

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](http://www.cityofwillows.org)

**CITY COUNCIL REGULAR MEETING AGENDA**  
**July 26, 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:** None scheduled.
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) Consider approval of general checking, payroll & direct deposit check registers.
  - b) Approval of Minutes of the Regular City Council Meeting held on July 12, 2016.
  - c) Approve an appropriation of \$2293.20 from the General Fund to 301.7233.400 for Police equipment.
7. **Public Hearings:**
  - a) Conduct a public hearing and upon conclusion, consider adopting a resolution confirming costs of abatement and declaring them a special assessment as of August 5, 2016.

**8. Ordinances:**

- a) Consider passage of second reading by title only and adoption of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 9, ADDING CHAPTER 9.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE”.
- b) Consider passage of second reading by title only and adoption of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING TITLE IX, SECTION 9.05.240 & 9.05.320 OF CHAPTER 9.05 OF THE WILLOWS MUNICIPAL CODE”.

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

**10. New Business:**

- a) Consider adoption of a Resolution approving an extension of the Professional Services Agreement with Wildan Engineering to provide General Planning and Environmental Services to the City for three years through fiscal year 2018-19.

**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 July 22, 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](http://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.

Period

6/23/2016 TO 7/20/2016

General Checking 33673 TO 33767

Payroll Direct Deposit 207413 TO 207497

Payroll Checks 36208 TO 36269 (\*GAP IN SEQUENCE)

APPROVAL DATE 7/26/2016

Approved \_\_\_\_\_

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033673	06/30/16	ATT01	A.T. & T.	86.29 33.65	.00 .00	86.29 33.65	186164 B60628	TELEPHONE EXP. JAIL 5/12-6 TELEPHONE EXP. EC LIBRARY
Check Total.....:				119.94	.00	119.94		
033674	06/30/16	BAK06	BAKER & TAYLOR BOOKS	665.38 1118.95	.00 .00	665.38 1118.95	1617157 1629283	NEW PRINT MAT. LIBRARY NEW PRINT MAT. LIBRARY
Check Total.....:				1784.33	.00	1784.33		
033675	06/30/16	BUR03	BURNHAM VETERINARY CLINIC	96.00	.00	96.00	112625	EUTHANIZE AND AFTERCARE
033676	06/30/16	CAL01	CALIFORNIA WATER COMPANY	1962.35	.00	1962.35	B60701	MAY STATEMENT PER ATTACHE
033677	06/30/16	CHA03	MARGARITA CHAVEZ	25.00	.00	25.00	B60628	REFUND SWIM LESSONS
033678	06/30/16	COM16	COMCAST CABLE	150.97	.00	150.97	B60628	INTERNET FD 6/19-7/18/16
033679	06/30/16	COR11	LINDA CORREA	20.00	.00	20.00	B60628	TENNIS REFUND
033680	06/30/16	DOO00	DOORMART	1063.82	.00	1063.82	6484	DOOR AND INSTALLATION
033681	06/30/16	ENL00	ENLOE MEDICAL CENTER	282.00	.00	282.00	B60628	EMPLOYMENT PHYSICAL
033682	06/30/16	FED00	FEDEX	523.23	.00	523.23	45246327	SHIPPING CHARGES
033683	06/30/16	FGL00	FGL ENVIRONMENTAL	21.00	.00	21.00	0610	BACTI ANALYSIS
033684	06/30/16	GLE05	GLENN CO. FLEET SERVICES	2647.32	.00	2647.32	FL1629	VEHICLE MAINTENANCE & REP
033685	06/30/16	INT16	INTERSTATE BATTERY SYSTEM	511.49	.00	511.49	960008982	BATTERIES
033686	06/30/16	LAM01	LAMBERT INSURANCE AGENCY	59.00	.00	59.00	103	INSURANCE-BOOM TRUCK
033687	06/30/16	LAN03	LANNIE'S SEPTIC TANK SERV	95.68	.00	95.68	195111	TOILET RENTAL/SERVICE
033688	06/30/16	LIN01	LINCOLN AQUATICS	1011.81	.00	1011.81	S1292807	POOL CHEMICALS
033689	06/30/16	OFF05	OFFICE DEPOT, INC.	11.06 46.48 227.60	.00 .00 .00	11.06 46.48 227.60	5614001 5648001 6709001	OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES
Check Total.....:				285.14	.00	285.14		
033690	06/30/16	OSC01	OSCAR'S	69.34	.00	69.34	704721	T-SHIRTS
033691	06/30/16	PAR09	CYNTHIA PARKS	298.36	.00	298.36	B60628	REIMBURSE JUMP START SUPP
033692	06/30/16	PGE01	PG & E	13663.45	.00	13663.45	B60628	P.G. & E. 5/13-6/13/16
033693	06/30/16	SAF03	SAFETY TIRE SERVICE	360.51 43.44	.00 .00	360.51 43.44	28401 28402	REPAIR #2 PICKUP REPAIR #14 BACKHOE
Check Total.....:				403.95	.00	403.95		
033694	06/30/16	SAN02	SANI FOOD MARKET, INC.	79.36	.00	79.36	43/240	CLEAN-UP DAY REFRESHMENTS
033695	06/30/16	SYK01	GENE SYKES	7.85	.00	7.85	B60628	REIMBURSE POSTAGE
033696	06/30/16	UNI00	UNITED STATES TREASURY	350.21	.00	350.21	LTR0852C	LTR 0852C
033697	06/30/16	VAL14	VALLEY TRUCK & TRACTOR CO	57.49	.00	57.49	626275	REPAIR JD MOWER
033698	06/30/16	VER02	VERIZON WIRELESS	111.69	.00	111.69	B60628	INTERNET EC LIBRARY 5/10-
033699	06/30/16	WAS00	WASTE MANAGEMENT	35.00	.00	35.00	B60628	WASTE
033700	06/30/16	WIL17	WILLDAN	7400.00	.00	7400.00	00712044	PLANNING SERVICES THROUGH
033701	06/30/16	XER00	XEROX BUSINESS SERVICES L	825.00	.00	825.00	1259942	SUPPORT CONTRACT 5/1/16-4
Cash Account Total.....:				33960.78	.00	33960.78		
Total Disbursements.....:				33960.78	.00	33960.78		
Cash Account Total.....:				.00	.00	.00		

REPORT.: Jul 12 16 Tuesday  
 RUN...: Jul 12 16 Time: 09:42  
 Run By.: JANE COLLINS

