

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**  
**Tuesday, March 22, 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) Approve General Checking, Payroll Checks & Payroll Direct Deposit Registers.
  - b) Approve the Minutes the Willows City Council Meeting held on February 9, 2016.
7. **Public Hearings:**
  - a) Public Hearing continuation from the March 8, 2016 City Council Meeting - Michael & Monica Schwenne appeal of the Planning Commission's February 17, 2016 decision to require covered parking for property located at 459 N. Tehama Street. It is recommended that the Mayor re-open the public hearing and upon conclusion of hearing the appeal request, determine, by adoption of a resolution, whether to uphold or overturn the Planning Commission decision of February 17, 2016 to require on-site parking in accordance with Sections 18.120.020(1)(a) and 18.120.050 of the Willows Municipal Code.

8. **Ordinances:** None

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

a) Life Support update – Informational Only and no formal action is required of the Council.

10. **New Business:**

It is recommended that the Council:

a) Discuss and direct staff regarding possibly updating tobacco related ordinances within the City of Willows Municipal Code.

b) Appoint two members of the Council to an ad-hoc Community Communication subcommittee to identify possible solutions to share community event messages.

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 March 18, 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.

The City of Willows is an Equal Opportunity Provider

Period

3/3/2016 TO 3/16/2016

General Checking      30657      TO      30674  
                                 33300      TO      33328      *(NEW CHECK SEQUENCE-SWITCHED TO UMPQUA)*

Payroll Direct Deposit      Z07119      TO      Z07157

Payroll Checks      36000      TO      36022      *(NEW CHECK SEQUENCE-SWITCHED TO UMPQUA)*

APPROVAL DATE      3/22/2016

Approved \_\_\_\_\_

REPORT.: Mar 02 16 Wednesday  
 RUN...: Mar 02 16 Time: 15:04  
 Run By.: JANE COLLINS

CITY OF WILLOWS  
 Cash Disbursement Detail Report  
 Check Listing for 03-16 Bank Account.: 1050

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
030657	03/03/16	ABC00	STAVE ABOLD	200.00	.00	200.00	B60301	PUB. WKS. TOOL PARKS/PUB.
030658	03/03/16	BAR01	BARCELLOUX BROTHERS AUTO	74.94	.00	74.94	B60302	FEBRUARY STMT PER ATTACHE
030659	03/03/16	BRS01	BRS WESTERN	54.00	.00	54.00	B60301	REFUND BL OVERPMT
030660	03/03/16	CAL01	CALIFORNIA WATER COMPANY	1450.76	.00	1450.76	B60301	WATER EXPENSE/JAN 2016
030661	03/03/16	CIT08	CITY OF WILLOWS	200000.00	.00	200000.00	B60302	OPENING DEPOSIT
030662	03/03/16	COR10	CORNING LUMBER CO., INC.	52.45	.00	52.45	264046	FORRING STRIP
030663	03/03/16	GAN01	GANDY-STALEY OIL CO.	1426.16	.00	1426.16	B60301	JANUARY STMT PER ATTACHED
030664	03/03/16	LEM01	CAROL LEMMINGER	200.00	.00	200.00	B60301	VEHICLE ALLOW. RECREATION
030665	03/03/16	LEF01	LEFF ASSIST	108.88	.00	108.88	52161933	TOURNIQUETS
030666	03/03/16	MIS00	MT SUASTA SPRING WATER CO	50.46	.00	50.46	B60301	FEBRUARY STMT PER ATTACHE
030667	03/03/16	O'R01	O'RKILLY AUTO PARTS	94.38	.00	94.38	B60301	JANUARY STMT PER ATTACHED
030668	03/03/16	SAI02	TIMOTHY I. SALLSBERRY	200.00	.00	200.00	B60301	VEHICLE ALLOW. FINANCE MA
030669	03/03/16	SEP00	SEP FUND MASTER TENANT, I	3107.26	.00	3107.26	134591746	SOLAR ELECTRICITY JAN 201
030670	03/03/16	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B60301	EC LIBRARY RENT MAR 2016
030671	03/03/16	TAY25	SCOTT TAYLOR	200.00	.00	200.00	B60301	VEHICLE ALLOWANCE MAR 201
030672	03/03/16	TRA02	TRACTOR SUPPLY CREDIT PLA	167.44	.00	167.44	B60301	JANUARY STMT PER ATTACHED
030673	03/03/16	UNI02	UNIFORMS, TUXEDOS & MORE	859.95	.00	859.95	143390	VEST
030674	03/03/16	USB04	U.S. BANK CORPORATE PAYME	6213.19	.00	6213.19	B60302	STATEMENT THROUGH 2/22/16
Cash Account Total.....:				214559.87	.00	214559.87		
Total Disbursements.....:				214559.87	.00	214559.87		

