INVESTORS, LLC AND THE CITY OF WILLOWS, AND ADDING CHAPTER 19.10 (DEVELOPMENT AGREEMENTS) AND ADDING SECTION 19.10.05 (DEVELOPMENT AGREEMENT BETWEEN CALIFORNIA LAND INVESTORS, LLC AND THE CITY OF WILLOWS) TO THE WILLOWS MUNICIPAL CODE”** pass second reading and be adopted. The motion unanimously passed 5/0 on a roll-call vote.

9. Executive Session:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public spoke and the council convened into Executive Session at 8:14 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) **PUBLIC EMPLOYEE DISMISSAL/RELEASE** (GC Section 54957)
- b) **PUBLIC EMPLOYMENT APPOINTMENT/EMPLOYMENT** (GC Section 54957(b)1)
TITLE: Interim City Manager

10. Reconvene to Open Session & Report out, if any, on Closed Session:

The City Council reconvened into open session at 9:11 p.m. Mayor Hansen stated that the City Council has just completed the Closed Session portion of the meeting and they are now back in open session.

Mayor's Report Out from Closed Session:

Mayor Hansen reported that on item 9 (a) the Council took no reportable action. Mayor Hansen reported that on item 9 (b) the Council took no reportable action.

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

- Council Member Domenighini asked if the Council could get an update or a progress report on the ambulance services situation. Interim City Manager Wayne Peabody stated that he would place an informational item on the March 22 agenda to update the Council. Council Member Domenighini also stated that he would like to see an in-depth report at a future Council Meeting about the Police Department's desire to move into a new facility.
- Council Member Williams asked if the Council could place an agenda item on the next City Council Meeting to have a discussion about possibly prohibiting the use of tobacco in the City parks.

12. New Business:

- a) Resolution establishing a salary scale and benefit items for the Position of Fire Chief, and, by motion, set the current Fire Chief at Step B of the Scale, retroactive to February 24, 2016:

The Council, Staff and the Community recognize the outstanding effort put forth by Fire Chief Wayne Peabody. Chief Peabody has been tireless in his efforts to maintain a stable, service-oriented, successful Fire Department, and has done an outstanding job not only within Fire and Rescue Services, but he has also proven to be an outstanding resource in recognizing the bigger picture of the City of Willows and has shown exemplary leadership in championing the City as a whole.

Given Chief Peabody's success and the desire of the Council to have him take on an even greater role in leading City operations, an updated Salary Scale is recommended for the position of Fire Chief. The recommended (monthly) salary scale is as follows:

Step A (7/01/2015) - \$8,655
Step B (2/24/2016) - \$9,088
Step C (7/01/2018) - \$9,542
Step D (1/01/2020) - \$10,019
Step E (7/01/2021) - \$10,520

In addition to the new salary scale, it is recommended that the Fire Chief Position be afforded a Deferred Compensation Match up to 5% of salary and a \$200.00 per month allowance to assist in the coverage regarding travel outside the scope of the use of the Chief's vehicle and to handle additional technological needs that may arise.

M/S – Domenighini/Yoder to adopt a Resolution of the City Council of the City of Willows establishing a salary scale and benefit items for the position of Fire Chief. The motion unanimously passed 5/0 on a roll-call vote.

M/S – Domenighini/Yoder to approve setting the Current Fire Chief salary at Step B of the wage scale, retroactive to 2/24/2016. The motion unanimously passed 5/0 on a roll-call vote.

- b) Resolution approving Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscaping & Lighting:

The Landscaping and Lighting Act requires that the City undertake certain proceedings for any fiscal year in which assessments are to be levied and collected. These proceedings are accomplished at three separate City Council meetings with the following actions:

- 1) Adopt a resolution appointing the Engineer of Work and directing the preparation of the annual Engineer's Report.
- 2) Approve the Engineer's Report, declare the City Council's intent to levy assessments and set a date for a public hearing.
- 3) Conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year.

Before the Council this evening is a resolution which begins the proceedings for the 2016-2017 Fiscal Year. The Engineer's report will analyze the anticipated costs and determine

the corresponding assessment amounts. The City Council can make changes to the Engineer's Report once it has been prepared and filed. The Engineer's Report should be approved by the City no later than the end of June of each year so that the information can be transmitted to the County for the inclusion on the tax rolls. The County needs to have all information transmitted and correct no later than August 10 of each year. In order to meet this schedule and comply with the regulations of the Streets and Highways code for this type of Assessment District, the assessment engineering process should begin now.

Staff is recommending that the Council adopt the resolution appointing Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscape and Lighting Assessment District; direct the preparation of the annual Engineer's Report for Fiscal Year 2016-2017.

M/S – Mello/Domenighini to adopt a resolution of the City Council of the City of Willows Appointing Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscaping and Lighting Special Assessment District and directing the preparation and filing of the Engineer's Report for Fiscal Year 2016-2017 (Pursuant to the Landscaping and Lighting Act of 1972). The motion unanimously passed 5/0 on a roll-call vote.

13. Council Member Reports:

- Council Member Williams reported that he visited the Vietnam Veterans' "Wall that Heals" when it was recently in Willows. He expressed his gratitude to Dan Roach, Dennis James and the many other volunteers that made this event possible. He also reported that he attended the Fire Department's Tri-Tip and Bean fundraiser and he thanked all of the volunteers that put on the event. He attended the Swearing-In ceremony for the newest Police Officer, Robert Thompson.
- Mayor Hansen stated that the Veterans groups should be commended for doing a fantastic job on bringing "The Wall that Heals" to Willows. He stated that it was a remarkable and historic event. He too reported that he attended the Fire Department's Tri-Tip and Bean feed.

14. Adjournment: Mayor Hansen adjourned the meeting at 9:26 p.m.

Dated: March 8, 2016

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

AGENDA ITEM

March 23, 2016

TO: Wayne Peabody, Interim City Manager
FROM: Jason Dahl, Chief of Police
SUBJECT: Surplus Property

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

SUMMARY

The Police Department has identified City property listed in Exhibit A which are no longer used or which have become obsolete or worn out. Pursuant to Willows Municipal Code 3.05.120, staff is requesting the City Council declare the items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

Each department requests the proceeds from surplus go back into their respective budgets.

ALTERNATE ACTIONS

Reject recommendation

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

Respectfully submitted,



Jason Dahl
Chief of Police

Approved by,



Wayne Peabody
Interim City Manager

Attachments:
Exhibit A

EXHIBIT A

POLICE DEPT.

1. 1993 Ford Taurus, VIN #1FACP524XPG280555, 55,787 miles
2. 2002 Ford Crown Victoria, VIN #2FAFP71W52X138659, 111,601 miles

AGENDA ITEM

TO: Honorable Mayor Hansen and Members of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Consider reading by title only and passage of first reading of an Ordinance regarding regulation of smoking and secondhand smoke in the City of Willows.

RECOMMENDATION

It is recommended that the City Council:

Conduct the Public Hearing and consider reading by title only and passage of first reading of and Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 8 CHAPTER 8.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE".

SITUATION (or BACKGROUND):

This ordinance is being introduced to address the concerns raised by the Willows High School chapter of Students Working Against Tobacco ("SWAT"), in which they gave the City Council a comprehensive presentation regarding the dangers and nuisances of tobacco use in the City's parks and recreation areas. Members of SWAT provided information pertaining to the prevalence of tobacco use in our parks, the dangers to not only the users but others around the user, and the nuisance of litter left behind by tobacco users.

As a result, at the City Council meeting held on March 22, 2016, the Council was provided a copy of the City of Orland's tobacco regulation ordinance which passed in 2012, with an update to the ordinance in 2014 to include e-cigarettes in the ordinance. At that same City Council meeting the Council directed staff to create a similar ordinance for introduction at tonight's City Council Meeting. City Staff, along with the City Attorney, have performed modifications to the current City of Willows Ordinance addressing this topic (Ordinance Number 637-93). The ordinance before the Council tonight will replace that ordinance which was adopted in 1993.

FINANCIAL CONSIDERATIONS:

Minimal costs associated with publishing required legal notices.

NOTIFICATION

Sacramento Valley Mirror Public Hearing Notice published April 2, 2016.
Students Working Against Tobacco (SWAT).

ALTERNATE ACTIONS

None recommended.

RECOMMENDATION

It is recommended that the City Council:

Conduct the Public Hearing and consider reading by title only and passage of first reading of and Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 8 CHAPTER 8.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE".

Respectfully submitted,



Wayne Peabody,
Interim City Manager

Attachments:

Proposed Ordinance

ORDINANCE NO. XX-2016

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILLOWS AMENDING TITLE 8 CHAPTER 8.25 OF THE WILLOWS
MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE**

Footnote:

---(1)---

Editor's note – Ordinance No 724-2016 is amending Chapter 8.25 in its entirety to read as herein set out. Former Chapter 8.25 §§ 8.25.010-8.25.090 pertained to similar subject matter and derived from Ordinance No 637-93.

WHEREAS, smoking of tobacco is a recognized danger to health and a cause of annoyance, inconvenience, and discomfort to users and others who are present whether or not in confined places; and

WHEREAS, secondhand tobacco smoke is harmful to persons, including those with respiratory conditions, and has been found to cause cancer to nonsmokers exposed to secondhand smoke on a frequent basis; and

WHEREAS, exposure to secondhand tobacco smoke may occur at significant levels outdoors; and

WHEREAS, exposure to secondhand tobacco smoke imposes great social and economic costs; and

WHEREAS, creating smoke free areas helps protect the health of nonsmokers; and

WHEREAS, a 2009 study by the U.S. Food and Drug Administration found that electronic cigarettes contain carcinogens and toxic chemicals to which bystanders may be exposed; and

WHEREAS, discarded smoking paraphernalia and debris clutter parks and other public areas, creating unhealthy and unsightly environments for the City's children and residents,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS does ordain as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this Ordinance.

SECTION 2. Existing Chapter 8.25 of the Willows Municipal Code is deleted in its entirety, and replaced with the following:

Chapter 8.25 - REGULATION OF SMOKING AND SECONDHAND SMOKE

Sections:

- 8.25.010- Purpose.
- 8.25.020- Definitions.
- 8.25.030- Smoking Prohibited.
- 8.25.040- Designated Smoking Areas.
- 8.25.050- Tobacco Product Waste
- 8.25.060- Signage.

8.25.070- Penalties and Enforcement.

8.25.010- Purpose

In order to protect the public health, safety and welfare, to reduce unwanted and unwelcome exposure to secondhand smoke, to assure a cleaner and more hygienic environment for the city, its residents, and visitors, to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children and persons with existing respiratory conditions, the declared purposes of this chapter are to prohibit smoking in certain areas which are used by or open to the public and to prohibit smoking waste in those areas.

8.25.020- Definitions

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

"Business" means any sole proprietorship, joint venture, corporation, or other business entity conducted for profit or nonprofit purposes including, but not limited to, retail establishments where goods or services are sold as well as entities where legal, medical, dental, engineering, architectural, or other professional services are offered or delivered.

"Common area at a shopping mall" means any indoor or outdoor common area of a shopping mall accessible to and usable by the occupants or customers of the establishment and including, but not limited to halls, lobbies, outdoor eating areas, play areas and parking lots.

"Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

"Entryway" means the primary place(s) of public access to a business, playground, recreational area, or shopping mall.

"Playground" means any public or privately owned park or recreational area designed in part to be used by children that has play or sports equipment installed, or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on city property.

"Person" means an individual.

"Recreational Area" means any area that is publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes, but is not limited to, parks, picnic areas, plazas, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, stadiums and skateboard parks.

"Service Area" means any publicly or privately owned area designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines or cab stands.

"Shopping mall" means any parcel of land zoned and used for retail sales by more than one retailer that is jointly operated or which includes shared parking facilities.

"Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the resulting combustion products, including but not limited to tobacco smoke, cigarette smoke, marijuana smoke, gas, aerosol or vapor released by the ignition of electronic smoking devices "Smoke" does not include the products of combustion of incense or similar products when used solely for olfactory purposes and not containing tobacco or nicotine

"Smoking" means engaging in any act, conduct or process that generates tobacco "smoke", including but not limited to: a lighted pipe, cigar, or cigarette of any kind; hookah pipe, an operating electronic smoking devices or a lighted smoke inhalation device of any kind that generates smoke of any kind, from tobacco, marijuana, or any other weed or plant.

"Tobacco Product" means 1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and 2) Any Electronic Smoking Device. 3) Notwithstanding any provision of subsections (#1) and (#2) to the contrary, "Tobacco Product" includes any component, part, or accessory of a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sales as tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

8.25.030- Smoking Prohibited

Smoking is prohibited within twenty feet of any entryway.

Smoking is prohibited in any common area at a shopping mall, playground, recreational area or service area.

Smoking is prohibited in and within twenty feet of any building owned, controlled and/or maintained by the City.

The above prohibitions are in addition to, and not in place of, any prohibitions and limitations on smoking and tobacco use imposed by California law.

8.25.040- Designated Smoking Areas

The City may designate areas of outdoor property under its control within which smoking is permitted. Such designated smoking areas shall be determined by the City Council and shall be clearly marked. The City Council shall have the authority to modify or withdraw any such designation.

8.25.050- Tobacco Products Waste

No person shall dispose of lighted or unlighted cigars or cigarettes, or cigar or cigarette butts, or any other tobacco-related waste, within twenty feet of any entryway, except in a receptacle clearly provided and marked for such disposal.

No person shall dispose of lighted or unlighted cigars, cigarettes, electronic smoking devices or cigar or cigarette butts, or any other smoking-related waste in any common area at a shopping mall, playground, recreational area or service area except in a receptacle clearly provided and marked for that purpose.

8.25.060 — Signage

A person or business that has legal or de facto control of an area in which smoking is prohibited may, but is not required to post a clear and unambiguous "No Smoking" or "Smokefree" sign at a conspicuous point within the non-smoking area. Signage exemplars will be made available by the City.

To the extent practical, the City may post clear and unambiguous "No Smoking" or "Smokefree" signs at conspicuous points within non-smoking areas under its control.

8.25.070- Penalties and Enforcement

The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity. Any peace officer or code enforcement official may enforce this chapter. Any person who violates any provisions of this chapter shall be guilty of an infraction punishable by:

- (a) A fine not to exceed \$100.00 for a first violation.
- (b) A fine not to exceed \$200.00 for a second violation of this chapter within any 12-month period.
- (c) A fine not to exceed \$500.00 for each additional violation of this chapter within any 12-month period.

Nothing in this chapter shall be construed as providing a private right of action.

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance with fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

I HEREBY CERTIFY that this Ordinance was duly and regularly introduced and read at a regular meeting held on the 12th day of April, 2016, and was passed and adopted by the City Council of the City of Willows at a regular meeting thereof duly held on the ____ day of _____, 2016, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN

APPROVED

Gary Hansen, Mayor

ATTEST:

Natalie Butler, City Clerk

AGENDA ITEM

April 12, 2016

TO: Honorable Mayor Hansen and Members of City Council

FROM: Karen Mantele, Principal Planner

SUBJECT: Annual Housing Element Progress Report for period from January 1, 2015 to December 31, 2015

RECOMMENDATION

Review and accept the Annual Housing Element Progress Report and direct Staff to forward to the Governor's Office of Planning and Research and the State Department of Housing and Community Development as required by Government Code Section 65400

Project Description:

The preparation of a General Plan Annual Progress Report (APR) per Government Code Section 65400, reports the efforts within the Housing Element that remove governmental constraints to the maintenance, improvement, and development of housing, and the status of implementation of these programs. Additionally the APR includes the RHNA numbers and where the City stands with meeting these numbers. (*The current RHNA planning period covers from January 1, 2014 to June 30, 2019*).