CITY OF WILLOWS  
 Cash Disbursement Detail Report  
 Check Listing for 07-16 Bank Account.: 1045

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033702	07/11/16	CAL18	CALIFORNIA BUILDING STAND	67.00	.00	67.00	B60711	BUILDING STANDARDS FEE AP
033703	07/11/16	DEP01	DEPT. OF CONSERVATION	19.00	.00	19.00	B60711	SMIP APR-JUNE 2016
033704	07/11/16	HUN00	HUNT & JEPSON ATTORNEYS	1462.50	.00	1462.50	2016-06	GENERAL PUBLIC REPRESENTA
033705	07/11/16	RAY06	RAY'S WESTSIDE POOL SERVI	1830.00	.00	1830.00	B60711	POOL SERVICE JUNE 2016
033706	07/12/16	ABO00	STEVE ABOLD	200.00	.00	200.00	B60711	PUB. WKS. TOOL PARKS/PUB.
033707	07/12/16	LEM01	CAROL LEMENAGER	200.00	.00	200.00	B60711	VEHICLE ALLOW. RECREATION
033708	07/12/16	PEA00	WAYNE PRABODY	200.00	.00	200.00	B60711	TECHNOLOGY ALLOWANCE JULY
033709	07/12/16	SAI02	TIMOTHY L. SALLSBERY	200.00	.00	200.00	B60711	VEHICLE ALLOW. FINANC JUL
033710	07/12/16	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B60711	RENT ELK CREEK LIBRARY JU
Cash Account Total.....				4278.50	.00	4278.50		
Total Disbursements.....				4278.50	.00	4278.50		
Cash Account Total.....				.00	.00	.00		

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
033711	06/13/16	AME02	AMERIPRIDE UNIFORM SVCS,	497.33	.00	497.33	B60713	UNIFORM RENTAL FD & FW
033712	06/13/16	ATT01	A.T.& T.	924.71	.00	924.71	B60713	TELEPHONE EXP.5/19-6/18/1
033713	06/13/16	BAR01	BARCELOUX BROTHERS AUTO	251.16	.00	251.16	B60713	JUNE STMT PER ATTACHED
033714	06/13/16	COA00	COASTLAND CIVIL ENGINEERI	416.25 775.50 13639.69 3618.54 120.00 406.25 452.50	.00 .00 .00 .00 .00 .00 .00	416.25 775.50 13639.69 3618.54 120.00 406.25 452.50	39665 39686 39687 39688 39712 39716 39732	STARKWEATHER DEVELOPMENT TEHAMA ST RECONSTRUCTION SACRAMENTO-BUTTE ST THROU EDA GRANT THROUGH 6/30/16 WILLOWS LLAD THROUGH 6/30 SWARTZ/HILBERSSTHROUGH 6/3 WILLOWS FAMILY APTS THROU
			Check Total.....	19428.73	.00	19428.73		
033715	06/13/16	COR10	CORNING LUMBER CO., INC.	36.86	.00	36.86	321802	MESH SAND
033716	06/13/16	CRE01	CREATIVE COMPOSITION	67.77	.00	67.77	92706	BUSINESS CARDS
033717	06/13/16	EVE00	EVERGREEN NOTE SERVICING	45.00	.00	45.00	B60713	NOTE SERVICING JUNE 2016
033718	06/13/16	EWI00	EWING IRRIG. PRODUCTS, INC	862.69	.00	862.69	1746479	SPRINKLER REPAIR
033719	06/13/16	FGL00	FGL ENVIRONMENTAL	115.00 170.00	.00 .00	115.00 170.00	673838A 674160A	INORGANIC ANALYSIS INORGANIC ANALYSIS
			Check Total.....	285.00	.00	285.00		
033720	06/13/16	GAN01	GANDY-STALEY OIL CO.	1295.33 570.07	.00 .00	1295.33 570.07	B60713 AB60713	FUEL PD FUEL FD
			Check Total.....	1865.40	.00	1865.40		
033721	06/13/16	GLE21	GLENN CO. SHERIFFS DEPT.	156.00 13750.00	.00 .00	156.00 13750.00	62416-01 63016-01	LIVE SCAN ANIMAL CONTROL SERVICES A
			Check Total.....	13906.00	.00	13906.00		
033722	06/13/16	HUN01	HUNT & SONS, INC.	278.73	.00	278.73	263356	FUEL PD & BUILDING
033723	06/13/16	INK01	THE INKWELL	25.60	.00	25.60	B60713	JUNE STMT PER ATTACHED
033724	06/13/16	ITP01	INDUSTRIAL TRUCK & FARM	63.54	.00	63.54	B60713	JUNE STMT PER ATTACHED
033725	06/13/16	LIN01	LINCOLN AQUATICS	644.75 251.75 -125.00 478.91	.00 .00 .00 .00	644.75 251.75 -125.00 478.91	SI293355 SI294912 SCM022064C SI295089+	POOL SUPPLIES POOL SUPPLIES CREDIT DEPOSITS POOL SUPPLIES
			Check Total.....	1250.41	.00	1250.41		
033726	06/13/16	MCD01	MCDONALD'S ELECTRIC STORE	140.83	.00	140.83	B60713	JUNE STMT PER ATTACHED
033727	06/13/16	MJB01	MJB WELDING SUPPLY, INC.	36.00	.00	36.00	1130394	CYLINDER RENTAL JUNE 2016
033728	06/13/16	NOR18	NORTHERN CALIF. GLOVES	84.01	.00	84.01	192343	UNIFORMS
033729	06/13/16	NSW00	NSWTS	100.00	.00	100.00	NW2939	MONTHLY SERVICE CHARGE
033730	06/13/16	O'R01	O'REILLY AUTO PARTS	376.25	.00	376.25	137537	REPAIR JD MOWER
033731	06/13/16	OCL00	OCLC, INC.	70.07 70.07	.00 .00	70.07 70.07	466191 471994	MONTHLY SUBSCRIPTION MAY MONTHLY SUBSCRIPTION JUNE
			Check Total.....	140.14	.00	140.14		
033732	06/13/16	OFF05	OFFICE DEPOT, INC.	27.94	.00	27.94	883001	OFFICE SUPPLIES
033733	06/13/16	PAR09	CYNTHIA PARKS	23.55	.00	23.55	B60713	REIMBURSE JUMP START SUPP
033734	06/13/16	SAC08	SACRAMENTO VALLEY MIRROR	369.80	.00	369.80	14119	CLASSIFIED/LEGAL AD/DISPL
033735	06/13/16	SPP00	SPP FUND MASTER TENANT, L	6930.62	.00	6930.62	7735694	SOLAR ELECTRICITY JUNE 20
033736	06/13/16	TUR01	TURF STAR, INC.	100.37	.00	100.37	6941947	TORO MOWER REPAIR
033737	06/13/16	TUT00	MILO TUTSCH	20.00	.00	20.00	B60713	REFUND HORSESHOES