REPORT.: Mar 11 16 Friday  
 RUN...: Mar 11 16 Time: 15:14  
 Run By.: JANE COLLINS

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

PAGE: 001  
 ID #: PY-DF  
 Ctl.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
033300	03/11/16	BAK06	BAKER & TAYLOR BOOKS	302.24	.00	302.24	1522571	NEW PRINT MAT. LIBRARY
033301	03/11/16	BIC00	BICKLEY'S HEATING AND ACR	23.20	.00	23.20	B60311	BUSINESS LICENSE OVERPMT
033302	03/11/16	COL05	COLUSA MOTOR SALES, INC.	319.67	.00	319.67	B60311	FEBRUARY STMT PER ATTACHE
033303	03/11/16	COM16	COMCAST CABLE	52.74	.00	52.74	B60311	FD INTERNET 3/7/-4/6/16
				55.15	.00	55.15	AB60311	INTERNET LIBRARY 3/3-4/2/
				145.97	.00	145.97	BB60311	INTERNET ADMIN 2/29-3/28/
			Check Total.....	253.86	.00	253.86		
033304	03/11/16	EVH00	EVERGREEN NOTE SERVICING	45.00	.00	45.00	B60311	NOTE SERVICING FEB 2016
033305	03/11/16	GLS09	GLENN CO. OFFICE OF EDUCA	69.00	.00	69.00	216-2-TS	LIVE SCAN
033306	03/11/16	GRA01	GrandFlow, Inc.	642.46	.00	642.46	134999	CHECK STOCK
033307	03/11/16	HEI01	HELFMA CHEMICAL COMPANY	341.61	.00	341.61	98314247	GOALTENDER
033308	03/11/16	HIN02	HINDRIJTER DELJAMAS & AS	543.40	.00	543.40	249571N	AUDIT SERVICES QTR 3 2015
033309	03/11/16	HUN00	HUNT & JEFFSON ATTORNEYS	4657.50	.00	4657.50	201602	LEGAL SERVICES THROUGH 2/
033310	03/11/16	INK01	THE INKWELL	270.59	.00	270.59	B60311	FEBRUARY STMT PER ATTACHE
033311	03/11/16	INT16	INTERSTATE BATTERY SYSTEM	225.64	.00	225.64	30044057	BATTERIES
033312	03/11/16	ITP01	INDUSTRIAL TRUCK & FARM	101.96	.00	101.96	B60311	FEBRUARY STMT PER ATTACHE
033313	03/11/16	JER00	JEREMY'S PEST STOMPERS	30.00	.00	30.00	38163	FD PEST CONTROL
033314	03/11/16	LEH00	LEHR	2379.75	.00	2379.75	1120935	GUN BOX AND INSTALLATION
033315	03/11/16	MEN02	MENDES SUPPLY COMPANY	235.32	.00	235.32	9903-00	PAPER PRODUCTS
033316	03/11/16	MTH01	MTH WELDING SUPPLY, INC.	36.00	.00	36.00	1114792	CYLINDER RENTAL
033317	03/11/16	O'R01	O'REILLY AUTO PARTS	86.12	.00	86.12	B60311	FEBRUARY STMT PER ATTACHE
033318	03/11/16	ORL08	ORLAND SAW & MOWER	139.79	.00	139.79	16025	CARBURETOR REPAIR
033319	03/11/16	PKA00	WAYNE PEABODY	200.00	.00	200.00	B60311	AUTO/TECHNOLOGY ALLOWANCE
033320	03/11/16	PGR01	PG & P	25.74	.00	25.74	B60311	P.G. & B. 1600 S TEHAMA S
033321	03/11/16	SCH00	ED SCHNURBUSCH	100.00	.00	100.00	B60311	UNIFORM REIMBURSEMENT
033322	03/11/16	TAY25	SCOTT TAYLOR	800.00	.00	800.00	B60311	REPLACE CK# Z07087/Z07124
033323	03/11/16	TRU00	TRUE BLUE PROPANE	69.91	.00	69.91	1447	PROPANE FILLS
033324	03/11/16	UNT10	UNITED ROTARY BRUSH CORP.	261.74	.00	261.74	C1182027	REPAIR #16 SWEEPER
033325	03/11/16	USB02	US BANK	833.78	.00	833.78	9037978	EQUIPMENT LEASE
033326	03/11/16	WILHD	WILLOWS HARDWARE, INC.	265.40	.00	265.40	B60311	FEBRUARY STMT PER ATTACHE
033327	03/11/16	WILHI	WILLOWS ACE HARDWARE	249.32	.00	249.32	B60311	FEBRUARY STMT PER ATTACHE
033328	03/11/16	WILHO	WILLOWS CHRISTIAN CHURCH	500.00	.00	500.00	B60311	UTILITY REIMBURSEMENT
			Cash Account Total.....	14009.00	.00	14009.00		
			Total Disbursements.....	14009.00	.00	14009.00		