Analysis:

The 2014-2019 Housing Element was adopted by the City Council on January 13, 2015. The Element was forwarded to the State Department of Housing and Community Development (HCD) for final review and approval. The Element was certified as adequate by the State Department of Housing and Community Development (HCD) on April 16, 2015. The City now has an adopted and certified updated Housing Element which outlines the City's plan to meet the Regional Housing Needs Allocation for the anticipated future housing needs for all income groups.

The City adopted its General Plan in 1981 and has not updated the General Plan since, other than a major revision to the Land Use Element in 1987 with the annexation of land, and some revisions to the Element and Land Use Map in 2000, and updated Housing Elements in 2005, and 2010.

The current Housing Element outlines the City's plan to meet the Regional Housing Needs Allocation (RHNA), which identifies existing and projected housing needs for all income groups. RHNA figures are prepared by the regional council of governments (*Glenn County for Willows*) based upon information provided by the State Department of Housing and Community Development (HCD). The following figures prescribe how many housing units the City of Willows must plan for at varying levels of affordability between the years of 2014 to 2019, broken into those income categories.

TABLE 34: 2014–2019 REGIONAL HOUSING NEEDS ALLOCATION

Household Income Level	Units	Percentage	Units Permitted Since 1/1/2014	Remaining RHNA
Extremely Low	7	11.1%	0	7
Very Low	8	12.7%	49 ¹	0
Low	11	17.5%	0	11
Moderate	11	17.5%	0	11
Above Moderate	26	41.3%	0	26
Total	63	100%	49	

Source: County of Glenn County Regional Housing Needs Allocation 2014–2019

Notes: ¹ 49-unit senior housing complex with income restrictions established at 45% of AMI or less.

The attached report outlines the progress that the City of Willows has made in meeting the current Housing Element of the City’s General Plan according to the programs listed within the Element

2015 Accomplishments:

The City has issued a final Certificate of Occupancy to a 49 unit senior housing complex that has been constructed during the reporting period (January 1, 2015 to December 31, 2015). This new housing assists the City with meeting their RHNA numbers of providing housing to extremely low income groups.

Amendments to the Zoning Ordinance to comply with two program goals, have been completed in 2015. One of these amendments added to the zoning ordinance the allowance of transitional and supportive housing in all zones allowing residential uses and which do not require any conditions other than those conditions identified for residential uses in those zones. To date no requests for transitional or supportive housing has been received by the City of Willows.

ENVIRONMENTAL

This General Plan Report is not a project but a reporting document, and does not create or alter policy and therefore is not subject to the California Environmental Quality Act (CEQA) per Section 15306

STAFF RECOMMENDATION:

That the Planning Commission review the General Plan Annual Report, and by motion forward the report with any amendments to the City Council, Governor’s Office of Planning and Research, and the State Department of Housing and Community Development, as required by Government Code Section 65400(b).

FINANCIAL CONSIDERATIONS

None

ALTERNATE ACTIONS

No alternatives are recommended

Submitted by:



Karen Mantele
Principal Planner

Approved by:



Wayne Peabody
Interim City Manager

Attachments:

1. State General Plan Annual Element Progress report forms
2. List of 2014-2019 Housing Element Programs

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**
(CCR Title 26 §9202)

Jurisdiction: City of Milwau
Reporting Period: 1/1/2016 - 12/31/2016

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

1	Housing Development Information					Housing with Financial Assistance		Housing without Financial Assistance or Bond Financing
	2	3	4	5	6	7	8	
Project Name (and address)	Unit Category	Units	Very Low Income	Low Income	Mixed Income	Other	Subsidized	Other
1240 W. Seymour St	R	49	49	49	49	49	HOME	
(9) Total of Moderate and Above Moderate from Table A/3 (10) Total by Income Table A/4 (11) Total Exclusively Low Income Units								

**Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

(CDDK Title 23 §604D)

Jurisdiction: **CITY OF MILLIKENS**
Reporting Period: **1/1/2015 - 12/31/2015**

**Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant
to GC Section 65583.1(c)(1)**

Items in this table may only be included if the table below shows a jurisdiction has had a program that meets element 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 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999, 1000.

Activity Type	Addressed by (Lower-Mid Income)					A) Total Developmental Subsidies Available for Use on Units with Subsidies (Full Governmental Subsidies)
	1. Single Family	2. 2-4 Units	3. 4+ Units	4. Mobile Homes	5. Other	
Construction Activity						
Construction of New Units						
Construction of Units						
Construction of Units						

* Note: This field is voluntary

**Table A3
Annual Building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

No. of Units - Term used for Moderate	Addressed by (Above Moderate Income)					7. Number of Infill Units*
	1. Single Family	2. 2-4 Units	3. 4+ Units	4. Second Unit	5. Mobile Homes	
No. of Units - Term used for Above Moderate						

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction: City of Willow
Reporting Period: 1/1/2015 - 12/31/2015

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level	2016		2017		2018		2019		Total Units Issued by Affordability	Total Units Issued by Income Level
	Year	Year	Year	Year	Year	Year	Year			
Very Low (20% or less of the state median household income)	0	48							48	48
Low (30% or less of the state median household income)										
Moderate (40% or less of the state median household income)										
Special Housing Needs (50% or less of the state median household income)										
Not Specified										
Total	0	48							48	48

Note: All housing units are in the very low income category. The total number of units issued in the very low income category is 48.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §8202)

Jurisdiction: City of Milpitas
Reporting Period: 11/23/15 - 12/31/2015

Table C
Program Implementation Status

Program Description (by Housing Element Program Name)	Objective	Timeline in H.E.	Status of Program Implementation
Program ID-1.4.4	Over resources to increase availability of affordable housing units	ongoing	The City has worked with a developer of a new 49 unit senior housing project in the city.
Program ID-1.4.5	Over resources to increase availability of affordable housing units	ongoing	The city has worked with a developer of a new 49 unit senior housing project in the city.
Program ID-1.1	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-1.2	Over resources to increase availability of affordable housing units	ongoing	No announcements have been proposed.
Program ID-1.3	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-1.3.1	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-1.4.1	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-4.2	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-4.3	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program ID-4.5	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program EC-1.1	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.
Program MI-1.1	Over resources to increase availability of affordable housing units	ongoing	City has met with affordable housing developer.

Program MI-1.2.1
 continue code enforcement of fire, electrical, & fire codes
 ongoing City Building Dept enforces all CBC codes for residential construction
 periodically record fire code violations to reduce fire code costs
 City has held fire code enforcement training for fire code enforcement staff
 Survey and report back by 12/2016 a survey has not been conducted
 Amend ZU to allow transitional & support housing
 by 6/2015 completed
 Amend ZU to remove references to defunct
 by 6/2015 completed

eb

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 28 §6202)

Jurisdiction: City of Willows
Reporting Period: 1/1/2015 - 12/31/2015

General Comments:

cc: all the city of willows housing element implementation report for 2015-2016. The report has been completed and is attached to this email. The report is located in the attached folder. The report is located in the attached folder. The report is located in the attached folder.

LIST OF PROGRAMS

2014-2019 Housing Element: City of Willows

A Program is an action or procedure that carries out the goals and policies of the Housing Element.

PROGRAM	TIMEFRAME	STATUS
<p>Program HD-1.1.1.1: Continue to monitor the available residential land in the city to ensure adequate sites are available for the development of housing. The City will consider partnering with a developer interested in developing affordable housing and/or housing for seniors or persons with disabilities, to provide financial assistance (as funding is available)</p> <p>Program HD-1.1.1.2 Work in close cooperation with Glenn County to ensure the orderly development of unincorporated lands adjacent to the city and the consistency of land use policies and development standards in those areas.</p> <p>Program HD-1.1.1.3: Revise the Zoning Ordinance to provide consistency with the General Plan residential densities by removing the 14 dwelling unit per acre maximum in the density established in the R-3 and R-P zoning districts. In the interim, between Housing Element adoption and the revision of the Zoning Ordinance, the City shall allow a density of 16-30 units in the R-3 and R-P zoning districts in order to be consistent with the General Plan densities for those corresponding land use designations. Additionally, the City will continue to review the General Plan and Zoning Ordinance for consistency on an annual basis as required by state law.</p> <p>Program HD-1.2.1: The City Planning Commission will meet at least twice during the 2014-2019 planning period to review the City zoning map and land use map with consideration of meeting future housing needs. Work in close cooperation with Glenn County to ensure the orderly development of unincorporated lands</p>	<p>As developers approach the City and as funding is available</p> <p>The City will meet with County staff on an as-needed basis when future annexations are proposed</p> <p>Revisions of Zoning Ordinance by October 2015, Review General Plan and Zoning Ordinance for internal consistency annually</p> <p>Attend monthly meetings and review the zoning and land use maps twice during the planning period</p>	<p>City staff has met with affordable housing developers in March 2015 and January 2016. One site has been purchased by developer for affordable housing</p> <p>No annexations have been proposed</p> <p>Completed</p> <p>Have not met with FC, yet to discuss zoning map or land use map</p>

<p>adjacent to the city and the consistency of land use policies and development standards in those areas. The City will continue to participate in the monthly joint meetings of the Glenn County Board of Supervisors and the two City Councils</p> <p>Program HD-1.3.1: The City's architectural design review process applies to all zoning districts in the city. Two specific areas of the city have overlay design guidelines, the "Historic Downtown" and "Wood Street." These guidelines are used to preserve historic design characteristics and guide future design to create buildings worth preserving. The City will continue to offer pre-application consultations for interested developers and make available public information handouts for each entitlement.</p>	<p>Ongoing, as projects are processed through the Planning Department</p>	<p>Public information handouts for Design Review are made available to prospective developers</p>
<p>Program HD-1.4.1: Assist in the development of affordable housing by continuing to work with entities such as Self-Help Housing and CHIP Housing in support of the application for funds and the identification of appropriate sites for potential development of units affordable to extremely low-, very low-, and low-income households. Grants that the City will apply for (when available) in the future include HOME and CDBG General Allocation Funds</p>	<p>Annually apply for funds as NOFAs are released</p>	<p>The City has met with affordable housing developers in March 2015 and January 2016 to discuss possible affordable housing projects</p>
<p>Program HD-1.4.2: Continue to support the emergency housing program operated by the Glenn County Human Resource Agency, which provides emergency shelter for all Glenn County residents provided certain requirements are met, and support the provision of transitional housing. The City will continue to facilitate coordination between city residents in need and the services provided through the County program. Specifically, persons needing emergency shelter are provided contact information for the County Office of Emergency Services.</p>	<p>Ongoing, 2014-2019.</p>	<p>The City works in conjunction with the County of Glenn HR department regarding requests for emergency shelter or transitional housing. The City has not had any requests nor has the county of Glenn.</p>

<p>Program HD-1.A.3: Expand homeownership opportunities for very low- and low-income and first-time homebuyers through the use of CDBG General Allocation funds as they become available</p> <p>Program HD-1.A.4: City in County recently conducted a senior housing needs assessment to identify the existing and future housing needs of senior citizens. According to this survey, Willows could support a small project that provides a continuum of care, with a combination of independent housing, assisted living, and memory care. The City will consider providing incentives to builders to provide housing and care choices for seniors of all income levels and levels of independence. Possible incentives may include reduced setbacks, reduced parking requirements, and technical assistance with applications for funding.</p> <p>Program HD-1.A.5: Continue to work with housing providers to ensure that special housing needs are addressed for seniors, large families, female-headed households with children, persons with disabilities and developmental disabilities, extremely low-income households, and homeless individuals and families. The City will seek to meet these special housing needs through a combination of regulatory incentives, zoning standards, new housing construction programs, and supportive services programs. The City will promote market-rate and affordable housing sites, housing programs, and financial assistance available from the city, county, state, and federal governments by developing and informational brochures discussing housing opportunities in the City and providing this information at City Hall and City Planning Department. In addition, as appropriate, the City will apply for or support others' applications for funding under state and federal programs designated specifically for special needs groups.</p>	<p>Apply for CDBG allocations annually</p> <p>2014-2019. Offer incentives on an ongoing basis as developers show interest in developing senior housing</p>	<p>As housing funds become available they will be made public</p> <p>A 40 unit senior housing complex was completed in 2015 and the City worked with the developer on incentives for the project.</p> <p>The City has worked with developers to bring about special housing needs to the City. An informational brochure has not been produced yet.</p>
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<p>Program HD-1.1.6: Encourage the development of housing affordable to extremely low-income households by continuing to work with the private sector, nonprofit agencies, and to secure funds through state and federal programs for development of new lower income housing and rehabilitation of existing lower-income households. The City will monitor the need for housing for extremely low-income households and evaluate opportunities for funding of these households annually. As funding becomes available, the City will prioritize a portion of the funds to encourage the development of housing (i.e., SROs) for extremely low-income households. In addition, the City will consider incentives or regulatory concessions to encourage the development of SROs as new development is proposed in the City.</p>	<p>Monitor the need for housing for extremely low-income households by June 2015, and annually thereafter. Prioritize a portion of the funds, based on the monitoring analysis, as funding is available</p>	<p>The City continues to monitor the housing needs for extremely low income households through requests for this type of housing. The City has not received any requests or inquiries for SRO's within the City.</p>
<p>Program EC-1.1.1: Promote and encourage the "weatherization" program administered by the Glenn County Human Resource Agency and funded by Pacific Gas and Electric</p>	<p>Ongoing, 2014-2019, and as funding is available</p>	<p>The City works with the Glenn County IRA to administer these programs.</p>
<p>Program EC-1.1.2: Continue to support the energy audits free to all homes located within the city limits</p>	<p>Ongoing, 2014-2019, and as funding is available</p>	<p>The City supports free energy audits to homes in the City.</p>
<p>Program EC-1.2.1: Encourage use of solar energy considerations in new residential construction</p>	<p>Ongoing, 2014-2019, and as projects are processed through the Planning Department</p>	<p>The City Building Department has issued numerous solar energy permits for residents within the City.</p>
<p>Program MI-1.1.1: Apply for rehabilitation funding as funding becomes available through the CDBG and HOME programs. When funding is obtained, the City will make information regarding the program available at City Hall and at the Glenn County Human Resource Agency</p>	<p>2014-2019. Annually apply for CDBG, HOME, and other state and federal funding</p>	<p>The City holds a public informational hearing with the City Council in the spring to inform the residents of CDBG/HOME funding.</p>
<p>Program MI-1.2.1:</p>	<p>Ongoing, 2014-2019</p>	<p>The City Building Department oversees all building, electrical and fire</p>

<p>Continua code enforcement of the Housing, Electrical, and Fire Prevention Codes and Health and Safety Regulations by appropriate City departments</p>	<p>codes with all residential permits issued and thereafter inspected.</p>
<p>Program RC-1.1.1.1: Periodically reexamine the Zoning Ordinance (e.g., every two years) for possible amendments to reduce housing construction costs without sacrificing basic health and safety considerations</p>	<p>Historical: 2014-2019. The City is held to comply with the California Building Code's regarding basic health and safety. The Zoning Ordinance will be re-examined for possible amendments to reduce housing construction costs. A survey has not been conducted yet.</p>
<p>Program RC-1.2.1: Survey other cities in the Glenn County area to ensure that local development fees do not become a constraint on housing production</p>	<p>Survey by December 2016</p>
<p>Program RC-1.3.1: In order to fully comply with SB 2 (Cedillo), amend the Zoning Ordinance to allow transitional and supportive housing in all zones allowing residential uses and require no conditions other than those conditions identified for residential uses in those zones</p>	<p>Amend Zoning Ordinance by June 2015 Completed</p>
<p>Program RC-1.3.2: In order to comply with state housing law, amend the Zoning Ordinance to remove any references limiting household sizes for the definition of "Family"</p>	<p>Amend Zoning Ordinance by June 2015 Completed</p>
<p>Program EO-1.1.1: In coordination with the Glenn County Human Resource Agency, establish an Equal Housing Opportunity Program. This program will disperse information on fair housing laws, refer tenant complaints on discrimination, and act as a tenant advocacy organization. The information will be distributed to and displayed at City Hall, the Glenn County Human Resource Agency, local community and senior centers, the Glenn County Public Works Department, and the public library in Willow. Translators for Hmong, Laotian, and Spanish languages are available to City staff if needed.</p>	<p>Establish Equal Housing Opportunity Program by December 2015 An informational program has not yet been established. Upon completion the information will be distributed and displayed.</p>

AGENDA ITEM

April 12, 2016

TO: Honorable Mayor Hansen and Members of City Council

FROM: John Wanger, City Engineer

SUBJECT: Landscape and Lighting Assessment District – Receive the Preliminary Annual Engineer's Report for FY 2016-17, adopt the Resolution of Intent to Levy and Collect Assessments and set the time and date for the Public Protest hearing.