REPORT.: Jul 13 16 Wednesday  
 RUN....: Jul 13 16 Time: 12:49  
 Run By.: JANE COLLINS

CITY OF WILLOWS  
 Cash Disbursement Detail Report  
 Check Listing for 06-16 Bank Account.: 1045

PAGE: 002  
 ID #: FY-DP  
 CTL.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
033738	06/13/16	VAL14	VALLEY TRUCK & TRACTOR CO	21.78	.00	21.78	629723	MOWER REPAIR
033739	06/13/16	VER02	VERIZON WIRELESS	530.10	.00	530.10	B60713	TELEPHONE EXP.JUNE2016
033740	06/13/16	WAL07	WAL-MART COMMUNITY	393.04	.00	393.04	B60713	JUNE STMT PER ATTACHED
033741	06/13/16	WILB1	WILBUR-ELLIS COMPANY	105.33	.00	105.33	10125179	DEMON MAX
033742	06/13/16	WILHD	WILLOWS HARDWARE, INC.	559.75	.00	559.75	B60713	JUNE STMT PER ATTACHED
033743	06/13/16	WILHI	WILLOWS ACE HARDWARE	184.03	.00	184.03	B60713	JUNE STMT PER ATTACHED
Cash Account Total.....:				49932.47	.00	49932.47		
Total Disbursements.....:				49932.47	.00	49932.47		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033744	07/14/16	ABF01	CERTIFIED/FORTRESS SECURI	72.00	.00	72.00	2543311	ALARM MONITORING 7/1-9/30
033745	07/14/16	BAR02	BART'S APPLIANCE REPAIR	60.00	.00	60.00	23383	SERVICE REFRIGERATOR
033746	07/14/16	BYW00	BYWATER	3000.00	.00	3000.00	2969	ANNUAL SUPPORT HOSTING 7/
033747	07/14/16	CAL16	CA. POLICE CHIEFS' ASSOC.	331.00	.00	331.00	483-2016	2016/2017 CPCA MEMBERSHIP
033748	07/14/16	CHA04	DIANA CHAVEZ	30.00	.00	30.00	B60714	REIMBURSE PARK PERMIT
033749	07/14/16	COM16	COMCAST CABLE	145.97	.00	145.97	B60714	INTERNET ADMIN 6/29-7/28/
				55.15	.00	55.15	AB60714	INTERNET LIBRARY 7/3-8/2/
				52.66	.00	52.66	BB60714	INTERNET PD 7/7-8/6/16
			Check Total.....:	253.78	.00	253.78		
033750	07/14/16	COR02	CORBIN WILLITS SYSTEMS	407.87	.00	407.87	B606151	CONT.SERV. FINANCE JULY 2
033751	07/14/16	CVC00	CVCWA	2635.00	.00	2635.00	WMLLB031	FRESHWATER MUSSELS STUDY
033752	07/14/16	END00	END2END PUBLIC SAFETY	4505.00	.00	4505.00	1600765	WEB PORTAL SUPPORT & MAIN
033753	07/14/16	ENT01	ENTERPRISE-RECORD	331.81	.00	331.81	B60714	SUBSCRIPTION RENEWAL 48 W
033754	07/14/16	GLE09	GLENN CO. OFFICE OF EDUCA	138.00	.00	138.00	16-17 1	LIVE SCAN
033755	07/14/16	GRA05	GRAFIX SHOPPE	519.89	.00	519.89	108357	BADGE EMBLEM
033756	07/14/16	HAR10	THE HARTFORD	1983.00	.00	1983.00	B60714	FIDELITY RENEWAL PREMIUM
033757	07/14/16	JER00	JEREMY'S PEST STOMPERS	30.00	.00	30.00	712162	PEST CONTROL PD
033758	07/14/16	LAN03	LANNIE'S SEPTIC TANK SERV	95.68	.00	95.68	195113	TOILET RENTAL
033759	07/14/16	LEX00	LEXIPOL LLC	3200.00	.00	3200.00	17222	FIRE POLICY MANUAL SUBSCR
033760	07/14/16	LIE02	LIEBERT CASSIDY WHITMORE	4505.00	.00	4505.00	1422840	ERC MEMBERSHIP 7/1/16-6/3
033761	07/14/16	MAX01	MAXIMUM SECURITY SYSTEMS	60.00	.00	60.00	27122	QUARTERLY MONITORING JULY
033762	07/14/16	MJB01	MJB WELDING SUPPLY, INC.	155.67	.00	155.67	1131071	EQUIPMENT REPAIR
033763	07/14/16	NOR18	NORTHERN CALIF. GLOVES	155.88	.00	155.88	192506	GLOVES
033764	07/14/16	PER01	P.E.R.S.	181326.00	.00	181326.00	14789331	ANNUAL UNFUNDED ACCRUED L
				251623.00	.00	251623.00	14789337	ANNUAL UNFUNDED ACCRUED L
				20.00	.00	20.00	14789347	ANNUAL UNFUNDED ACCRUED L
			Check Total.....:	432969.00	.00	432969.00		
033765	07/14/16	PGE01	PG & E	27.46	.00	27.46	B60714	P.G. & E. 1600 S TEHAMA S
033766	07/14/16	TAB02	TAB PRODUCTS CO. LLC	123.84	.00	123.84	2336450	OFFICE SUPPLIES PD
033767	07/14/16	TON00	TONY TAPIA CONSTRUCTION	6371.26	.00	6371.26	B60714	WEED ABATEMENT 2016
			Cash Account Total.....:	461961.14	.00	461961.14		
			Total Disbursements.....:	461961.14	.00	461961.14		