**MINUTES OF THE WILLOWS CITY COUNCIL**  
**REGULAR MEETING HELD February 9, 2016**

1. Mayor Hansen called the meeting to order at 7:02 p.m.
2. **PLEDGE OF ALLEGIANCE:** Terry Taylor-Vodden led the Pledge of Allegiance.
3. **ROLL CALL:**  
  

<u>Present:</u>	Domenighini, Mello, Williams, Yoder & Mayor Hansen.
<u>Absent:</u>	None
4. **Presentations & Proclamations:**
  - a) Students Working Against Tobacco (SWAT), under the direction of the Glenn County tobacco education program, presented a power point presentation about the effects of smoking tobacco and about tobacco-related debris in and around the City. The group requested that the Council consider prohibiting smoking in all City Parks.  
  
Upon conclusion of the power point presentation, it was the consensus of the Council to place this item on a future agenda for Council discussion and possible consideration to take action to make the parks in Willows smoke-free.
5. **Public Comment/Written Communications:**
  - Mark Fowler, Willows Citizen, spoke about the public safety issue due to lack of illumination on the Highway 162 overpass which crosses over the Interstate 5 Freeway heading toward the WalMart Super Center. He requested that the Council try to contact Cal-Trans and ask them to illuminate the overpass.
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 (30519-30545; Z07011-Z07045; 34544-34567).
  - b) Approval of the Minutes of the Regular City Council Meeting held on January 12, 2016.
  - c) Confirm the City’s current Conflict of Interest Code as presented.
  - d) Accept the Treasurer’s Report – Schedule of Investments as of December 31, 2015.
7. **Public Hearings:** None
8. **Ordinances:**

- a) Approval of second reading by title only and adoption of Ordinance #720-2016 amending Title II, Section 2.10.100 of Chapter 2.10 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 #720-2016 entitled “**An Ordinance of the City Council of the City of Willows Amending Title II Section 2.10.100 of Chapter 2.10; City Manager, of the Willows Municipal Code**” pass second reading and be adopted. The motion unanimously passed 5/0 on a roll-call vote.

- b) Approval of second reading by title only and adoption of Ordinance #721-2016 amending Title IX, Section 9.15.010 of Chapter 9.15 and repealing Title IX, Section 9.15.040 of Chapter 9.15 of the Willows Municipal Code:

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

**M/S – Domenighini/Williams** that Ordinance #721-2016 entitled “**An Ordinance of the City Council of the City of Willows Amending Title IX Section 9.15.010 of Chapter 9.15; Curfew Hours, and Repealing Title IX Section 9.15.040 of Chapter 9.15 of the Willows Municipal Code**” pass second reading and be adopted. The motion unanimously passed 5/0 on a roll-call vote.