RECOMMENDATION

Receive the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering; adopt the Resolution of Intention to levy and collect assessments; and set the required public protest hearing time and date for the City of Willows Landscaping and Lighting Assessment District.

SUMMARY

The Willows Landscaping and Lighting Assessment District (District) was initially formed by the City in 2005 to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village subdivision; (Zone A), in accordance with the Landscaping and Lighting Act of 1972 (1972 Act).

The 1972 Act requires that the City undertake certain proceeding for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings with the following actions:

- 1) Adopt a resolution appointing the Engineer of Work and directing the preparation of the annual Engineer's Report.
- 2) Approve the Preliminary Engineer's Report, declare the City Council's intent to levy and collect assessments and set the date and time for a public hearing.
- 3) Conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year and approve the Annual Engineer's Report

The first action was completed by the Council on March 8, 2016. This report and resolution accomplishes the second part of the proceedings for FY 2016-17.

Attached to this staff report is the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering. The City Council should review the report and let staff know if there are any desired changes to be made to the report. In brief, the attached report outlines changes and summarizes the costs projected for FY 2016-17 and provides the proposed overall assessments. In order to keep up with inflation, the estimated maximum annual assessment in both Zones is proposed for increase by the allowable annual CPI (year 2015) of +2.6%. This raises the maximum annual assessment for Zone A to \$461.34 and the maximum annual assessment for Zone B to \$6,553.66. The estimated maximum annual assessment will increase for both zones.

The actual amount that will be levied and collected during FY 2016-17 for Zone A will stay the same as FY 2015-16 at \$143.00 per parcel. Excess reserves are available and are being used to eliminate the need to increase this year's assessment and to bring the reserves in line with the City reserve policy.

The actual amount that will be levied and collected during FY 2016-17 for Zone B will be increased approximately \$650.08 from FY 2015-16 to \$5,955.96. This increased assessment is due to increased utility costs and a resulting higher ratio of assessment engineering costs.

The FY 2016-17 Zone A plus Zone B annual assessments will provide projected revenue of \$11,170.88 to cover the estimated expenses.

During FY 2008-09, the Council implemented a minimum reserve balance of 10% to 20%. It is noted that the projected Zone A Assessment District reserve balance at the end of FY 2016-17 is within that target range. Due to unexpectedly high utility costs in Zone B during FY 2015-16, the ending reserve balance is projected to be near zero. The increased budget for Zone B should improve the reserve balance over the next few years.

The preliminary Engineer's Report is for your information and comment. The next step in the process is to hold a public protest hearing (required by the Streets and Highways Code for this type of an assessment district.) At the public protest hearing, any person within the assessment district can provide comments for the Council's consideration. At the close of the hearing, if the Council finds the report acceptable, the Council will adopt a resolution authorizing the annexation and levying of assessments per the Engineer's Report. The Final Engineer's Report should be approved by the City no later than the end of June of each year so that the information can be transmitted to the County for the inclusion on the tax roles. The County needs to have all information transmitted and correct no later than August 10th of each year.

FINANCIAL CONSIDERATIONS

All costs associated with this assessment district are recovered through the assessments and zone reserves.

NOTIFICATION

None required at this time.

ALTERNATE ACTIONS

None recommended.

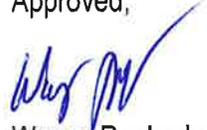
RECOMMENDATION

Receive the preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering; adopt the Resolution of Intention to levy and collect assessment; and set the date and time for the required public protest hearing for the City of Willows Landscape and Lighting Assessment District.

Respectfully submitted,

John Wanger
City Engineer

Approved,



Wayne Peabody
Interim City Manager

Attachments: Resolution of Intention to Levy Assessments Associated with the City of Willows
Preliminary Engineer's Report

**CITY OF WILLOWS
CITY COUNCIL
RESOLUTION NO. -2016**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS,
PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR FY 2016/2017 FOR THE
CITY OF WILLOWS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
AND SETTING THE TIME AND DATE OF THE PUBLIC HEARING
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

WHEREAS, on October 11, 2005 the City Council adopted Resolution #22-2005 authorizing the formation of the City of Willows Landscaping and Lighting Assessment District (Assessment District) to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council intends to levy and collect assessments within the Assessment District during FY 2016-17; and

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, an annual Engineer's Report is required to be prepared and filed outlining estimated costs, methods of spreading costs, a description of properties in the Assessment District and their proposed assessments in order to levy and collect assessments in any following fiscal year; and

WHEREAS, on March 8, 2016, the City Council appointed Coastland Civil Engineering as the Engineer of Work, directing the preparation and filing of the annual FY 2016-17 Engineer's Report, and describing the potential changes to the Assessment District; and

WHEREAS, the annual operation, maintenance and other incidental costs associated with Zone A of the Assessment District includes landscaping and lighting improvements within the Birch Street Village development; and

WHEREAS, the annual operation, maintenance and other incidental costs associated with Zone B of the Assessment District includes street lighting and traffic signal improvements associated with the Walmart Super Store development; and

WHEREAS, Coastland Civil Engineering has prepared and filed with the City the annual Engineer's Report for FY 2016-17 as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, all interested persons are referred to the Engineer's Report for a full and detailed description of the improvements, the proposed operation and maintenance costs, the boundaries of Zones A and B of the Assessment District and the proposed FY 2016-17 assessments upon assessable lots and parcels of land within the Assessment District; and

WHEREAS, for Zone A, in order to keep up with inflation the FY 2016-17 maximum annual assessment will be adjusted up by the allowable CPI to \$461.34 per parcel; and

WHEREAS, for Zone B, in order to keep up with inflation the FY 2016-17 maximum annual assessment will be adjusted up by the allowable CPI to \$6,553.66 per parcel; and

WHEREAS, the annual CPI is based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

WHEREAS, the proposed FY 2016-17 annual assessment to levy and collect for Zone A is proposed to be \$143.00 per parcel; and

WHEREAS, the proposed FY 2016-17 annual assessment to levy and collect for Zone B is proposed to be \$5,955.96 per parcel.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Willows hereby intends to levy and collect assessments during FY 2016-17 and preliminarily approves the filed FY 2016-17 Engineer's Report with the estimates of the costs and expenses to operate and maintain the said improvements and their incidental expenses; and

BE IT FURTHER RESOLVED that in order to take inflation into account, the City Council approves the annual increase to the estimated maximum assessment in Zones A and B in accordance with the annual Consumer Price Index (CPI), based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

BE IT FURTHER RESOLVED that a public protest hearing will be held on May 24, 2016 at 7:00 p.m. at City Hall, 201 N. Lassen Street, Willows. At the public protest hearing, the City Council will consider changes to the assessment amounts and authorization to levy and collect assessments for Fiscal Year 2016-17; and

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to give the Notice of Hearing required by the Landscaping and Lighting Act of 1972 for said public protest hearing; and

BE IT FURTHER RESOLVED that this Resolution is adopted pursuant to Sections 22620 et al of the California Streets and Highway Code.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Willows does hereby certified that the foregoing Resolution No. _____-2016 was duly introduced to the City Council of the City of Willows.

PASSED AND ADOPTED by the City Council of the City of Willows this 12th day of April, 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Gary L. Hansen, Mayor

Natalie Butler, City Clerk

FY 2016-17



**ANNUAL ENGINEER'S REPORT
FOR
CITY OF WILLOWS
LANDSCAPING & LIGHTING ASSESSMENT DISTRICT
ZONE A - BIRCH STREET VILLAGE
ZONE B - WALMART**

PRELIMINARY

**CITY OF WILLOWS
COUNTY OF GLENN
STATE OF CALIFORNIA**

April 2016

**Prepared By:
Coastland Civil Engineering, Inc.**

FY 2016-17

WILLOWS LANDSCAPING AND LIGHTING SPECIAL ASSESSMENT DISTRICT
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits, as directed by the City Council of the City of Willows on March 8, 2016, the enclosed Engineer's Report on the _____ day of _____, 2016.

COASTLAND CIVIL ENGINEERING INC.

By: _____
John L. Wanger, RCE 43148, Exp. 3/31/18

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2016.

By: _____
Scott Taylor, City Manager, City of Willows
Glenn County, California

I HEREBY CERTIFY that the enclosed Final Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Willows, California, on the _____ day of _____, 2016.

By: _____
Scott Taylor, City Manager, City of Willows
Glenn County, California

I HEREBY CERTIFY that the enclosed Final Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Glenn on the _____ day of _____, 2016.

By: _____
Scott Taylor, City Manager, City of Willows
Glenn County, California

**FY 2016-17 ANNUAL ENGINEER'S REPORT FOR
WILLOWS LANDSCAPING & LIGHTING SPECIAL ASSESSMENT DISTRICT**
(Pursuant to the Landscaping & Lighting Act of 1972)

Annual Assessment For FY 2016-17

Coastland Civil Engineering, Engineer of Work for the Willows Landscaping & Lighting Special Assessment District, City of Willows, Glenn County, California, makes this annual Engineer's Report, as directed by the City Council on March 8, 2016 pursuant to Sections 22565 and 22620 of the California Streets & Highways Code for the Willows Landscaping & Lighting Special Assessment District for Fiscal Year (FY) 2016-17.

Background

The Willows Landscaping & Lighting Assessment District (Assessment District) was formed in October 2005 by the City of Willows to recover costs associated with the operation and maintenance of landscaping and streetlights within the public right-of-way for the Birch Street Village development. This area is known as Zone A. In order to levy and collect assessments each subsequent fiscal year, the Landscaping & Lighting Act of 1972 requires the preparation and filing of annual Engineer's Reports. During these annual proceedings, new cost estimates are developed to determine the costs to operate and maintain the Assessment District improvements for the upcoming fiscal year. Further, as new subdivisions are created within the Willows City limits, they can be annexed into the Assessment District on an annual basis.

In FY 2012-13, a new Zone B was created to recover costs associated with the operation and maintenance of streetlights and half the cost of traffic signals within the public right-of-way for the Walmart Super Store on West Wood Street (State Hwy 162).

For FY 2016-17, there are no subdivision developments, land use changes to existing parcels or annexations proposed.

Cost Index Information

In order to take inflation into account and to recognize noticing/voting requirements for increasing the assessments, this Assessment District includes an allowance for an annual increase to the estimated Maximum Annual Assessments in accordance with the annual Consumer Price Index (CPI). The annual CPI is based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics. All new zones to be annexed into this district are also to include an allowance for an annual increase to the Maximum Annual Assessments in accordance with the same CPI.

For FY 2016-17, the maximum annual assessment for Zones A and B are proposed to be adjusted up by the latest annual (2015) CPI of +2.60%.

The assessments proposed to be levied and collected for FY 2016-17 for Zone A are the same as those collected in FY 2015-16. The assessments proposed to be levied and collected for FY 2016-17 for Zone B are higher than those collected in FY 2015-16. The total proposed Assessment District budget (Zones A and B) for FY 2016-17 is \$11,170.88.

The proposed changes, budgets, assessments and Proposition 218 impacts to the respective zones within the Assessment District are as follows:

Zone A - Birch Street Village

Zone A covers the costs associated with operation and maintenance of turf, ground cover, shrubs, trees, plants, irrigation systems, masonry walls or other fencing, entryway monuments, street lights and associated appurtenances located within the rights-of-way in the Birch Street Village subdivision as shown in the Assessment Diagram in Part F of this report. The FY 2016-17 assessment is proposed to be \$143.00 per parcel. This is the same assessment as last year due to the use of excess reserves. The total proposed Zone A budget for FY 2016-17 is proposed to be \$5,214.92, which is a 27% reduction from the FY 2015-16 budget. FY 2016-17 assessment revenue plus existing reserves will be used to cover the current year budget.

The estimated reserve fund balance for Zone A is projected to be within the Council approved reserve budget range of 10%-20% at the start of FY 2016-17. As no special projects are required at this time, the excess reserves will be used to reduce the current year assessment. It should be noted that assessments may need to increase next year as reserves are expected to be within their desired range and will not be available to reduce the assessments.

Zone B - Walmart

In FY 2012-13, Zone B was annexed into the Assessment District to cover the cost of three street lights on North Airport Road alongside the Walmart development, and the cost of two traffic signals (including their street lights) at the intersection of North Airport Road and West Wood Street (Highway 162). These are shown as traffic signals with lights on the Zone B Assessment Diagram in Part F of this report. Costs include utility, maintenance, replacement, and administrative expenditures. Replacement costs will be funded from a 'knockdown' fund described in more detail below. The lights in this zone add a specific benefit to the Walmart development for the safety of their shoppers, and ease of access/egress due to the additional traffic load generated by the Walmart Super Store.

In FY 2015-16, higher than anticipated utility costs required the existing annual reserve and a portion of the 'knockdown' reserve fund to be used to balance the year's budget. The FY 2016-17 assessment is proposed to be \$5,955.96 per parcel. This is an increase of about 12% from the FY 2015-16 assessment to cover the additional utility, and correspondingly higher, engineering costs. FY 2016-17 assessment revenue will be used to cover the current year budget. The higher assessment is still below the allowed maximum annual assessment.

The estimated annual reserve fund balance is anticipated to be around 1% at the end of FY 2016-17. This is lower than desired. It is expected this fund will build up again over time now that the assessment has been increased.

Accumulation of Funds

While specific budget items, such as utility, maintenance and administrative costs, are incurred annually, replacement costs will be required only upon damage or destruction of an existing light or signal. Pursuant to Code Section 22660, money for replacement will be collected over the course of five fiscal years through annual installments that the Town will place in a Knockdown Fund specific for this work. Monies collected for any non-annual item are shown in Part B of this report under the heading "Knockdown Replacement". It has been determined that these funds should accumulate to an amount of \$5,000, with the amount to increase in the future if the estimated replacement cost increases. Once this replacement amount is reached, there will be no additional accumulation of funds for that budget item until an expenditure to replace or repair a knocked-down light has occurred or the estimated replacement cost has increased. Once the Knockdown funds are expended, the rebuilding of the fund will start in the following year's budget and spread over a maximum of five years.