**MINUTES OF THE WILLOWS CITY COUNCIL**  
**REGULAR MEETING HELD July 12, 2016**

1. Mayor Hansen called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance. Upon conclusion, Mayor Hansen asked everybody to please remain standing in order to observe a moment of silence for WWII Veteran and Retired California Highway Patrol Sergeant William “Bill” Flannigan, who passed away on June 30, 2016.
3. **ROLL CALL:**  
Present: Council Members Domenighini, Mello, Williams, Yoder & Mayor Hansen.  
Absent: None
4. **Presentations & Proclamations:** None
5. **Public Comment/Written Communications:** None
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 the Minutes of the Willows City Council Meeting held on June 28, 2016.
7. **Public Hearings:**
  - a) Conduct a required public hearing and upon conclusion, consider adoption of a resolution affirming previous acceptance of work products associated with Grant Number 13-CDBG-8939 and directing staff to proceed with grant closeout:

On March 3, 2014, the city and the California Department of Housing and Community Development (“HCD”) entered into a grant agreement for HCD to provide up to \$70,000 for the City to complete a Housing Conditions Survey and a Housing Element Update. Both projects were completed, accepted by Council, and forwarded to HCD.

The grant was left open (expiration date 9/30/2016) in case follow-up issues occurred. As no such issues have arisen and we are now approaching the expiration of the grant period, staff is seeking Council approval to close the grant and submit final documents in order to receive final reimbursements on the grant.

Mayor Hansen opened the Public Hearing at 7:04 p.m. and hearing no comments from the public, subsequently closed the public hearing at 7:05 p.m.

**M/S – Domenighini/Yoder** to adopt a Resolution affirming previous acceptance of work products associated with Grant No. 13-CDBG-8939. The motion unanimously passed 5/0 with a roll-call vote.

- b) Conduct a public hearing and upon conclusion, consider reading by title only and passage of first reading of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 9, ADDING CHAPTER 9.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE”:

Police Chief Jason Dahl is proposing a new City Ordinance to limit the amount of butane a person can purchase and possess, as well as the amount that a business within the City of Willows is allowed to sell.

There have recently been numerous “butane honey oil” lab explosions in nearby cities, other surrounding jurisdictions and numerous counties around the State of California. Fortunately there have been no incidents of honey oil lab explosions within the City of Willows as of yet; however, dismantled and used honey oil labs have been found within the City Limits.

Butane is a highly flammable gas often used in large quantities for the manufacture of “honey oil”, which is a highly concentrated extract from cannabis plants, which present substantial risk of catastrophic explosions and fires. Surrounding Cities including Anderson, Red Bluff, Redding, Shasta Lake, Orland and Chico have all recently introduced ordinances regulating the sale and possession of butane to address the foregoing public safety concerns. The Counties of Tehama, Shasta and Glenn are also in the process of similar ordinance proposals. The proposed ordinance before the Council tonight would prohibit the following:

- It would be unlawful for any retailer to sell, offer to sell, or distribute to a customer in the City of Willows any number of butane canisters that exceed a combined total storage quantity of 600 ml (21.3 oz.) of butane at any one time.
- It would be unlawful for any person to have in their possession, custody or control in the City of Willows any number of butane canisters that exceed a combined total storage quantity of 600 m. (21.3 oz.) of butane at any one time.
- It would be unlawful for any customer to purchase or acquire in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz.) of butane per calendar month, whether sold individually or by the package.
- Unless otherwise provided in this Chapter or by State Law, a violation of any of the provisions of this Chapter shall be punishable as a misdemeanor and subject to a \$1000 penalty per violation. A separate violation shall exist for every single canister sold or possessed in violation of this Chapter.
- The ordinance would require that retailers or wholesales of butane to track their sales (by preparing a bill of sale) of butane and retain copies of such records for at least two (2) years.
- There is a regulatory provision in the ordinance necessary for the protection of the public health, welfare and safety. It is not required to prove knowledge or criminal intent for criminal prosecution.

Chief Dahl indicated that once this ordinance were to be adopted, the Police Department would educate retailers and resellers within the City about these new provisions prior to the Police Department beginning to enforce the ordinance.

Mayor Hansen opened the public hearing at 7:08 p.m., and hearing no comments from the public, subsequently closed the public hearing at 7:08 p.m.

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

**M/S – Williams/Yoder** that an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 9 ADDING CHAPTER 9.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE” pass first reading. The motion unanimously passed 5/0 with a roll call vote.

## **8. Ordinances:**

### a) Ordinance Repeal:

This ordinance is introduced to address two archaic ordinances within the Willows Municipal Code that are currently unenforceable. In staff conducting periodic reviews of the Willows Municipal Code it was found that two ordinances needed to be repealed entirely from the Municipal Code as outlined below:

- **9.05.240 “Seditious Language, etc.”: It shall be unlawful for any person to utter, publish or use any seditious language, words, remarks or epithets, or to address to any other such language, words, remarks or epithets which creates to provoke a breach of the Peace.**

Under the vagueness of this Municipal Code violates free speech protections provided under the U.S. Constitution. Also the California Penal Code provides protections under Penal Code 415(3) to protect citizens from person(s) using offensive words in a public place which are inherently likely to provoke a breach of the peace.

- **9.05.320 Vagrancy: It shall be unlawful for all idle persons, having no visible means of support, to habitually loiter about, wander abroad and visit and stay about public places, or lodge in outhouses, sheds, barns, or in the open air, and who are not able to give a good account of themselves, or to wander abroad and beg, or to go about from door-to-door or in the streets or other public places to beg or receive alms.**

This ordinance’s language is archaic and has been found unconstitutional when challenged in courts of law previously. California Penal Code 647(c) addresses instances when people accost other persons in any public place or in any place open to the public for the purposes of begging or soliciting alms. Also, California Penal Code 647(e) addresses lodging in buildings without permission.

In both instances, the California Penal Code provides legal recourse that meets the needs of the City of Willows without use of the Municipal Codes that should be repealed.

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

**M/S – Domenighini/Williams** that an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING TITLE IX SECTION 9.05.240 & 9.05.320 OF CHAPTER 9.05 OF THE WILLOWS MUNICIPAL CODE” pass first reading. The motion unanimously passed 5/0 with a roll call vote.