- c) Discussion and direction to staff regarding AB 21 and its impact on the City’s Medical Marijuana Ordinance:

City Attorney, Bob Hunt explained that on February 3, Governor Brown signed AB 21 into law. The effect of this Assembly Bill was to remove the March 1, 2016 deadline for Counties and Cities to enact legislation to regulate Medical Marijuana via Ordinance. There are still some questions about AB 21; specifically in subsection (g) of the Bill which states “Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from exercising its police authority under Section 7 of Article XI of the California Constitution”. The confusion arises because all of the rest of subsection (g) serves to preserve the rights of Medical Marijuana users within the community; except for that last sentence which basically overturns that right. Attorney Hunt stated that he has been in contact with both the California Senate and the Assembly and the legislators don’t really understand what this means either.

Attorney Hunt explained that the City Council just recently enacted an Urgency Ordinance which will be in effect for 45 days. The Council now has the ability, under Section 65658 of the Government Code, to extend that Ordinance for 10 months and 15 days. Added onto the 45 days in which the Ordinance will be in effect, the additional 10 months and 15 days is equal to one full year; therefore, the Council has the ability to extend this Ordinance up to one year (January 25, 2017). What the City Council now needs to decide is whether they want to exercise their option to extend the Urgency Ordinance for those 10 months and 15 days. If the Council chooses to exercise this option it would 1.) Allow time to determine what resolutions are reached

with the various court cases that are currently pending on this topic, 2.) Know the outcome of the November 2016 election as it pertains to this topic, and 3.) Possibly receive clarifying language that comes out of the Department of Consumer Affairs, which has just been named to manage Medical Marijuana, so regulations will be promulgated through that department as well.

Attorney Hunt stated that the Council's other options are to either simply let the City's Urgency Ordinance run its 45 day course and begin going through the process of creating a permanent Ordinance to be adopted, or to simply let the Urgency Ordinance die and do nothing else at all.

Attorney Hunt stated that his recommendation to the Council is for them to extend the Urgency Ordinance for one year. At the end of that year (January 15, 2017) the Council once again has an opportunity to extend the Ordinance for one more additional year should they choose to do so.

Council discussion ensued and it was the unanimous consensus of the Council to direct staff to place an item on the Agenda for the February 23 City Council meeting to extend the Urgency Ordinance for one year (January 25, 2017).

- d) Consider reading by title only and passage of first reading of an Ordinance repealing Title IX Section 9.05.010 of Chapter 9.05 of the Willows Municipal Code:

This is an ordinance to address an archaic and unnecessary ordinance in the Willows Municipal Code that is realistically unenforceable. Periodically as situations arise or as ordinances are found that are in need of modification or repeal those ordinances are addressed accordingly. This is one such ordinance. 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."*

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 had previously requested periodic review of City ordinances and introduction of any necessary corrections. Section 9.05.010 is one that is archaic, unconstitutional and unnecessary, and as such staff is recommending the Council repeal Section 9.05.010 in its entirety.

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

M/S – **Mello/Domenighini** that an Ordinance entitled “An Ordinance of the City Council of the City of Willows Repealing Title IX Section 9.05.010 of Chapter 9.05 of the Willows Municipal Code” pass first reading. The motion unanimously passed 5/0 on a roll-call vote.

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

- City Manager Scott Taylor distributed “City of Willows” baseball caps to all of the Council Members. The caps were discovered while doing some recent “house-cleaning” at City Hall.

10. **New Business:**

- a) Consider awarding the City’s Banking Relationship to Umpqua Bank; Authorize the City Manager to sign agreements, and authorize the City Manager, Finance Director and City Clerk to serve as signatories on the accounts:

Prior to this item being heard, Mayor Hansen and Council Member Domenighini recused themselves and vacated the Council Chambers, as they have a vested interest in this item. Vice Mayor Yoder took over running the meeting at this time.

Finance Director Tim Sailsbery presented this item explaining that recently Bank of America sold several north valley branches to Redding Bank of Commerce and among them was the Willows Branch. In addition, the City’s long-standing relationship with Bank of America has become quite costly with the City currently paying \$600 to \$800 per month in various banking fees with the quality of service not falling in line with the costs. As a result of these issues it was appropriate to seek bids for the City’s banking needs.