FY 2016-17 Engineer's Report Format

This Engineer's Report consists of 6 Parts as follows:

- PART A - Plans and Specifications (Page 7)** - This portion of the Engineer's Report describes any plans and specifications that may be needed for the installation of the improvements. If plans and specifications exist, they are filed with the City Clerk. Although separately bound, the plans and specifications are part of this Engineer's Report and are included in it by reference.
- PART B - Budget Cost Estimates (Page 8)** - Budget cost estimates associated with the operations and maintenance of the described improvements for each Zone are described in Part B of this report. In addition to an overall budget summary for Zone A and Zone B, a detailed FY 2016-17 Budget sheet and a FY 2016-17 Summary of Fund Balance sheet is provided for each Zone.
- PART C - Assessment Roll (Page 13)** - A listing of the annual assessment on each benefited parcel of land in Zone A and Zone B within the Assessment District. The assessment amount is the estimated cost each parcel will contribute during FY 2016-17 towards the operation and maintenance of their respective Zone within the Assessment District, as well as their portion of the 5-year installment payment for the installation of the improvements.
- PART D - Method of Apportionment of Assessment (Page 15)** - A statement of the method used by Engineer of Work to determine the amount proposed to be assessed against each parcel within Zone A and Zone B of the Assessment District. Additionally, this section describes the maximum assessment allowable and any inflationary adjustments.
- PART E - Property Owners List (Page 18)** - Names and addresses of the owners of real property listed within for this Assessment District, as shown on the last equalized assessment roll for taxes. The Assessor Parcel Number (A.P.N.) keys the list into the Assessment Roll of Part C.
- PART F - Assessment Diagrams (Page 22)** - The Assessment Diagrams (maps) showing all of the parcels of real property within Zone A and Zone B of the Assessment District. The assessment number keys the diagram Part C - Assessment Roll.

PART A

PLANS AND SPECIFICATIONS

The Assessment District provides funds for the operation and maintenance of landscaping and street lights located in the public rights-of-way in Zone A and operation, maintenance of street lights and traffic signals in public rights-of-way in Zone B. Maintenance may include repair, removal or replacement of any landscape improvement, damaged irrigation facilities, diseased landscaping, weed and brush clearing, maintenance or replacement of street lights or traffic signals and any other allowable maintenance items per Section 22531 of the California Streets and Highways Code for the life of the Assessment District. Because the installation of the improvements are funded by this assessment district, the plans and specifications showing the improvements for Zone A are on file at the City offices for the Birch Street Village development. The plans and specifications showing the improvements for Zone B are on file at the City offices for the Walmart Super Store development.

PART B
FY 2016-17 Budget Cost Estimates

Part B includes the detailed budget for FY 2016-17 for all those costs associated with the operation and maintenance of Zones A and B within the Assessment District. Also included is the Summary of Fund Balance sheet for FY 2016-17. The total budget summary for FY 2016-17 for Willows Landscaping & Lighting Assessment District is as follows:

	<u>As Filed With the City</u>	<u>As Preliminarily Approved</u>	<u>As Finally Approved At the Public Hearing</u>
Zone A:	\$ 5,214.92		
Zone B:	\$ 5,955.96		
Total::	\$ 11,170.88		

CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17
Zone A - Birch Street Village
Budget

Item	2015-16 Budget	2016-17 Budget
Engineers Report	\$2,448.00	\$2,075.00
Legal Services	\$0.00	\$0.00
Landscape Maintenance	\$2,500.00	\$1,500.00
Lighting Utilities & Maintenance	\$950.00	\$1,000.00
County Assessor Fees (3.5% of Revenue)	\$231.95	\$182.52
Contingency	\$497.33	\$457.40
Total Expenses	\$6,627.28	\$5,214.92
Contribution from Reserves	\$1,765.28	\$352.92
Total Assessment Costs	\$4,862.00	\$4,862.00
Total Assessment Revenue	\$4,862.00	\$4,862.00
Estimated Number of Units in Zone A	34.0	34.0
Proposed Assessment for Zone A*	\$143.00	\$143.00

* This is less than the maximum allowed. See Maximum Allowable Assessment Analysis

CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17
Zone A - Birch Street Village
Summary of Fund Balance

	<u>2016-17</u>
Estimated Starting Reserve Fund on July 1	\$1,325.00
Estimated Interest Earned	\$20.00
Estimated Revenue	\$4,862.00
Total Estimated Funds Available	\$6,207.00
Total Estimated Expenditures	\$5,214.92
Estimated Ending Reserve Fund on June 30	\$992.08

Note: The original installation and construction costs were reimbursed by the end of the 2010-11 Fiscal Year.

CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17
Zone B - Walmart
Budget

Item	2015-16 Budget	2016-17 Budget
Engineers Report	\$1,952.00	\$2,325.00
Legal Services	\$100.00	\$100.00
Lighting Utilities & Maintenance	\$1,750.00	\$1,800.00
Knockdown Replacement	\$1,000.00	\$1,000.00
County Assessor Fees (3.5% of Revenue)	\$185.71	\$208.46
Contingency	\$318.17	\$522.50
Total Expenses	\$5,305.88	\$5,955.96
Contribution from Reserves	\$0.00	\$0.00
Total Assessment Revenue	\$5,305.88	\$5,955.96
Estimated Number of Units in Zone B	1.0	1.0
Proposed Assessment for Zone B*	\$5,305.88	\$5,955.96

* This is less than the maximum allowed. See Maximum Allowable Assessment Analysis

CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17
Zone B - Walmart
Summary of Fund Balance

	<u>2016-17</u>
Est. Starting Annual Reserve Fund on July 1	\$0.00
Est. Starting Knockdown Reserve Fund on July 1	\$3,000.00
Estimated Interest Earned	\$45.00
Estimated Annual Revenue	\$4,955.96
Estimated Knockdown Revenue	\$1,000.00
Total Estimated Annual Funds Available	\$5,000.96
Total Estimated Knockdown Funds Available	\$4,000.00
Total Estimated Annual Expenditures	\$4,955.96
Total Estimated Knockdown Expenditures	\$0.00
Est. Ending Annual Reserve Fund on June 30	\$45.00
Est. Ending Knockdown Reserve Fund on June 30	\$4,000.00

PART C

FY 2016-17 ASSESSMENT ROLL

As described in Part B, the total proposed Assessment District revenues of \$10,817.96 for FY 2016-17 consist entirely of assessments associated with Zones A and B of this district as follows:

\$ 4,862.00	From Zone A
\$ 5,955.96	From Zone B

The breakdown of FY 2016-17 annual assessments per parcel is shown in Table 1 of this report. The lines and dimensions of each parcel are shown on the maps in the office of the County Assessor of the County of Glenn.

Table 1

**CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17**

Zone A - Birch Street Village

APN	Assessment Diagram Number	Land Use Code	Land Use Type	Assessment Amount	Owner Name	Address
001-07-1-009-0	26	R1XX	Single Family	\$143.00	Tovar, Bradford & McGarr, Jillian	320 S. Humboldt Ave Willows, CA 95988
001-07-1-010-0	27	R1XX	Single Family	\$143.00	Patel Deepak A & Bina D	330 S Humboldt Ave, Willows, CA 95988
001-07-1-011-0	28	R1XX	Single Family	\$143.00	Medina Humberto	340 S Humboldt Ave, Willows, CA 95988
001-07-1-012-0	29	R1XX	Single Family	\$143.00	Pollock Robert R	350 S Humboldt Ave, Willows, CA 95988
001-07-1-013-0	30	R1XX	Single Family	\$143.00	Baczkowski, Thomas W.	360 S Humboldt Ave, Willows, CA 95988
001-07-1-014-0	31	R1XX	Single Family	\$143.00	Singh Kulwinder	521 Greg Thacht Cir, Sacramento, CA 95835
001-07-1-015-0	32	R1XX	Single Family	\$143.00	Ross Jack & Ross Candace J/T	6141 W 4th St, Rio Linda, CA 95673
001-07-1-016-0	33	R1XX	Single Family	\$143.00	Hernandez Jesus A Palomino & Palomino Hilda	1330 W. Humboldt Ave, Willows, CA 95988
001-07-1-017-0	34	R1XX	Single Family	\$143.00	Dover Jerome W	1320 W. Humboldt Ave, Willows, CA 95988
001-07-1-018-0	16	R1XX	Single Family	\$143.00	Kumar Priti	199 N Humboldt Ave, Willows, CA 95988
001-07-1-019-0	15	R1XX	Single Family	\$143.00	Street Amy L & Street Timothy R	451 El Dorado Ave, Willows, CA 95988
001-07-1-020-0	14	R1XX	Single Family	\$143.00	Lombard Tyler	461 El Dorado Ave, Willows, CA 95988
001-07-1-021-0	17	R1XX	Single Family	\$143.00	Packard Nikola J	431 El Dorado Ave, Willows, CA 95988
001-07-1-022-0	18	R1XX	Single Family	\$143.00	Donnelly, Michael D & Carolyn M	421 El Dorado Ave, Willows, CA 95988
001-07-1-023-0	19	R1XX	Single Family	\$143.00	Barragan, Hilda & Rosales, Francisco	361 El Dorado Ave, Willows, CA 95988
001-07-1-024-0	20	R1XX	Single Family	\$143.00	Ngo Cuong Bach & Tra Thuy Thanh Thi	371 El Dorado Ave, Willows, CA 95988
001-07-1-025-0	21	R1XX	Single Family	\$143.00	Feeney, Kevin	65 Lindauer Lane, Red Bluff, CA 96088
001-07-1-026-0	22	R1XX	Single Family	\$143.00	Tafolla, Guillermo Arias	351 El Dorado Ave, Willows, CA 95988
001-07-1-027-0	23	R1XX	Single Family	\$143.00	Baker Nicole C	341 El Dorado Ave, Willows, CA 95988
001-07-1-028-0	24	R1XX	Single Family	\$143.00	Murillo Lorena	331 El Dorado Ave, Willows, CA 95988
001-07-1-029-0	25	R1XX	Single Family	\$143.00	Clark Janie C TRS	321 El Dorado Ave, Willows, CA 95988
001-07-1-030-0	13	R1XX	Single Family	\$143.00	Lederer, Eric M	310 El Dorado Ave, Willows, CA 95988
001-07-1-031-0	12	R1XX	Single Family	\$143.00	Hernandez Jaime & Hernandez Gabriela	320 El Dorado Ave, Willows, CA 95988
001-07-1-032-0	11	R1XX	Single Family	\$143.00	Askeland Kevin	PO Box 310, Willows, CA 95988
001-07-1-033-0	10	R1XX	Single Family	\$143.00	Jaramillo Jose Luis & Jaramillo Brenda	340 El Dorado Ave, Willows, CA 95988
001-07-1-034-0	9	R1XX	Single Family	\$143.00	Velasco, Raymundo Sigala	350 El Dorado Ave, Willows, CA 95988
001-07-1-035-0	8	R1XX	Single Family	\$143.00	Hutson, Evan C & Amanda	360 El Dorado Ave, Willows, CA 95988
001-07-1-036-0	7	R1XX	Single Family	\$143.00	McDonald David S	370 El Dorado Ave, Willows, CA 95988
001-07-1-037-0	6	R1XX	Single Family	\$143.00	Kuwata, Ronald K	380 El Dorado Ave, Willows, CA 95988
001-07-1-038-0	5	R1XX	Single Family	\$143.00	Bobadilla, Pedro D	410 El Dorado Ave, Willows, CA 95988
001-07-1-039-0	4	R1XX	Single Family	\$143.00	Gutierrez, Alejandro & Gutierrez Ashley M J/T	420 El Dorado Ave, Willows, CA 95988
001-07-1-040-0	3	R1XX	Single Family	\$143.00	Drazkowski Tonia & Scott Lindsay B Co Trs	111 S Villa Willows, CA 95988
001-07-1-041-0	2	R1XX	Single Family	\$143.00	Dover Jerome W	3323 Knollridge Dr, El Dorado Hills, CA 95762
001-07-1-042-0	1	R1XX	Single Family	\$143.00	Southam Boyd & Southam Stephanie	450 El Dorado Ave, Willows, CA 95988
Lot A	Lot A	Null	Easement	\$0.00	Null	Null
Total Units:	34		Total Assessment:	\$4,862.00		

Zone B - Walmart

APN	Assessment Diagram Number	Land Use Code	Land Use Type	Assessment Amount	Owner Name	Address
017-21-0-052-9	35	CEXX	Commercial Retail Outlet	\$5,955.96	Walmart RE Business Trust c/o Walmart Tax Dept #2053	P.O. Box 8050, Bentonville, AR 72712-8050
Total Units:	1		Total Assessment:	\$5,955.96		

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

The following is a brief description of the manner that the annual assessment has been apportioned (spread) to each parcel in Zone A in the Assessment District:

Zone A – Birch Street Village

With the Birch Street Village development, both lighting and landscaping were installed as part of the improvements. Special benefit derived by each of the parcels within this Zone for these improvements are as follows:

Street Lights: Because the improvements have met the City's lighting requirements, the lights within the subdivision are spaced per adopted City standards, thereby providing the direct and special benefits of safety for vehicular traffic and pedestrian travel at night and safety lighting of the neighborhood in general for all parcels within this zone. Therefore each parcel receives approximately equal and special benefit. Accordingly, the method by which each parcel is proposed to be assessed for costs associated with Zone A is a total estimated cost of maintenance and operation of street lighting and for the appropriate administrative costs associated with this zone divided by the total number of lots within Zone A.

Landscaping: The type of street landscaping and subsequent required operation and maintenance costs associated with this street landscaping gives approximate equal benefit to all of those parcels in this Zone. Each parcel benefits directly from the pleasing aesthetics of the landscaping for the subdivision as well as increased air quality from additional plant life. Accordingly, the method by which the assessment is spread to each of the parcels within Zone A is by taking the total estimated cost of the operation and maintenance of the street landscaping and for the appropriate administrative costs associated with this zone divided by the total number of lots within Zone A.

Government Owned Parcels: No charges associated with Zone A shall be imposed upon a federal, state or local government agency, upon a parcel without a dwelling used exclusively for greenbelt, or open space. In future years however, a federal, state or local government agency receiving special benefit from Zone A shall be assessed by virtue of Proposition 218. Article XIII D, Section 4(a) states that public agencies, "shall not be exempt from assessment".

Zone B – Walmart

With the Walmart Super Store development, both street lighting and street traffic signals will be installed as part of the improvements. Special benefit derived by the single parcel within this Zone for these improvements are as follows:

Street Lights: The improvements have met the City's lighting requirements by providing the direct and special benefits of safety for vehicular traffic and pedestrian travel at night and safety lighting of the shopping center in general. The single parcel receives the entire special benefit. Accordingly, the method by which the parcel is proposed to be assessed for street light costs associated with Zone B is a total estimated cost of maintenance and operation of street lighting and

for the appropriate administrative costs associated with this zone applied to the single parcel within Zone B.

Traffic Signal: The improvements to expand the existing Walmart store into a Walmart Super Store are anticipated to generate additional traffic congestion at the intersection of W. Wood Street (Hwy 162) and North Airport Road. To maintain traffic flow and safety of the intersection, a four way traffic signal system was installed. As W. Wood Street carries additional traffic not associated with the store, the direct and special benefit of the signal to the store is considered to be $\frac{1}{2}$ of the 4 signals, lights and controller plus associated costs. The remainder of the other costs associated with this signal for the traffic on W. Wood Street is paid for by Caltrans, as W. Wood Street is a State highway. This will be indicated on the Assessment Diagram as 2 traffic signals. Accordingly, the method by which the parcel is proposed to be assessed for traffic signal costs associated with Zone B is a total estimated cost of maintenance and operation of the City's portion of the traffic signal (including lights), half the cost of the controller and for the appropriate administrative costs associated with this zone applied to the single parcel within Zone B.

A knockdown fund is established with Zone B to cover expenses associated with replacing a streetlight if it is damaged or destroyed by a vehicle. The overall knockdown fund cost to be accumulated over a 5-year period is \$5,000 (estimated expenses for manpower and equipment for replacing one streetlight). Once a fund balance of \$5,000 is attained, no additional monies shall be collected for this fund until/unless there is the need to replace one of the streetlights. The method to collect this portion of the assessment is the same as streetlights.