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

Council Member Williams stated that he would have liked to have had a better discussion about the Michael & Monica Schwenne Use Permit appeal [of a Planning Commission decision] that went before the City Council on March 8 and was then continued to March 22, and the Council upheld the Planning Commission’s decision to require Mr. Schwenne to construct a covered garage on his property as part of his Use Permit approval. Council Member Williams asked if that item could be placed back on the agenda for a future meeting for additional discussion. Fire Chief/Interim City Manager Wayne Peabody stated that the City has recently received a building permit and plans from Mr. Schwenne to construct the covered garage, and therefore he saw no good reason for this item to come before this board again. Finance Director Sailsbery then pointed out that because the Council is the Appellate Body for Planning Commission decision appeals and the Council had previously made a concrete decision to uphold the Planning Commission’s original ruling, this item cannot come before the Council again. If Schwenne’s wanted to pursue any additional appeals they would have to file at the Superior Court level.

Fire Chief/Interim City Manager announced that the City was recently given a \$1500 donation for the City Pool from the Willows Elks Lodge Ladies Auxiliary and thanked them for their generosity.

**10. New Business:** None

**11. Council Member Reports:**

- Council Member Domenighini announced that he attended a LAFCO meeting yesterday. He also announced that he would be unable to attend the next City Council Meeting.
- Council Member Williams stated that he attended a Social Services Transportation Advisory Committee meeting yesterday.
- Mayor Hansen gave kudos to the Willows Chamber of Commerce for the nice Fourth of July fireworks display at Jensen Park. He also announced that Pat Ireland is retiring as the Recording Secretary for the Fish & Game Commission after 24 years of dedicated service.

12. **Executive Session:** None

13. **Adjournment:** Mayor Hansen adjourned the meeting at 7:28 p.m.

Dated: July 12, 2016

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

**AGENDA ITEM**

**TO:** Wayne Peabody, Interim City Manager   
**FROM:** Tim Sailsbery, Finance Director  
**SUBJECT:** Appropriation Request-Police Surplus Sale Funds

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**RECOMMENDATION**

Approve, by motion, an appropriation of \$2,293.20 from the General Fund to 301.7233.400 for Police equipment

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**SITUATION (or BACKGROUND):**

Two of the old law enforcement vehicles (City owned) were previously declared surplus and placed with the County to be auctioned. This auction was recently completed and the net proceeds were \$2,293.20. As has been past practice for surplus sale funds, the Police Chief has requested the use of this amount for the purchase of equipment during the fiscal year.

**FINANCIAL CONSIDERATIONS:**

\$2,293.20 General Fund Appropriation

**NOTIFICATION**

N/A

**ALTERNATE ACTIONS**

1. Approve by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

**RECOMMENDATION**

Approve, by motion, an appropriation of \$2,293.20 from General Fund to 301.7233.400 for Police equipment

Respectfully submitted,

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Tim Salsbery  
Finance Director

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**AGENDA ITEM**

July 26, 2016

TO: Honorable Mayor Hansen and Members of the City Council

FROM: Wayne Peabody, Fire Chief

SUBJECT: 2016 Weed Abatement-Public Hearing

**RECOMMENDATION:**

This is a public hearing. Upon conclusion of the public hearing, consider adoption of the attached resolution confirming costs of abatement and declaring them a special assessment as of August 5, 2016.

**SITUATION (or BACKGROUND):**

On April 26, 2016 the City Council adopted a resolution declaring rubbish, refuse, and weeds to be a public nuisance and that the City Fire Department had made a survey of the areas in town that had nuisance and notified the property owners that they must remove this nuisance or the City would perform the task and bill the property owner accordingly.

In accordance with the California Administrative Code a hearing is required prior to the adoption of the resolution confirming cost of weed abatement and declaring those cost a lien against those properties on which work was performed. The purpose of this hearing is to discuss the cost of abatement only. The hearing on protesting and ordering abatement was held on May 24<sup>th</sup>, 2016.

**FINCIAL CONSIDERATIONS:**

Properties that the City Contractor abated will be billed to the property owner plus a 25% administration fee. For the property owners that do not pay their will be a lien placed against their property and will appear on their tax statement from the county.

**NOTIFICATION:**

Valley Mirror published the hearing July 16, 2016.

**ALTERNATE ACTIONS:**

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

**RECOMMENDATION:**

This is a public hearing. Upon conclusion of the public hearing, consider adoption of the attached resolution confirming costs of abatement and declaring them a special assessment as of August 5<sup>th</sup>, 2016.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Wayne Peabody', is written over the typed name.

Wayne Peabody  
Fire Chief

**ATTACHMENT:**

- A: Attachment A: 2016 Weed Abatement Resolution Confirming cost of abatement and declaring them a special assessment.
- B: Attachment B: 2016 Weed Abatement list of property and cost (Will be distributed on the evening of the meeting).

ATTACHMENT A

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF WILLOWS CONFIRMING COSTS OF  
ABATEMENT AS AMMENDED AND DECLARING THEM A  
SPECIAL ASSESSMENT

WHEREAS, the parcels listed on the attached Exhibit B dated July 26<sup>th</sup>, 2016, were declared a nuisance and ordered abated as of the Council meeting of May 24<sup>th</sup>, 2016; and

WHEREAS, the required notices as set forth in Section 39500 through 39588 of the Government Code have been sent as required by law; and

WHEREAS, the owners of said parcels failed to abate the nuisance and hence were abated by the City of Willows as prescribed by law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows held the required public protest hearing on May 24<sup>th</sup>, 2016, and does hereby confirm the costs of abatement and declare them a lien against the property effective August 5<sup>th</sup>, 2016.

PASSED AND ADOPTED by the City Council of the City of Willows this 26<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Gary Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Butler, City Clerk

**AGENDA ITEM**

**TO:** Honorable Mayor Hansen & Council Members  
**FROM:** Natalie Butler, City Clerk  
**SUBJECT:** Butane Resale Regulation Ordinance

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**RECOMMENDATION**

It is recommended that the City Council pass second reading by title only and adopt an ordinance entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 9 ADDING CHAPTER 9.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE**".

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**SITUATION (or BACKGROUND):**

The Chief of Police proposed a City Ordinance to limit the amount of butane a person can purchase and possess, as well as the amount of butane a business can sell within the City of Willows. The Council unanimously passed first reading of said Ordinance at their regular meeting held on July 12, 2016. Staff is now recommending that the Council pass second reading by title only and adopt the attached Ordinance.