Three entities – Redding Bank of Commerce, Tri Counties Bank, and Umpqua Bank – were solicited for bids. All three returned with proposals for online banking demonstrations for the City Finance Staff. Following receipt of the proposals and demonstrations, a review and analysis of each bank’s performance was completed. As a result, Umpqua Bank – having put together the best combination of cost, online demonstration, and demonstration of service capability – is the recommended bank for the City’s banking needs.

Director Sailsbery is recommending that the Council award the City’s banking relationship to Umpqua Bank and he also requested that as part of the motion, the Council also authorize the Finance Director to close the Bank of America account as deemed appropriate.

**M/S – Mello/Williams** to award the City’s banking relationship to Umpqua Bank, authorize the City Manager to sign agreements, authorize the City Manager, Finance Director and City Clerk to serve as signatories on the accounts and to authorize the Finance director to close the Bank of America account as deemed appropriate. The motion unanimously passed 3/0, with Council Member Domenighini & Mayor Hansen being recused.

At this time, Mayor Hansen and Council Member Domenighini re-entered the Council Chambers and resumed their seats at the dais.

- b) Consider approval of the CALIFA-Willows Public Library Agreement for high-speed, fiber delivered, internet service:

The California State Library, via the CALIFA Group, is offering discounted high speed, fiber delivered internet services to eligible Public Libraries in California. On an ongoing basis, this internet service costs approximately \$1230 per month, but through the after-the-fact discount reimbursements via this program, that cost will be reduced to approximately a net cost of \$123 per month.

The current cost of DSL internet in the Library is approximately \$55 per month. As noted, the net cost of the higher speed internet will be \$123 per month, but the Library Director is utilizing California State Library Funds for the internet service and there is enough funding in this source to cover the higher monthly cost as well.

Part of this agreement though is that the first year of service is to be paid, up front, at a non-discounted rate (\$1232.50 per month x 12=\$14,790). The discount will be returned via CALIFA/E-Rate in the year following. It is desirable to utilize the discount return funds to then pay the ongoing rate down and utilize the CA State Library Funds to pay the net \$123 per month.

To fund the up-front costs, staff recommends the appropriation of \$4790 in available California State Library Funds and \$10,000 from Library Development Impact Fees (\$96,000 currently in this fund). Please note that while internet service is not specifically stated as a use of Library Development Impact Fees, public use computers is listed as eligible, and the City, via approval of the Library Board, utilized other funds to enhance the bank of public use computers in the Library in the 2014-15 fiscal year. Staff believes it would be appropriate use of Impact Funds to backfill the public use computer costs via the internet service purchase.

**M/S – Domenighini/Yoder** to approve the CALIFA-Willows Public Library Agreement for High-Speed, Fiber Delivered, Internet Service; Authorize the City Manager to sign the

finalized agreement and appropriate \$4790 in California State Library Deliver Funds (Fund 352) and \$10,000 in Library Development Impact Fees (Fund 364) for up front expenditures. The motion unanimously passed.

**11. Council Member Reports:**

- Council Member Williams reported that he recently attended the Transit & Transportation Committee Meetings. He stated that Mayor Hansen was nominated to serve as Chair and Dwight Foltz of the Orland City Council to serve as Vice Chair on the Regional Transportation & Transit Committees. He also wished to thank the Public Works Department for fixing the front exterior lighting at City Hall.
- Council Member Domenighini announced that he attended the LAFCO meeting on Monday & is planning to attend the Library Board meeting next Thursday.
- Council Member Mello showed the Council the new directional signs for the Willows Museum. He also gave a brief history of the Willows Museum building, along with other historic Andrew Carnegie buildings in the City.
- Mayor Hansen reported that he planned to attend the Museum Board Meeting this Thursday. He also thanked the Public Works Department for their fantastic work that they did during the fall leaf pick-up season and also for the work they have done to the Museum grounds.

**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 8:20 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 Council reconvened into open session at 9:06 p.m. Mayor Hansen stated that there was no reportable action taken.