MAXIMUM ALLOWABLE ASSESSMENT AND INFLATIONARY FACTORS

In 2005, the original Engineer's Report stated that assessments may be adjusted each year to account for inflation of costs and services in accordance with the Bay Area (San Francisco-Oakland-San Jose) Consumer Price Index (CPI) for all urban consumers, or 3%, whichever is greater. An Annual CPI increase has been applied for each year, however it should be noted that, due to the economic climate, in the past 6 years the implemented increase has been less than 3%.

The CPI adjustments to the Maximum Allowed Assessment per Parcel from FY 2012-13 through FY 2016-17 are shown as follows:

Maximum Allowable Assessment Analysis						
	Allowed Annual CPI Increase		Zone A Birch Street Village		Zone B Walmart	
	Year	%	Allowed Adjustment Amount	Total Assessment Maximum (per Parcel)	Allowed Adjustment Amount	Total Assessment Maximum (per Parcel)
FY 2013-14	2012	2.70%	\$11.25	\$427.98	\$159.84	\$6,079.84
FY 2014-15	2013	2.20%	\$9.42	\$437.40	\$133.76	\$6,213.60
FY 2015-16	2014	2.80%	\$12.25	\$449.65	\$173.98	\$6,387.58
FY 2016-17	2015	2.60%	\$11.69	\$461.34	\$166.08	\$6,553.66

Actual assessment amounts to be collected do not have to be set at the maximum assessment. Establishing the maximum available assessment each year and keeping up with inflation allows the assessments to be increased to this maximum amount sometime in the future if costs associated with this Assessment District increase (e.g. if in any year there are unanticipated expenditures due to such things as vandalism) and will preclude having to go through electorate approval per California Constitution Article XIII C, Section 2(b) (Proposition 218 requirements.)

PART E

FY 2016-17 PROPERTY OWNERS LIST

The names and addresses of each of the property owners as shown on the County of Glenn Assessor's Tax Assessment Roll are shown below. The names and addresses have been keyed to the special assessment number (the assessor parcel number) as shown in Part C of this Engineer's Report.

Table 2
CITY OF WILLOWS
Landscaping and Lighting Assessment District
Fiscal Year 2016-17
Zone A - Birch Street Village and Zone B - Walmart

APN	Assessment Diagram Number	Owner Name	Mailing Address
001-07-1-009-0	26	Tovar, Bradford & McGarr, Jillian	320 S. Humboldt Ave Willows, CA 95988
001-07-1-010-0	27	Patel Deepak A & Bina D	330 S Humboldt Ave, Willows, CA 95988
001-07-1-011-0	28	Medina Humberto	340 S Humboldt Ave, Willows, CA 95988
001-07-1-012-0	29	Pollock Robert R	350 S Humboldt Ave, Willows, CA 95988
001-07-1-013-0	30	Baczkowski, Thomas W.	360 S Humboldt Ave, Willows, CA 95988
001-07-1-014-0	31	Singh Kulwinder	521 Greg Thacth Cir, Sacramento, CA 95835
001-07-1-015-0	32	Ross Jack & Ross Candace J/T	6141 W 4th St, Rio Linda, CA 95673
001-07-1-016-0	33	Hernandez Jesus A Palomino & Palomino Hilda	1330 W. Humboldt Ave, Willows, CA 95988
001-07-1-017-0	34	Dover Jerome W	1320 W. Humboldt Ave, Willows, CA 95988
001-07-1-018-0	16	Kumar Priti	199 N Humboldt Ave, Willows, CA 95988
001-07-1-019-0	15	Street Amy L & Street Timothy R	451 El Dorado Ave, Willows, CA 95988
001-07-1-020-0	14	Lombard Tyler	461 El Dorado Ave, Willows, CA 95988
001-07-1-021-0	17	Packard Nikola J	431 El Dorado Ave, Willows, CA 95988
001-07-1-022-0	18	Donnelly, Michael D & Carolyn M	421 El Dorado Ave, Willows, CA 95988
001-07-1-023-0	19	Barragan, Hilda & Rosales, Francisco	381 El Dorado Ave, Willows, CA 95988
001-07-1-024-0	20	Ngo Cuong Bach & Tra Thuy Thanh Thi	371 El Dorado Ave, Willows, CA 95988
001-07-1-025-0	21	Feeney, Kevin	65 Lindauer Lane, Red Bluff, CA 96088
001-07-1-026-0	22	Tafolla, Guillermo Arias	351 El Dorado Ave, Willows, CA 95988
001-07-1-027-0	23	Baker Nicole C	341 El Dorado Ave, Willows, CA 95988
001-07-1-028-0	24	Murillo Lorena	331 El Dorado Ave, Willows, CA 95988
001-07-1-029-0	25	Clark Janie C TRS	321 El Dorado Ave, Willows, CA 95988
001-07-1-030-0	13	Lederer, Eric M	310 El Dorado Ave, Willows, CA 95988
001-07-1-031-0	12	Hernandez Jaime & Hernandez Gabriela	320 El Dorado Ave, Willows, CA 95988
001-07-1-032-0	11	Askeland Kevin	PO Box 310, Willows, CA 95988
001-07-1-033-0	10	Jaramillo Jose Luis & Jaramillo Brenda	340 El Dorado Ave, Willows, CA 95988
001-07-1-034-0	9	Velasco, Raymundo Sigala	350 El Dorado Ave, Willows, CA 95988
001-07-1-035-0	8	Hutson, Evan C & Amanda	360 El Dorado Ave, Willows, CA 95988
001-07-1-036-0	7	McDonald David S	370 El Dorado Ave, Willows, CA 95988
001-07-1-037-0	6	Kuwata, Ronald K	380 El Dorado Ave, Willows, CA 95988
001-07-1-038-0	5	Bobadilla, Pedro D	410 El Dorado Ave, Willows, CA 95988
001-07-1-039-0	4	Gutierrez, Alejandro & Gutierrez Ashley	420 El Dorado Ave, Willows, CA 95988
001-07-1-040-0	3	Drazkowski Tonia & Scott Lindsay B Co	111 S Villa Willows, CA 95988
001-07-1-041-0	2	Dover Jerome W	3323 Knollridge Dr, El Dorado Hills, CA
001-07-1-042-0	1	Southam Boyd & Southam Stephanie	450 El Dorado Ave, Willows, CA 95988
Lot A	Lot A	Null	Null
017-21-0-052-9	35	Walmart RE Business Trust c/o Walmart Tax Dept #2053	P.O. Box 8050, Bentonville, AR 72712-8050

PART F

FY 2016-17 ASSESSMENT DIAGRAM

Attached, you will find Assessment Diagrams (maps) for Zones A and B within the Assessment District. Please note that the lines and dimensions of each parcel, as well as the distinctive assessment number, are shown on the Assessor's Maps for the City of Willows available at the County of Glenn Assessor's Office. The attached pages also provide the reference to the appropriate Assessor Books at the County for the subdivision.

Zone A

All the land lying within the Birch Street Village Subdivision, filed in the Recorder's Office of the County of Glenn in Book 13, Page 64.

Zone B

All the land lying within the Walmart Super Store Development, known at the Assessor's Office of the County of Glenn as Assessor's Parcel Number 017-21-0-052-9.

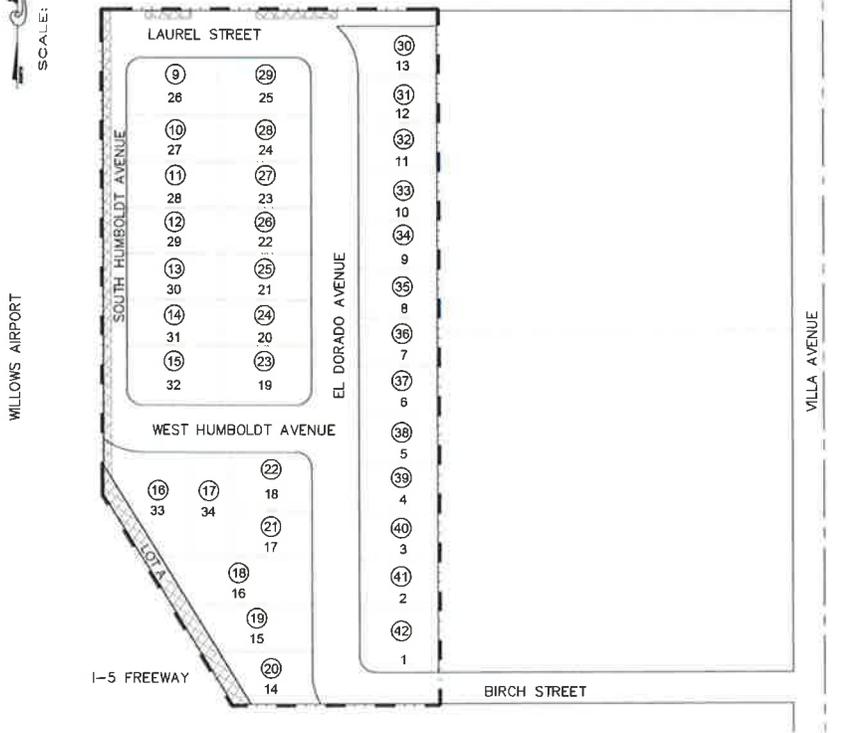
Imager: loc-1100-p4c Xeris
 Path: F:\MAPS-S\10\Willow\11\AD\Assessment Diagrams\Map Layout\Zone A - Pal Distr. Fig. 04_2016.ctb 06/15/16



Coastland Civil Engineering, Inc.
 1400 Natomas Avenue, Santa Rosa, CA 95405
 707.871.8005 707.571.8037 Fax

SCALE: 1" = 1180'

APN: BOOK 001, PAGE 07, BLOCK 1.
 THE SPECIFIC LOT NUMBER IS SHOWN IN THE CIRCLE.
 THE MINERAL RIGHTS EXTENSION NUMBER IS 0 FOR THESE PARCELS.
 THE ASSESSMENT DIAGRAM NUMBER IS BELOW THE LOT NUMBER.



CITY OF WILLOWS

**LANDSCAPING AND LIGHTING
 ASSESSMENT DISTRICT**

ASSESSMENT DIAGRAM

ZONE A - BIRCH STREET VILLAGE



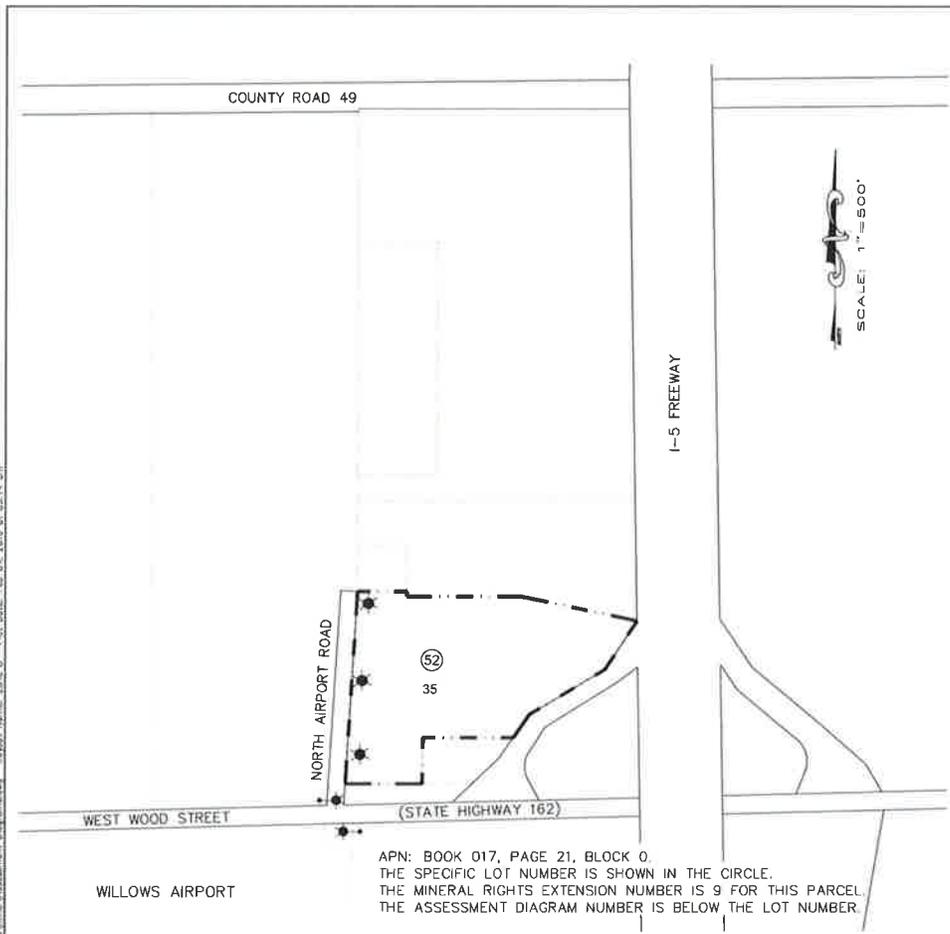
VICINITY MAP

- Landscape Maintenance Area
- Assessment District Boundary

NOTE:
 FOR THE DISTINCTIVE ASSESSMENT NUMBER AND DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL REFER TO THE ASSESSORS MAPS FOR THE CITY OF WILLOWS AVAILABLE AT THE GLENN COUNTY ASSESSORS OFFICE.

PREPARED FOR
CITY OF WILLOWS
 GLENN COUNTY CALIFORNIA
 2016-2017 Fiscal Year

Images: Location File: Xrefs:
Path: S:\Map\510\Willows\1110\Assessment Diagrams\Map Layout Name: Zone B - Plot Date: Feb 04, 2016 at 09:14 am



APN: BOOK 017, PAGE 21, BLOCK 0.
THE SPECIFIC LOT NUMBER IS SHOWN IN THE CIRCLE.
THE MINERAL RIGHTS EXTENSION NUMBER IS 9 FOR THIS PARCEL.
THE ASSESSMENT DIAGRAM NUMBER IS BELOW THE LOT NUMBER.

SCALE: 1" = 500'

CITY OF WILLOWS

LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT

ASSESSMENT DIAGRAM

ZONE B - WALMART



VICINITY MAP

- City's portion of traffic signal and street light
- City street light locations
- Assessment District Boundary

NOTE:
FOR THE DISTINCTIVE ASSESSMENT NUMBER AND DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL REFER TO THE ASSESSORS MAPS FOR THE CITY OF WILLOWS AVAILABLE AT THE GLENN COUNTY ASSESSORS OFFICE.