If adopted by the Council this evening, this ordinance would prohibit the following:

1. It would be unlawful for any Reseller to sell, offer to sell, or distribute to a Customer in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz.) of butane at any one time.
2. It would be unlawful for any Person (not a Reseller or Wholesaler) to have in their possession, custody or control in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz.) of Butane at any one time.
3. It is unlawful for any Customer to purchase or acquire in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz.) of Butane per calendar month, whether sold individually or by the Package.
4. Unless otherwise provided in this Chapter or by state law, a violation of any of the provisions of this Chapter shall be punishable as a Misdemeanor and subject to a \$1,000 penalty, per violation. A separate violation shall exist for every single Canister sold or possessed in violation of this Chapter.

5. This proposed ordinance would require that Resellers or Wholesalers of Butane track their sales (by preparing a bill of sale) of Butane and retain copies of them. The copies must be retained for at least two (2) years.
6. This Chapter is a regulatory provision necessary for the protection of the public health, welfare and safety. It is not required to prove knowledge or criminal intent for criminal prosecution.

**FINANCIAL CONSIDERATIONS:**

Minor possible reduction in sales tax revenue due to limitation of butane sales. Possible cost savings in public safety (Fire & Police) for non-response to explosion and fires.

**ALTERNATE ACTIONS**

None recommended.

**RECOMMENDATION**

It is recommended that the City Council read by title only and adopt an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 9 ADDING CHAPTER 9.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE".

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Respectfully submitted,



Natalie Butler,  
City Clerk

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Attachments: Butane Resale Regulation Ordinance

**ORDINANCE NO. 725 - 2016**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF WILLOWS AMENDING TITLE 9 ADDING CHAPTER 9.25 OF  
THE WILLOWS MUNICIPAL CODE TO REGULATE BUTANE RESALE**

**WHEREAS**, the northern region of our State has experienced a recent increase in explosions caused by the manufacture of honey oil (also known as hash oil) in clandestine labs using five times refined (5X) butane. These incidents have caused considerable property damage, personal injury and even death to those participating in the manufacturing process and to innocent bystanders.

**WHEREAS**, (5X) refined butane is used to dissolve the tetrahydrocannabinol (THC) resin, which concentrates into a liquid/oil form as a result of the butane's stripping process. The stripping of the THC through the use of refined butane causes flammable butane vapors to accumulate low to the ground and remain exposed to ignition sources. Studies suggest that 99.5 percent of the extracted THC Butane mixture will volatilize into the immediate area and find an ignition source if (5X) refined butane and higher is used.

**WHEREAS**, a honey oil lab using (5X) refined butane and higher presents a serious hazard for first responders as the gas has no odor and can only be detected by a combustible gas instrument. Such conditions present grave risk of loss where devices such as a TASER are capable of igniting the gas resulting in an explosion.

**WHEREAS**, the resale of (5X) refined butane occurs at levels sufficient to aid the manufacture of honey oil. Such sales and possession of butane should be regulated to prevent the use of butane in the manufacture of honey oil where such activity presents grave dangers to the people of the City of Willows and the first responders therein.

**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.** Chapter 9.25 of the Willows Municipal Code entitled "Butane Resale Regulation", is added to the Willows Municipal Code as follows:

Chapter 9.25- REGULATION OF BUTANE RESALES

Sections:

- 9.25.010 – Legal Authority and Title.
- 9.25.020 – Findings and Purpose.
- 9.25.030 – Definitions.
- 9.25.040 – Unlawful Sale, Purchase and Handling of Butane
- 9.25.050 – Tracking of Butane Sales
- 9.25.060 – Penalties, Strict Liability, and Nuisance
- 9.25.070 – Cumulative Remedy

#### 9.25.010 – Legal Authority and Title

Under the authority granted in Article XI, Section 7 of the California Constitution and Government Code Sections 36900 and 36901, the City of Willows, by and through its Council, does enact this Chapter of the Municipal Code, which shall be known as the Butane Resale Regulation.

#### 9.25.020 – Findings and Purpose

- A. the northern region of our State has experienced a recent increase in explosions caused by the manufacture of honey oil (also known as hash oil) in clandestine labs using five times refined (5X) butane. These incidents have caused considerable property damage, personal injury and even death to those participating in the manufacturing process and to innocent bystanders.
- B. (5X) refined butane is used to dissolve the tetrahydrocannabinol (THC) resin, which concentrates into a liquid/oil form as a result of the butane's stripping process. The stripping of the THC through the use of refined butane causes flammable butane vapors to accumulate low to the ground and remain exposed to ignition sources. Studies suggest that 99.5 percent of the extracted THC Butane mixture will volatilize into the immediate area and find an ignition source if (5X) refined butane and higher is used.
- C. a honey oil lab using (5X) refined butane and higher presents a serious hazard for first responders as the gas has no odor and can only be detected by a combustible gas instrument. Such conditions present grave risk of loss where devices such as a TASER are capable of igniting the gas resulting in an explosion.
- D. the resale of (5X) refined butane occurs at levels sufficient to aid the manufacture of honey oil. Such sales and possession of butane should be regulated to prevent the use of butane in the manufacture of honey oil where such activity presents grave dangers to the people of the City of Willows and the first responders therein.

#### 9.25.030 – Definitions

For the purpose of this chapter the following definitions apply:

"Butane" means five times refined (5X) or higher of any of the following: iso-butane, n-butane, and butane.

"Canister" means a single container in which butane is stored or collected or from which butane is dispensed.

"Code" means the Willows Municipal Code.

"Customer" means any person who is sold or acquires during a transaction, products from any reseller.

"Day" means calendar day.

"Package" means butane offered for sale at quantities of two or more Canisters.

"Person" means a corporation, co-partnership, or association as well as a natural person.

"Reseller" means any business, company, corporation, person, employee or associate that sells, offers to sell, or distributes products to any customer within the City of Willows. It does not include any wholesaler engaged in a wholesale transaction.

"Sell" means to furnish, give away, exchange, transfer, deliver, surrender, distribute or supply, whether for monetary gain or other consideration.

"THC" means Tetrahydrocannabinol, a compound that is the physiologically active component in cannabis preparations (Marijuana, Hashish, etc) derived from the Indian hemp plant or produced synthetically.

"Transaction" means a purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, exchange of currency, extension of credit, purchase or sale of any monetary instrument, or an electronic, magnetic or manual transfer between accounts or any other acquisition or disposition of property by whatever means effected.

"Wholesaler" means a person whose business is the selling of goods in gross to retail stores for purposes of sale.