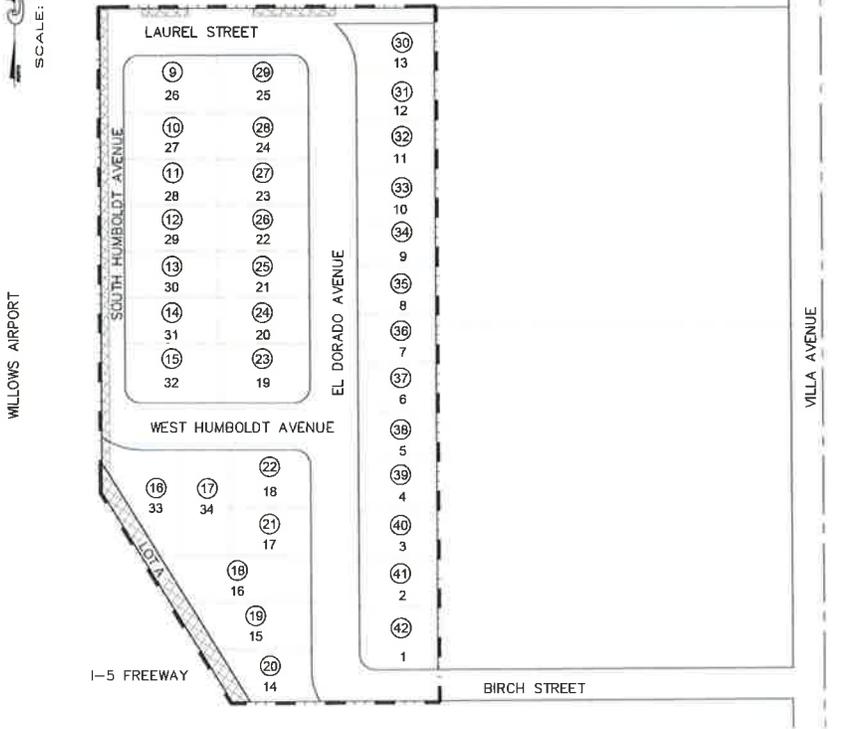
Coastland Civil Engineering, Inc.
1400 Neptomus Avenue, Santa Rosa, CA 95405
707.571.8055 707.571.8037 Fax

PREPARED FOR
CITY OF WILLOWS
GLENN COUNTY CALIFORNIA
2016-2017 Fiscal Year

Images: loc-map.pdf Aerials:
 Path: I:\BMAP-SD\Willows\Map\Management Programs\Map_Landscap_Maint_Zone A - Post Date: Feb 04, 2016 at 09:15 am

SCALE: 1"=180'

APN: BOOK 001, PAGE 07, BLOCK 1.
 THE SPECIFIC LOT NUMBER IS SHOWN IN THE CIRCLE.
 THE MINERAL RIGHTS EXTENSION NUMBER IS 0 FOR THESE PARCELS.
 THE ASSESSMENT DIAGRAM NUMBER IS BELOW THE LOT NUMBER.



CITY OF WILLOWS

**LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT**

ASSESSMENT DIAGRAM

ZONE A - BIRCH STREET VILLAGE



VICINITY MAP

- Landscape Maintenance Area
- Assessment District Boundary

NOTE:
 FOR THE DISTINCTIVE ASSESSMENT NUMBER AND DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL REFER TO THE ASSESSORS MAPS FOR THE CITY OF WILLOWS AVAILABLE AT THE GLENN COUNTY ASSESSORS OFFICE.

PREPARED FOR
CITY OF WILLOWS
 GLENN COUNTY CALIFORNIA
 2016-2017 Fiscal Year

Coastland Civil Engineering, Inc.
 1400 Neutomas Avenue, Santa Rosa, CA 95405
 707.571.8005 707.571.8037 Fax

Images: loc-11040.pdf Xrefs:
Path: F:\MAPS-5110\Willows\1100\Assessment Diagrams\017\Local Name_Zone B Post Date: Feb 04, 2016 at 09:14 am



CITY OF WILLOWS
LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM
ZONE B - WALMART



VICINITY MAP

-  City's portion of traffic signal and street light
-  City street light locations
-  Assessment District Boundary

NOTE:
FOR THE DISTINCTIVE ASSESSMENT NUMBER AND DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL REFER TO THE ASSESSORS MAPS FOR THE CITY OF WILLOWS AVAILABLE AT THE GLENN COUNTY ASSESSORS OFFICE.

APN: BOOK 017, PAGE 21, BLOCK 0.
THE SPECIFIC LOT NUMBER IS SHOWN IN THE CIRCLE.
THE MINERAL RIGHTS EXTENSION NUMBER IS 9 FOR THIS PARCEL.
THE ASSESSMENT DIAGRAM NUMBER IS BELOW THE LOT NUMBER.

PREPARED FOR
CITY OF WILLOWS
GLENN COUNTY CALIFORNIA
2016-2017 Fiscal Year


Coastland Civil Engineering, Inc.
1400 Neotomas Avenue, Santa Rosa, CA 95403
707.531.8005 707.531.8037 Fax

AGENDA ITEM

TO: Honorable Mayor Hansen and Members of the City Council

FROM: John Wanger, City Engineer

SUBJECT: Acceptance of Rights-of-way and Easements associated with the portion of the Basin Street Commercial Project associated with the Economic Development Administration (EDA) Grant 07-01-7275 Project

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting the public street right-of-way easement for Harvest Drive; the public street right-of-way easement for the temporary cul-de-sac constructed with Harvest Drive; an Emergency Vehicle Access Easement; and parcel for storm drain detention pond purposes within the Basin Street Commercial Development that are needed for construction of the improvements associated with the EDA Grant Project and direct the City Clerk to record the documents once fully executed.

SITUATION (or BACKGROUND):

In June 2015, the City of Willows submitted a grant application to the Federal Economic Development Administration for funding certain infrastructure improvements associated with the Basin Street Commercial project in the southerly portion of the City. The impetus of filing the grant related to job creation within the City with the development of new businesses in the proposed development.

On October 19, 2015 the City received official notification that we were awarded the grant in the amount of \$2,500,000. The overall total project amount is estimated at \$3,571,429 (the federal grant covers 70% of the overall cost - \$2,500,000.) The improvements will include installation of water, sewer, storm drain and street improvements associated with Phase 1 of the Basin Street Commercial Project.

Part of the requirements of the EDA federal funding is that the City must own the rights-of-way and/or easements needed to construct all of the improvements associated with the project prior to the submittal of the construction documents. Forms have to be filed with EDA when the construction documents are submitted for checking that certify that

the City owns the rights-of-way and easements. Accordingly, it is necessary to accept the rights-of-way and easements at this time.

The documents necessary to be accepted at this time include:

- The dedication of a public street right-of-way easement associated with Harvest Drive (the main road into the development that connects to Tehama Street.)
- The dedication of a public street right-of-way easement for construction of a temporary cul-de-sac at the westerly end of Harvest Drive (Harvest Drive will be ultimately extended to the west once future phases of the development are constructed and the temporary cul-de-sac will be removed and the street extended.)
- The dedication of an emergency vehicle access (EVA) easement that extends from Harvest Drive to the southerly property line of the development (as required by the conditions of approval for the Basin Street Commercial development.)
- The dedication of a parcel of land intended for construction of a detention pond to serve the overall development with respect to storm drain/flooding issues. It should be noted that maintenance of the detention pond will be the city's responsibility but will be fully funded by fees collected through the Landscape and Lighting Special Assessment District zone that will be set up for this property once the subdivision is recorded.)

The deeds and exhibits for each of these are shown in the attachments to this staff report.

Staff has checked the deeds and easements for technical accuracy and found them to be acceptable. If the Council accepts the easements and deeds, the documents will be recorded and the City will hold title to the lands and/or easement described in the grant deed documents.

FINANCIAL CONSIDERATIONS:

There are no financial implications for accepting the rights-of-way and easements at this time. When public facilities are constructed, the City will be responsible for maintaining the public facilities constructed therein (street, storm drain and sewer.)

NOTIFICATION

None required.

ALTERNATE ACTIONS

If these dedications are not accepted, the EDA grant would have to be abandoned. Accordingly no reasonable alternatives are recommended.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting the public street right-of-way easement for Harvest Drive; the public street right-of-way easement for the temporary cul-de-sac constructed with Harvest Drive; an Emergency Vehicle Access Easement; and parcel for storm drain detention pond purposes within the Basin Street Commercial Development that are needed for construction of the improvements associated with the EDA Grant Project and direct the City Clerk to record the documents once fully executed.

Respectfully submitted,

John Wanger
City Engineer

Attachments:

Resolution
Grant Deed Exhibits

RESOLUTION No. _____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WILLOWS, STATE OF CALIFORNIA,
ACCEPTING A PUBLIC STREET RIGHT-OF-WAY EASEMENT FOR A PORTION OF
HARVEST DRIVE; A PUBLIC STREET RIGHT-OF-WAY EASEMENT FOR THE TEMPORARY
CUL-DE-SAC FOR HARVEST DRIVE; AND AN EMERGENCY VEHICLE ACCESS
EASEMENT; AND THE GRANT OF A PARCEL OF LAND FOR DETENTION POND
PURPOSES - ALL A PART OF THE BASIN STREET SOUTH WILLOWS COMMERCIAL
PROJECT - AND DIRECTING THE CITY CLERK TO RECORD ALL GRANT DEEDS**

WHEREAS, Basin Street Properties received approval of the South Willows Commercial/Industrial Project (hereinafter referred to as the Development Project) from the City of Willows in 2009; and

WHEREAS, as part of the conditions of approval for the Development Project, certain dedications of rights-of-ways for roadways, parcels for detention and flood facilities and easements for emergency vehicle access were required; and

WHEREAS, since the approval of the Development Project, the City of Willows has applied for and obtained a grant from the Economic Development Administration (EDA) for funding the construction of certain public improvements associated with the Development Project in order to promote economic development within the City; and

WHEREAS, as part of the conditions of the grant, in conjunction with the submittal of the construction drawings for the improvements to EDA for review and approval, the City of Willows must certify that all of facilities proposed for the project will be constructed wholly within the land, leasehold interest and rights-of-way and/or existing public streets and roads and that the land, leasehold interest, and rights-of-way are sufficient, but not in excess of actual needs for the Project as planned and approved; and

WHEREAS, in order to be able to certify that the City owns the land, leasehold interest, rights-of-way, easements and roads, dedications of these lands must be made by the Basin Street Properties;

WHEREAS, Basin Street Properties have prepared grant deeds for a public street right-of-way easement deed for Harvest Drive (shown in attached Exhibit A); a public street right-of-way easement deed for a temporary cul-de-sac for Harvest Drive that will be constructed with the initial phase of the Development Project (shown in attached Exhibit B); an emergency vehicle access easement (shown in attached Exhibit C); and dedication of the land associated with a proposed detention pond that will be operated and owned by the City once the improvements are constructed (shown in attached Exhibit D); and

WHEREAS, the grant deeds prepared have been checked for accuracy and found to be technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willows as follows:

1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Willows.
2. The City of Willows does hereby accept the dedication of the land associated with a public street right-of-way easement deed for Harvest Drive (Exhibit A); a public street right-of-way easement deed for a temporary cul-de-sac for Harvest Drive that will be constructed with the initial phase of the Development Project (Exhibit B); an emergency vehicle access easement (Exhibit C); and a proposed detention pond that will be operated and owned by the City once the improvements are constructed (Exhibit D.)
3. The City Clerk is hereby authorized and directed to record all deeds offering dedication to the City with the County Recorder's Office.
4. This Resolution shall become effective immediately.
5. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Willows hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this 12th day of April, 2016 by the following vote:

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Mayor Hansen

Natalie Butler, City Clerk

EXHIBIT A

**GRANT DEED FOR A PUBLIC STREET RIGHT-OF-WAY EASEMENT FOR
HARVEST DRIVE**

Recording requested by:
City of Willows

When recorded mail to:

City of Willows
201 North Lassen
Willows, California 95988

Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

GRANT DEED

CALIFORNIA LAND INVESTORS, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

**HEREBY IRREVOCABLY OFFERS, FREE OF ENCUMBRANCES TO
THE CITY OF WILLOWS, A MUNICIPAL CORPORATION**

A PUBLIC STREET RIGHT-OF-WAY EASEMENT with a right of immediate entry and continued possession for construction, improvement, maintenance, repairs, operation and replacement, including but not limited to street facilities, sidewalks, street lights, electricity, gas, sewer and water facilities, storm drain, telephone, cable television, and for such other public purposes as the City of Willows may choose to make over, upon, across, through and beneath that certain real property situated in the City of Willows, County of Glenn, State of California, described as follows:

SEE EXHIBIT "A" and "B" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

CALIFORNIA LAND INVESTORS LLC
a California limited liability company

By: G&W Ventures, LLC
Managing Member

By: 
Matthew T. White,
Manager

Date: 3-18-16

A notary certificate(s) is required.

NOTARY CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sonoma)

On March 18, 2016 before me Jennifer J. Tompkins, a Notary Public, personally appeared Matthew T. White, Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Jennifer J. Tompkins
Signature

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC STREET RIGHT OF WAY EASEMENT

SITUATE IN THE CITY OF WILLOWS, COUNTY OF GLENN, STATE OF CALIFORNIA.

A PORTION OF THE LANDS OF CALIFORNIA LAND INVESTORS, LLC AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2009-3322, GLENN COUNTY RECORDS, ALSO BEING A PORTION OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON CITY OF WILLOWS PARCEL MAP FILED IN BOOK 13 OF PARCEL MAPS AT PAGE 22, GLENN COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN WITH 2-3/4 INCH BRASS CAP WITH ILLEGIBLE STAMP MONUMENTING THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 0°11'50" WEST, 2659.81 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89°58'81" WEST, 109.30 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE ALONG THE EASTERLY LINE OF SAID LANDS NORTH 0°16'43" WEST, 464.74 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ON SAID EASTERLY LINE, NORTH 0°16'43" WEST, 166.37 FEET; THENCE LEAVING SAID EASTERLY LINE, SOUTH 89°43'17" WEST, 32.00 FEET; THENCE SOUTH 24°43'31" WEST, 52.95 FEET; THENCE NORTH 89°52'58" WEST, 474.27 FEET; THENCE SOUTH 0°17'42" EAST, 68.00 FEET; THENCE SOUTH 89°52'58" EAST, 473.98 FEET; THENCE SOUTH 24°29'27" EAST, 55.24 FEET; THENCE NORTH 89°43'17" EAST, 32.00 FEET TO THE **POINT OF BEGINNING**.

BASIS OF BEARING OF THIS DESCRIPTION IS THE SOUTH LINE OF SAID SECTION 16 AS SHOWN ON THE ABOVE MENTIONED PARCEL MAP.

CONTAINING 0.92 ACRES MORE OR LESS.