#### 9.25.040- Unlawful Sale, Purchase and Handling of Butane.

- A. It is unlawful for any Reseller to sell, offer to sell, or distribute to a Customer in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (20.3 oz) of butane at any one time.
- B. It is unlawful for any Person that is not a Reseller or Wholesaler to have in their possession, custody or control in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz) of Butane at any one time.
- C. It is unlawful for any Customer to purchase or acquire in the City of Willows any number of Butane Canisters that exceed a combined total storage quantity of 600 ml (21.3 oz) of Butane per calendar month, whether sold individually or by the Package.

#### 9.25.050 – Tracking of Butane Sales

- A. For every sale of Butane, every Reseller shall prepare a bill of sale that identifies the date of the sale, quantity of Butane purchased, and the Customer's identification. The Customer's identification as used herein shall mean a Person's first and last name as verified from a valid driver's license or other official and valid state-issued identification that contains a photograph of the Customer and a residential or mailing address. Resellers shall retain a

copy of the bill of sale in readable form for a period of two (2) years.

- B. It shall be unlawful for any Reseller to sell Butane to any Customer without complying with section 9.25.050.
- C. Upon written request, a Reseller shall provide copies of the records described in this section to the City of Willows.

#### 9.25.060 – Penalties, Strict Liability, and Nuisance

- A. Unless otherwise provided in this Chapter or by state law, a violation of any of the provisions of this Chapter shall be punishable as a Misdemeanor and subject to a \$1,000 penalty, per violation (Government Code Section 36901). A separate violation shall exist for every single Canister sold or possessed in violation of this Chapter.
- B. This Chapter is a regulatory provision necessary for the protection of the public health, welfare and safety. In any criminal prosecution for a violation of this Chapter, it is not necessary to prove knowledge or criminal intent.
- C. A violation of any provision of this Chapter constitutes a public nuisance.

#### 9.25.070 – Cumulative Remedy

Nothing herein is intended to limit the City from pursuing any other remedy available by law or in equity against any person or entity maintaining, committing, or causing a public nuisance or any other violation of the Code or State or Federal Law.

### **SECTION 3. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

### **SECTION 4. CEQA**

The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061 (b)(3) (because the activity has no potential for causing a significant effect on the environment). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

### **SECTION 5. Publication**

Within 15 days from the passage thereof, this ordinance shall be published at least once in a newspaper of general circulation, published and circulated in the City of Willows. This Ordinance shall take effect thirty (30) days after the date of its adoption.

I HEREBY CERTIFY that this Ordinance was duly and regularly introduced and read at a regular meeting held on the 12<sup>th</sup> day of July, 2016, and was passed and adopted by the City Council of the City of Willows at a regular meeting thereof duly held on the 26<sup>th</sup> day of July, 2016, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED

\_\_\_\_\_  
Gary Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Butler, City Clerk

**AGENDA ITEM**

TO: Honorable Mayor Hansen & Council Members  
FROM: Natalie Butler, City Clerk  
SUBJECT: Ordinance Repeal

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**RECOMMENDATION:**

It is recommended that the City Council pass second reading by title only and adopt an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING TITLE IX SECTION 9.05.240 & 9.05.320 OF CHAPTER 9.05 OF THE WILLOWS MUNICIPAL CODE".

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**SITUATION (or BACKGROUND):**

This ordinance was introduced to the Council at the July 12, 2016 City Council Meeting, where the Council unanimously voted to read by title only and pass first reading of the attached ordinance repealing two archaic ordinances within the Willows Municipal Code that are currently unenforceable. The ordinances being repealed from the Municipal Code are:

**9.05.240 Seditious, etc., language: It shall be unlawful for any person to utter, publish or use any seditious language, words, remarks or epithets, or to address to another any such language, words, remarks, or epithets which create or provoke, or tend to create or provoke a breach of the peace.**

This vagueness of this Municipal Code violates free speech protections provided under the U.S. Constitution. Also, the California Penal Code provides protections under Penal Code 415(3) to protect citizens from person/s using offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

**9.05.320 Vagrancy: It shall be unlawful for all idle persons, having no visible means of support, to habitually loiter about wander abroad and visit and stay about public places, or lodge in outhouses, sheds, barns, or in the open air, and who are not able to give a good account of themselves, or to wander abroad and beg, or to go about from door to door or in the streets or other public places to beg or receive ~~ans~~**

This ordinance's language is archaic and has been found unconstitutional when challenged in courts of law previously. The California Penal Code 647(c) addresses instances when people accost other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms. Also, California Penal Code 647 (e) addresses lodging in buildings without permission.

In both instances, the California Penal Code provides legal recourse that meets the needs of the City of Willows without use of the Municipal Codes that should be repealed.

**FINANCIAL CONSIDERATIONS:**

None

**ALTERNATE ACTIONS:**

None recommended.

**RECOMMENDATION:**

It is recommended that the City Council pass second reading by title only and adopt an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING TITLE IX SECTION 9.05.240 & 9.05.320 OF CHAPTER 9.05 OF THE WILLOWS MUNICIPAL CODE".

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Respectfully submitted,



Natalie Butler  
City Clerk

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Attachments:

Exhibit A – Willows Municipal Codes 9.05.240 & 9.05.320

Exhibit B - California Penal Codes 415(3), 647 (c) and 647 (e)

Ordinance

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## ORDINANCE REPEAL

### Exhibit A

#### **9.05.240 Seditious, etc., language.**

It shall be unlawful for any person to utter, publish or use any seditious language, words, remarks or epithets, or to address to another any such language, words, remarks or epithets which create or provoke, or tend to create or provoke, a breach of the peace. [Code 1959 § 12.19; prior code § 11-51].

#### **9.05.320 Vagrancy.**

It shall be unlawful for all idle persons, having no visible means of support, to habitually loiter about or wander abroad and visit and stay about public places, or lodge in outhouses, sheds, barns, or in the open air, and who are not able to give a good account of themselves, or to wander abroad and beg, or to go about from door to door or in the streets or other public places to beg or to receive alms. [Code 1959 § 12.29; prior code § 11-67].

State law reference-§ 647, Pen. Code.