STEVEN J. LAFRANCHI, P.L.S. 6368

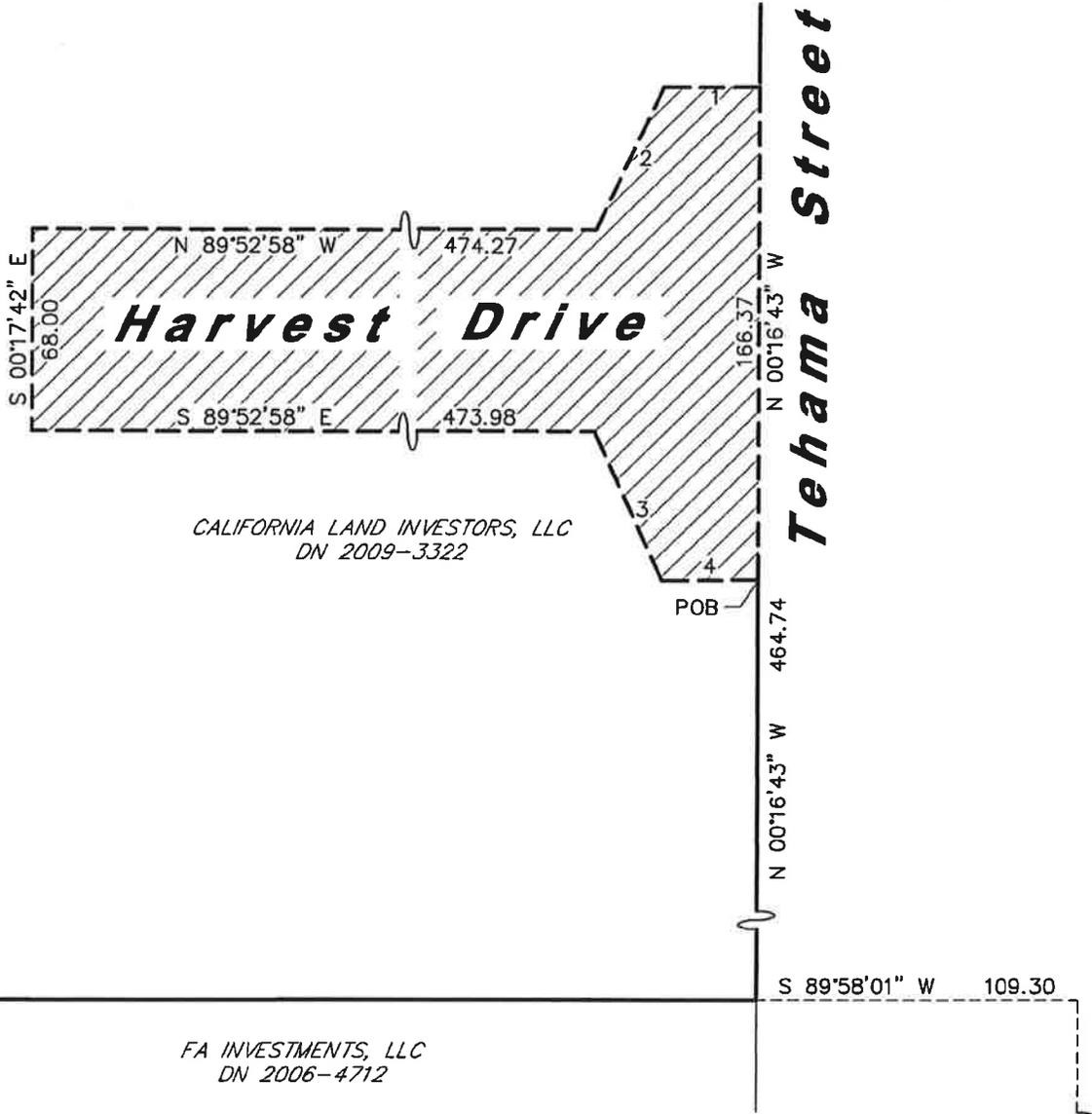
3/7/10
DATE



STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
PETALUMA THEATRE SQUARE
140 SECOND STREET, SUITE 312, PETALUMA, CA 94952
TEL 707-762-3122 FAX 707-762-3239
151831LD-HARVEST_DR.01

EXHIBIT "B"
PUBLIC STREET RIGHT OF WAY EASEMENT

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION
 FOR GRAPHIC ILLUSTRATION AND INFORMATIVE PURPOSES ONLY



NORTH
 SCALE: 1" = 60'

<u>LEGEND</u>		<u>COURSE DATA</u>	
●	FOUND 5/8" IRON PIN & 2 3/4" BRASS DISK, ILLEGIBLE	1	S 89°43'17" W 32.00
POC	POINT OF COMMENCEMENT	2	S 24°43'31" W 52.95
POB	POINT OF BEGINNING	3	S 24°29'27" E 55.24
	AREA OF EASEMENT 0.92 ACRES ±	4	N 89°43'17" E 32.00


STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
 PETALUMA THEATRE SQUARE
 140 SECOND STREET, SUITE 312
 PETALUMA, CA 94952
 707-762-3122 FAX 707-762-3239

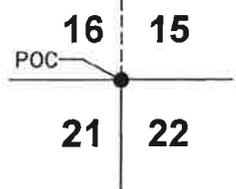


EXHIBIT B

**GRANT DEED FOR A PUBLIC STREET RIGHT-OF-WAY EASEMENT FOR A
TEMPORARY CUL-DE-SAC FOR HARVEST DRIVE**

Recording requested by:
City of Willows

When recorded mail to:

City of Willows
201 North Lassen
Willows, California 95988

Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

GRANT DEED

CALIFORNIA LAND INVESTORS, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

HEREBY IRREVOCABLY OFFERS, FREE OF ENCUMBRANCES TO

THE CITY OF WILLOWS, A MUNICIPAL CORPORATION

A **PUBLIC STREET RIGHT-OF-WAY EASEMENT** with a right of immediate entry and continued possession for construction, improvement, maintenance, repairs, operation and replacement, including but not limited to street facilities, sidewalks, street lights, electricity, gas, sewer and water facilities, storm drain, telephone, cable television, and for such other public purposes as the City of Willows may choose to make over, upon, across, through and beneath that certain real property situated in the City of Willows, County of Glenn, State of California, described as follows:

SEE EXHIBIT "A" and "B" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

CALIFORNIA LAND INVESTORS LLC
a California limited liability company

By: G&W Ventures, LLC
Managing Member

By: 
Matthew T. White,
Manager

Date: 3-18-19

A notary certificate(s) is required.

NOTARY CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sonoma)

On March 18, 2016 before me Jennifer J. Tompkins, a Notary Public, personally appeared Matthew T. White, Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Jennifer J Tompkins
Signature

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC STREET RIGHT OF WAY EASEMENT

SITUATE IN THE CITY OF WILLOWS, COUNTY OF GLENN, STATE OF CALIFORNIA.

A PORTION OF THE LANDS OF CALIFORNIA LAND INVESTORS, LLC AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2009-3322, GLENN COUNTY RECORDS, ALSO BEING A PORTION OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON CITY OF WILLOWS PARCEL MAP FILED IN BOOK 13 OF PARCEL MAPS AT PAGE 22, GLENN COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN WITH 2-3/4 INCH BRASS CAP WITH ILLEGIBLE STAMP MONUMENTING THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 0°11'50" WEST, 2659.81 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89°58'81" WEST, 109.30 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE ALONG THE EASTERLY LINE OF SAID LANDS NORTH 0°16'43" WEST, 608.28 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 89°43'17" WEST, 528.64 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°42'18" WEST, 23.17 FEET; TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 71.08 FEET, THROUGH A CENTRAL ANGLE OF 18°06'07", 22.46 FEET; THENCE ALONG A REVERSE TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 78.92 FEET, THROUGH A CENTRAL ANGLE OF 248°29'04", 342.25 FEET; THENCE ALONG A REVERSE TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 71.08 FEET, THROUGH A CENTRAL ANGLE OF 12°58'23", 16.09 FEET; THENCE NORTH 89°42'13" EAST, 32.02 FEET; THENCE NORTH 00°17'47" WEST, 23.53 FEET; THENCE NORTH 89°52'58" WEST, 2.00 FEET; THENCE NORTH 00°17'42" WEST, 89.89 FEET TO THE **POINT OF BEGINNING**.

BASIS OF BEARING OF THIS DESCRIPTION IS THE SOUTH LINE OF SAID SECTION 16 AS SHOWN ON THE ABOVE MENTIONED PARCEL MAP.

CONTAINING 0.49 ACRES MORE OR LESS.



STEVEN J. LAFRANCHI, P.L.S. 6368



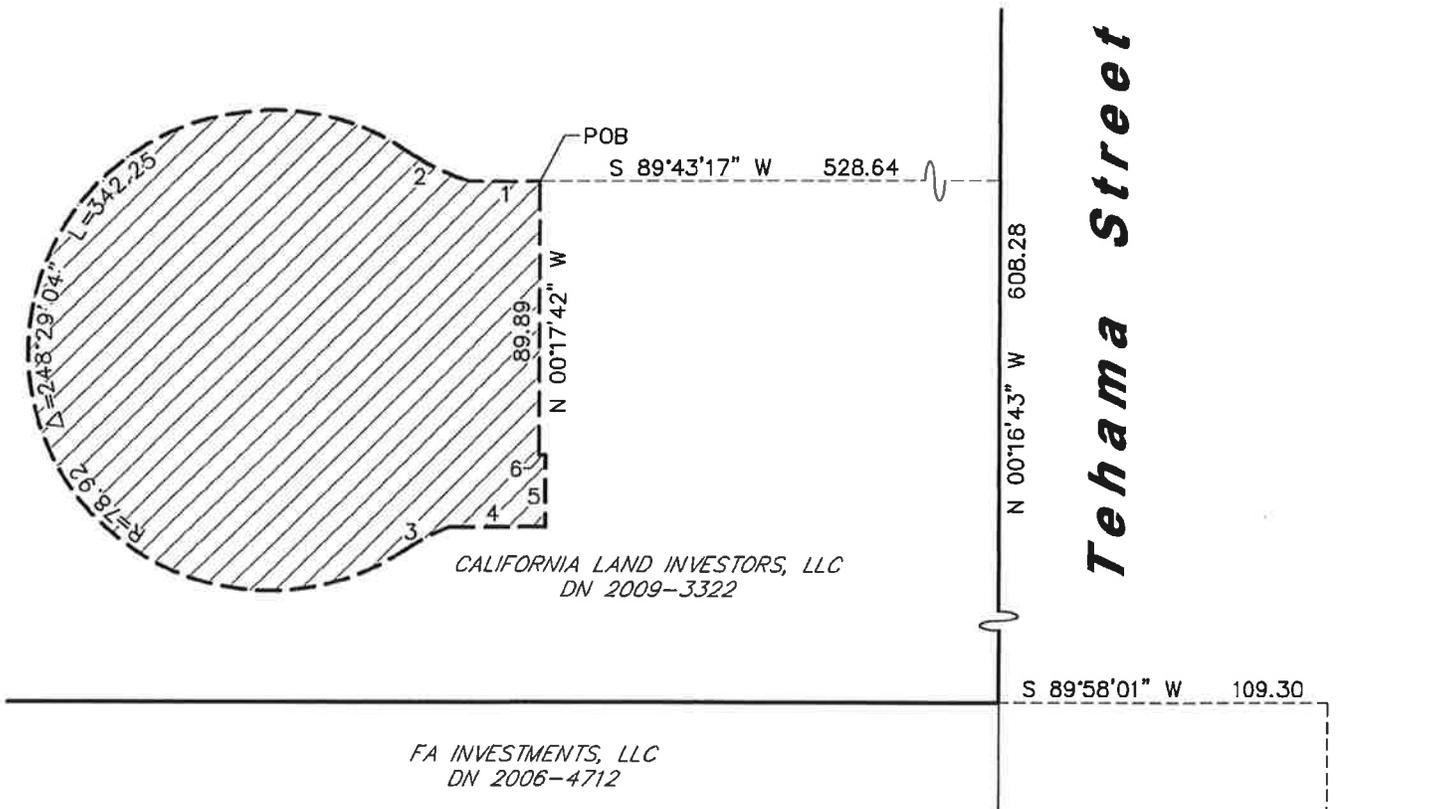
3/7/16
DATE

STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
PETALUMA THEATRE SQUARE
140 SECOND STREET, SUITE 312, PETALUMA, CA 94952
TEL 707-762-3122 FAX 707-762-3239
151831LD-CUL-DE-SAC.01.doc

EXHIBIT "B"

PUBLIC STREET RIGHT OF WAY EASEMENT

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION
FOR GRAPHIC ILLUSTRATION AND INFORMATIVE PURPOSES ONLY



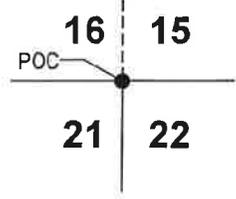
NORTH
SCALE: 1" = 60'

LEGEND

- FOUND 5/8" IRON PIN & 2 3/4" BRASS DISK, ILLEGIBLE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- AREA OF EASEMENT, 0.49 ACRES ±

COURSE DATA

1	S 89°42'18" W	23.17
2	R=71.08 Δ=18°06'07" L=22.46	
3	R=71.08 Δ=12°58'23" L=16.09	
4	N 89°42'13" E	32.02
5	N 00°17'47" W	23.53
6	N 89°52'58" W	2.00



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 CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
 PETALUMA THEATRE SQUARE
 140 SECOND STREET, SUITE 312
 PETALUMA, CA 94952
 707-762-3122 FAX 707-762-3239

EXHIBIT C

GRANT DEED FOR AN EMERGENCY VEHICLE ACCESS EASEMENT

Recording requested by:
City of Willows

When recorded mail to:

City of Willows
201 North Lassen
Willows, California 95988

Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

GRANT DEED

CALIFORNIA LAND INVESTORS, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

**HEREBY IRREVOCABLY OFFERS, FREE OF ENCUMBRANCES TO
THE CITY OF WILLOWS, A MUNICIPAL CORPORATION**

An EMERGENCY VEHICLE ACCESS EASEMENT with a right of immediate entry and continued possession for construction, improvement, maintenance, repairs, operation and replacement of the Emergency Vehicle Access road and for such other public purposes as the City of Willows may choose to make over, upon, across, through and beneath that certain real property situated in the City of Willows, County of Glenn, State of California, described as follows:

SEE EXHIBIT "A" and "B" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

CALIFORNIA LAND INVESTORS LLC
a California limited liability company

By: G&W Ventures, LLC
Managing Member

By: 
Matthew T. White,
Manager

Date: 3-18-14

A notary certificate(s) is required.

NOTARY CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sonoma)

On March 18, 2016 before me Jennifer J. Tompkins, a Notary Public, personally appeared Matthew T. White, Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Jennifer J. Tompkins
Signature

EXHIBIT "A"
LEGAL DESCRIPTION
EMERGENCY VEHICLE ACCESS EASEMENT

SITUATE IN THE CITY OF WILLOWS, COUNTY OF GLENN, STATE OF CALIFORNIA.

A PORTION OF THE LANDS OF CALIFORNIA LAND INVESTORS, LLC AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2009-3322, GLENN COUNTY RECORDS, ALSO BEING A PORTION OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON CITY OF WILLOWS PARCEL MAP FILED IN BOOK 13 OF PARCEL MAPS AT PAGE 22, GLENN COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN WITH 2-3/4 INCH BRASS CAP WITH ILLEGIBLE STAMP MONUMENTING THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE ALONG THE EAST LINE OF SAID SECTION NORTH 0°11'50" WEST, 2659.81 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89°58'01" WEST, 109.30 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE ALONG THE SOUTHERLY LINE OF SAID LANDS, SOUTH 89°58'01" WEST, 526.46 FEET; THENCE LEAVING SAID SOUTHERLY LINE, NORTH 00°17'47" WEST, 136.13 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 0°17'47" WEST, 380.00 FEET; THENCE NORTH 89°52'58" WEST, 2.00 FEET; THENCE NORTH 0°17'42" WEST, 68.00 FEET; THENCE NORTH 89°52'58" WEST, 28.00 FEET; THENCE SOUTH 00°17'47" EAST, 448.00 FEET; THENCE SOUTH 89°52'58" EAST, 30.00 FEET TO THE **POINT OF BEGINNING**.

BASIS OF BEARING OF THIS DESCRIPTION IS THE SOUTH LINE OF SAID SECTION 16 AS SHOWN ON THE ABOVE MENTIONED PARCEL MAP.

CONTAINING 0.31 ACRES MORE OR LESS.



STEVEN J. LAFRANCHI, P.L.S. 6368

2/7/16

DATE

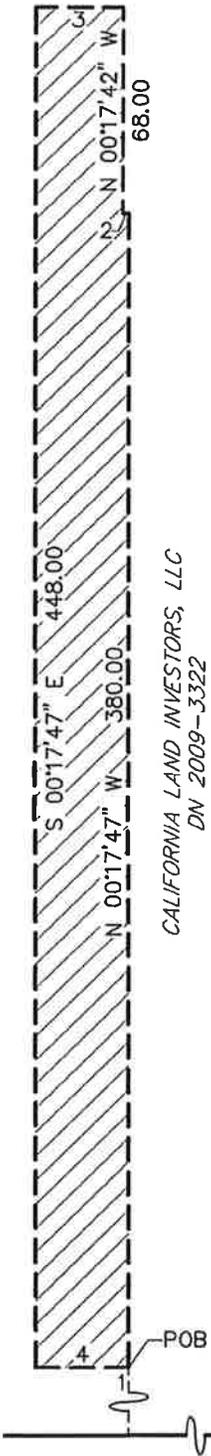


STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
PETALUMA THEATRE SQUARE
140 SECOND STREET, SUITE 312, PETALUMA, CA 94952
TEL 707-762-3122 FAX 707-762-3239
151831-EVA.01

EXHIBIT "B"

EMERGENCY VEHICLE ACCESS EASEMENT

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION
FOR GRAPHIC ILLUSTRATION AND INFORMATIVE PURPOSES ONLY



COURSE DATA

1	N 00°17'47" W	136.13
2	N 89°52'58" W	2.00
3	N 89°52'58" W	28.00
4	S 89°52'58" E	30.00

LEGEND

- FOUND 5/8" IRON PIN & 2 3/4" BRASS DISK, ILLEGIBLE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- EMERGENCY VEHICLE ACCESS EASEMENT, AREA 0.31 ACRES ±

Tehama Street

S 89°58'01" W 526.46

S 89°58'01" W 109.30

FA INVESTMENTS, LLC
DN 2006-4712



STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS

PETALUMA THEATRE SQUARE
140 SECOND STREET, SUITE 312
PETALUMA, CA 94952
707-762-3122 FAX 707-762-3239

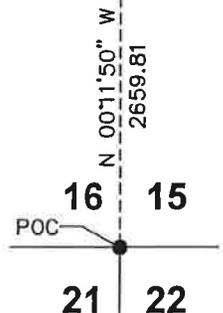


EXHIBIT D

**GRANT DEED FOR DEDICATION OF A PARCEL FOR STORM DRAIN DETENTION
POND PURPOSES**

Recording requested by:
City of Willows

When recorded mail to:

City of Willows
201 North Lassen
Willows, California 95988

Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

GRANT DEED

CALIFORNIA LAND INVESTORS, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

HEREBY IRREVOCABLY OFFERS, FREE OF ENCUMBRANCES TO

THE CITY OF WILLOWS, A MUNICIPAL CORPORATION

All that Real Property situated in the County of Glenn, State of CALIFORNIA, and described as follows:

SEE EXHIBIT "A" and "B" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

CALIFORNIA LAND INVESTORS LLC
a California limited liability company

By: G&W Ventures, LLC
Managing Member

By: 
Matthew T. White,
Manager

Date: 3-18-14

A notary certificate(s) is required.

NOTARY CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sonoma)

On March 18, 2016 before me Jennifer J. Tompkins, a Notary Public, personally appeared Matthew T. White, Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Jennifer J. Tompkins
Signature

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATE IN THE CITY OF WILLOWS, COUNTY OF GLENN, STATE OF CALIFORNIA.

A PORTION OF THE LANDS OF CALIFORNIA LAND INVESTORS, LLC AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2009-3322, GLENN COUNTY RECORDS, ALSO BEING A PORTION OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON CITY OF WILLOWS PARCEL MAP FILED IN BOOK 13 OF PARCEL MAPS AT PAGE 22, GLENN COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN WITH 2-3/4 INCH BRASS CAP WITH ILLEGIBLE STAMP MONUMENTING THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE ALONG THE EAST LINE OF SAID SECTION NORTH 0°11'50" WEST, 2659.81 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89°58'01" WEST, 109.30 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS ALSO BEING THE **POINT OF BEGINNING**; THENCE NORTH 0°16'43" WEST, 134.75 FEET; THENCE NORTH 89°52'58" WEST, 1284.54 FEET; THENCE SOUTH 0°20'04" EAST, 36.81 FEET; THENCE NORTH 89°52'58" WEST, 627.53 FEET; THENCE ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 192.80 FEET, THROUGH A CENTRAL ANGLE OF 51°30'38", 173.33 FEET; THENCE SOUTH 59°51'29" WEST, 28.69 FEET; THENCE ALONG A NON TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5106.66 FEET, THROUGH A CENTRAL ANGLE OF 2°04'42", 185.24 FEET; THENCE NORTH 89°58'01" EAST, 1997.75 FEET TO THE **POINT OF BEGINNING**.

BASIS OF BEARING OF THIS DESCRIPTION IS THE SOUTH LINE OF SAID SECTION 16 AS SHOWN ON THE ABOVE MENTIONED PARCEL MAP.

CONTAINING 5.85 ACRES MORE OR LESS.



STEVEN J. LAFRANCHI, P.L.S. 6368

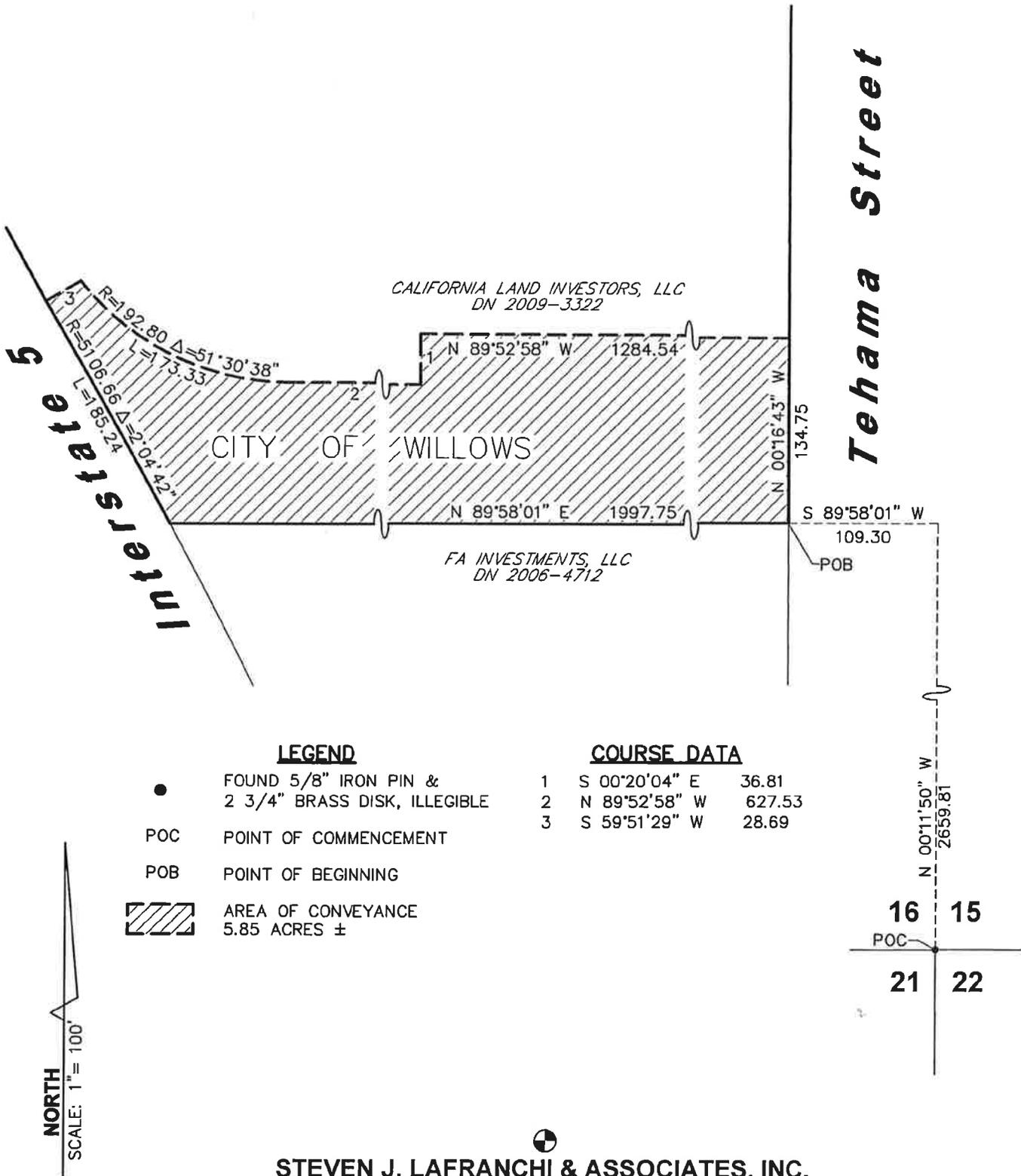
3/7/16

DATE

STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
PETALUMA THEATRE SQUARE
140 SECOND STREET, SUITE 312, PETALUMA, CA 94952
TEL 707-762-3122 FAX 707-762-3239
151831LD-PARCELB.01

EXHIBIT "B"

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION
FOR GRAPHIC ILLUSTRATION AND INFORMATIVE PURPOSES ONLY



STEVEN J. LAFRANCHI & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ LAND PLANNERS
 PETALUMA THEATRE SQUARE
 140 SECOND STREET, SUITE 312
 PETALUMA, CA 94952
 707-762-3122 FAX 707-762-3239

April 12, 2016

AGENDA ITEM

TO: Honorable Mayor Hanson and Members of the City Council
FROM: Wayne Peabody, Interim City Manager
Subject: Annual Weed & Rubbish Abatement

RECOMMENDATION

Adopt a resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the attached Weed and Rubbish Abatement Schedule for the 2016 fire season.

SITUATION (or BACKGROUND):

Each year the Willows Fire Department abates weeds, rubbish, refuse and dirt from different lots and alleyways. In order to commence this process, it is necessary for the City Council to adopt the attached resolution. This resolution declares that weeds, rubbish, refuse and dirt are a public nuisance and sets a date for a hearing. Attached is a list of dates that indicate the time frame we will be working in 2016.

FINANCIAL CONSIDERATIONS:

Unknown, dependant upon responsiveness of public and contractor cost of services.

Notification:

Willows Journal
Willows PSA
Willows Public Works

ALTERNATE ACTIONS:

1. Request additional information from staff
2. Reject staff recommendation and/or direct item to be returned.

RECOMMENDATION:

Adopt a resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the attached Weed and Rubbish Abatement Schedule for the 2016 fire season.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Wayne Peabody', is written over a faint, light blue circular stamp or watermark.

Wayne Peabody
Interim City Manager

Attachments:

- Exhibit A: 2016 Weed Abatement Schedule
- Exhibit B: Resolution
- Exhibit C: Initial Weed Abatement Survey (Given the Night of Council meeting)

WEED AND RUBISH ABATEMENT

2016 FIRE SEASON

Initial weed abatement survey to be completed and ready for submission by: April 12th.

- | | |
|--------------------------------|--|
| April 12, 2016 | Council Adopts resolution declaring weeds and rubbish a nuisance. Approves May 24 th , 2016 as the date for the Hearing to Protest and July 26 th 2016 as the date for Hearing to confirm cost and declare costs as a lien against the property as of August 5 th , 2016. |
| April 27, 2016 | Begin to solicit bids for 2016 Weed Abatement Contractor. Publish at least three times. (Publish May 2, May 6 & May 9) NO NEED FOR THIS, AS THERE IS STILL ONE YEAR LEFT ON THE EXISTING CONTRACT. |
| May 13, 2016 | Bid opening-2:00 p.m. NO APPLICABLE THIS YEAR. |
| May 11, 2016 | Last day to mail the Notice of Public Hearing to protest to the paper for the May 24 Council Meeting. (Publication date will be May 14, 2016 – 10 days prior to the public hearing). |
| May 24, 2016 | 7:00 p.m.-Hearing on protest. Council orders abatement. Award contract to abate. |
| May 25, 2016 | Resurvey-Start abatement |
| May 29, 2016 | Last date for property owner to do own abatement |
| July 13, 2016 | Last day to mail Notice of Public Hearing to protest to the paper for the July 26 Council Meeting. (Publication Date will be July 16 – 10 days prior to the public hearing). |
| July 22, 2016 | Posting of individual abatement cost list outside door at least 3 days prior to hearing to confirm report and declare cost lien. |
| July 26, 2016 | Public Hearing to Protest. Adopt Resolution confirming costs and declaring costs a lien against property as of August 5, 2016. |
| August 5, 2016
On or before | Transmit abatement cost to auditor's office for inclusions on taxes. Owner has 10 days from date of hearing (July 26) to pay assessment directly to the City prior to transmittal to the auditor. |

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WILLOWS DECLARING PUBLIC NUISANCES**

WHEREAS, there exists in the City of Willows private property upon which there are growing weeds and upon which there exists weeds, rubbish, refuse, and dirt; and

WHEREAS, the City Council of the City of Willows has determined that such weeds, rubbish, refuse and dirt constitute public nuisances and should be abated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willows as follows:

1. That all weeds growing upon private property and all rubbish, refuse and dirt upon private property within the City of Willows are hereby declared to be public nuisances.
2. That such weeds, rubbish, refuse and dirt are growing upon or are upon the parcels of private property described in the report attached hereto and marked Exhibit C and by this reference made a part hereof.
3. That said nuisances shall be abated as provided by Section 39560 and 39588 of the Government Code of the State of California, and pursuant thereto the Fire Chief of the City of Willows shall give notice as provided by Section 39564 through 39567, inclusive of said Government Code.
4. That the City Council of the City of Willows hereby fixes Tuesday, May 24, 2016, at 7:00 p.m. in the City Council Chambers, Civic Center, Willows, California, as the time and place of hearing any objections to the proposed removal of weeds, rubbish, refuse, and dirt hereinabove declared to be public nuisances.

PASSED AND ADOPTED by the City Council of the City of Willows this 12th day of April, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

April 12, 2016

AGENDA ITEM

TO: Honorable Mayor Hansen Members of City Council

FROM: Natalie Butler, City Clerk

SUBJECT: PLANNING COMMISSION APPOINTMENT

RECOMMENDATION

Consider, by motion, the recommendation of Mayor Hansen and Vice Mayor Yoder to appoint Walter Michael to the Willows Planning Commission to fill a seat left vacant by lack of applicants during the last Planning Commission recruitment held in the fall of 2015. Mr. Walter's term of office will begin immediately and will expire on December 31, 2019.

SUMMARY

On August 25, 2015, the Council was informed that the terms of Planning Commissioners Candis Woods, Robert Griffith and Kerri Warren were due to expire on December 31, 2015. The Council directed staff to advertise for these three seats on the Planning Commission and Mayor Hansen and Vice Mayor Yoder volunteered to serve on a subcommittee to review applications, conduct interviews of applicants and ultimately make their recommendations to the full Council who to appoint to fill these seats.

The City received only two applications from current Commissioners Robert Griffith and Candis Woods. Mayor Hansen and Vice Mayor Yoder elected to waive interviews for these two candidates, as they had already been serving on the board and have been doing very well in their capacities as Commissioners. The Mayor and Vice Mayor recommended to the Council at the December 8, 2015, City Council meeting to reappoint Commissioners Woods and Griffith to the Commission, and the full Council agreed to their reappointments. Additionally the Council directed staff to continue to recruit for the one remaining vacant seat on the Commission.

Most recently, Mr. Walter Michael turned in an application and a letter of interest to be appointed to the vacant seat on the Planning Commission. On April 4, 2016, Mayor Hansen & Vice Mayor Yoder interviewed Mr. Michael and they directed staff to place an item on the agenda for the April 12, 2016, City Council Meeting in which they will make their recommendation to the full Council to appoint Mr. Michael to the vacant Planning Commission seat.

NOTIFICATION

Walter Michael

ALTERNATE ACTIONS

April 12, 2016

No alternatives are recommended.

RECOMMENDATION

By motion, appoint Walter Michael to the Willows Planning Commission to fill a seat left vacant by lack of applicants during the last Planning Commission recruitment held in the fall of 2015. Mr. Walter's term of office will begin immediately and will expire on December 31, 2019.

Submitted by:

Approved By:



Natalie Butler, City Clerk



Wayne Peabody, Interim City Manager