## ORDINANCE REPEAL

### EXHIBIT B

#### **415.**

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine:

- (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
- (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
- (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

#### **647.**

Except as provided in subdivision (1), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

- (a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.
- (b) Who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.
- (c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.
- (d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.
- (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

**ORDINANCE NO. 726 - 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS  
REPEALING TITLE IX SECTION 9.05.240 & 9.05.320 OF CHAPTER 9.05 OF  
THE WILLOWS MUNICIPAL CODE**

**WHEREAS**, the City Council of the City of Willows hereby intends to and does repeal Sections 9.05.240 & 9.05.320 of the Willows Municipal Code, and

**WHEREAS**, the City Council finds Sections 9.05.240 & 9.05.320 to be in violation of U.S. Constitutional Free Speech protections & rights; and

**WHEREAS**, the California Penal Code provides ample remedies for enforcement of harassing and threatening behavior and remedies for enforcement of accosting behavior in a public place or places open to the public for purposes of begging or soliciting alms; and

**WHEREAS**, repealing Sections 9.05.240 & 9.05.320 will correct Constitutional infringements afforded the people of Willows; and

**WHEREAS**, repealing Sections 9.05.240 & 9.05.320 eliminates archaic outdated language and allows for enforcement discretion inherent in law enforcement services;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 9.05, **Sections 9.05.240 & 9.05.320** of the Willows Municipal Code are hereby repealed in their entirety.

**SECTION 2:** It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

**SECTION 3:** The City of Willows City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to establishing the time, place and frequency of its regular meetings.

**SECTION 4. Severability.** Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this

ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**SECTION 5. *Effective Date.*** This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

**SECTION 6. *Certification.*** The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 12<sup>th</sup> day of July, 2016 and passed and adopted at a regular meeting thereof, held on the 26<sup>th</sup> day of July, 2016, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTESTED:

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Gary Hansen, Mayor

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Natalie Butler, City Clerk

**AGENDA ITEM**

July 26, 2016

TO: Honorable Mayor Hansen and Members of the City Council  
FROM: Wayne Peabody, Interim City Manager  
SUBJECT: Approve the Extension of the Professional Service Agreement with Wildan Planning and Environmental Service Division

**RECOMMENDATION:**

Staff recommends that the City Council adopt, by resolution, extension of the Professional Service Agreement with Wildan Engineering to provide General Planning & Environmental Service to the City of Willows for three years through fiscal year 2018-19

**SITUATION (or BACKGROUND):**

Throughout the past fiscal years, several options for providing Planning and Environmental Service have been explored by City Staff. A Contract for Planning Service was awarded to Wildan Engineering Consultants for the fiscal 09/10 period; ending June 30, 2010. That Contract has since been extended through each subsequent fiscal year, with modest increases in 2014/15 and 2015/16.

The proposal is to provide Planning Services at levels consistent with current provisions. However, to maintain the stability of the ongoing relationship, a three-year extension is requested. The 2016/17 rate would remain at the current rate of \$100.00 per hour and then the two subsequent years subject to CPI-West Urban B/C-April to April. Staff recommends approval of the Wildan request/proposal.

**FINICAL CONSIDERATIONS:**

Total expense is not anticipated to exceed allocated funding within the 2016-2017 fiscal work plan

**NOTIFICATION:**

Salvador Lopez, Wildan Planning Service Group

**ALTERNATE ACTIONS:**

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

**RECOMMENDATION:**

Staff recommends that the City Council adopt, by resolution, extension of the Professional Service Agreement with Wildan Engineering to provide General Planning & Environmental Service to the City of Willows for three years through fiscal year 2018-19.

Respectfully Submitted



Wayne Peabody  
Interim City Manager

**ATTACHMENT:**

Attachment A: Resolution authorizing extension of agreement

Attachment B: Wildan Proposal Letter- date July 21, 2016

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF WILLOWS AUTHORIZING AN EXTENSION OF THE PUBLIC AGENCY AGREEMENT WITH  
WILDAN ENGINEERING CONSULTANTS FOR GENERAL PLANNING AND ENVIROMENTAL  
SERVICES DURING THROUGH FISCAL YEAR 2018-2019**

**WHEREAS**, the City recognizes the importance of providing regular and professional comprehensive Planning & Environmental Services; and

**WHEREAS**; the CITY wishes to contract for such services with a private consultant; and

**WHEREAS**, Wildan Consulting is experienced in providing such services for municipal corporations and is able to provide personnel with the proper experience and background to carry out the duties involved; and

**WHEREAS**, the City of Willows wishes to retain Wildan Consultants, for the performance of said services; and

**WHEREAS**, Wildan Consulting is an independent contractor and not an employee of the City.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Willows does hereby approve the Professional Service Agreement between the City of Willows and Wildan Consultants be extended for three years to Fiscal Year 2018/2019 and authorizes the City Manager to negotiate final terms of said extension

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Willows this 26<sup>th</sup> day of July, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTESTED:

APPROVED:

\_\_\_\_\_  
Gary Hansen, Mayor

\_\_\_\_\_  
Natalie Butler, City Clerk

**EXHIBIT A**

July 21, 2016

Mr. Wayne Peabody  
Interim City Manager  
City of Willows  
201 N. Lassen Street  
Willows, CA 95988

Subject: Continued Contract Planning Services

Dear Mr. Peabody:

Willdan is pleased to submit this proposal to the City of Willows to provide continued professional contract planning services. It has been our privilege to serve as the City of Willows' contract planning staff for the past 7 years. It will be our pleasure to continue our services in the same capacity in the coming fiscal years. Ms. Karen Mantele will continue to serve as the City's contract Planning Director, with additional technical support staff from Willdan available for her to call upon on an as-needed basis.

Willdan proposes a three-year extension, with FY 16/17 billing rate to remain at \$100.00 per hour with the two subsequent years' subject to the CPI – West Urban B/C from April to April. All work associated with the processing of development applications will continue to be tracked separately and the City will be fully reimbursed for these costs from developer deposits. In this manner, the City will continue to realize full cost recovery for these planning services.

As you already know, Willdan Engineering (Willdan) has a long history of successfully providing contract planning assistance to California communities. We have provided interim or long-term planning assistance to over 80 Southern California cities and have included in this proposal a copy of our Contract Staff Support Services matrix which highlights the services we have provided to local governmental agencies in the southern California area.

We appreciate the high value you and the City place on Karen's work and appreciate the opportunity to offer continued assistance with your planning needs. If you have any questions, please contact me at (562) 364-7600 or via e-mail at [slopez@willdan.com](mailto:slopez@willdan.com).

Sincerely,

**Willdan Engineering**



Salvador Lopez Jr.  
Director of Planning