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

Dated: February 9, 2015

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

## **AGENDA ITEM**

March 22, 2016

**TO:** Honorable Mayor Hansen and Members of City Council

**FROM:** Karen Mantele, Principal Planner

**SUBJECT:** Appeal by Michael & Monica Schwenne of the Planning Commission's February 17, 2016 decision to require covered parking for property located at 459 N. Tehama Street (Appeal File# AP-16-01)

### **THE PUBLIC HEARING ITEM WAS CONTINUED FROM THE MARCH 8, 2016 CITY COUNCIL MEETING**

## **RECOMMENDATION**

Hear the Appeal request and determine whether to uphold the Planning Commission decision of February 17, 2016 to require on-site parking in accordance with the City parking regulations Section(s) 18.120.020(1)(a) and 18.120.050 (Condition#6) or overturn the Planning Commission decision to require the appellant to meet code sections

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## **SUMMARY**

On January 29, 2016 Michael & Monica Schwenne submitted a planning application to the City for a Use Permit to allow establishment of a two-family residential use within an existing structure. Staff circulated the proposal and plans submitted with the application to internal departments for comments.

The application for the Use Permit was brought before the Planning Commission on February 17, 2016 at a public hearing. After hearing staff's report(s), comments from the applicant, and public input, a motion was made by Commissioner Woods and seconded it by Commissioner Benningfield to adopt the resolution granting approval to establish the residential use, with final conditions of approval. The Commission felt that Mr. Schwenne was asking for approval to allow the establishment of a residential use within this structure/district, then it should look residential in nature. Condition #6 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 the Commission's decision to meet the parking code.

## **UPDATE FROM MARCH 8, 2016 MEETING**

The City Council heard Staff's report regarding the points of the appellants letter of reasoning for the appeal. The public hearing was opened and the appellant spoke to the Council about the reasons he felt he should not be held to comply with the garage requirement to satisfy the parking requirements for the residential use granted to him by the Commission at their February 17<sup>th</sup> meeting. After hearing from Staff, the public and the appellant, it was moved and seconded to continue the item until the next regularly scheduled meeting to allow the City Attorney to provide a written determination as to whether the City Council has the authority to overturn the Commission's decision. The determination has been provided to the Council.

## **NOTIFICATION**

Michael & Monica Schwenne have been notified of the continued hearing.

## **ALTERNATE ACTION**

Uphold the Planning Commission decision of February 17, 2016 to require a garage for the two-family residential use or overturn the decision and direct staff to work with the appellant to provide parking for the residential use.

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**RECOMMENDATION**

Adopt either attached resolution to uphold the Planning Commission's February 17, 2016 decision or overturn their decision and direct staff.

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Respectfully submitted,



Karen Mantele  
Principal Planner

Approved by:



Wayne Peabody  
Interim City Manager

Attachments:

- 1) Planning Commission meeting minutes from February 17, 2016
- 2) Public Hearing Notice for continued hearing
- 3) Draft Resolution to uphold the Planning Commission decision to require a garage for the residential use
- 4) Draft Resolution to overturn the Planning Commission decision to require a garage for the residential use

**Excerpt from the Planning Commission February 17, 2016 Meeting Minutes****c. Use Permit (File #UP-16-02) Applicant/Owner: Michael & Monica Schwenne**

Assessors' Parcel Number 005-403-012/459 N. Tehama Street/General Commercial Zone/General Commercial Land Use Designation/Request to allow establishment of a residential use of an existing structure

Vice Chair Griffith introduced the agenda item. Ms. Mantele presented the agenda report to the Commission including the project scope which is to allow the establishment of a residential use, to included parking requirements as stated in the list of conditions for the project. Vice Chair Griffith then opened the public hearing. Doug Ross asked about the use and if the structure was to be used as commercial and residential at the same time, would the process have to start all over again to be revised as commercial/residential combination and would the commercial use be voided. Commissioner Woods stated that if the residential use was abandoned it would convert back to commercial use. Mr. Ross then asked if it went back to commercial use could you then apply for a dual use under the current processes. Mr. Taylor stated no, that once a non-conforming use has been abandoned it would revert to the commercial use and stay a commercial use in so far as this particular instance and parcel are concerned.

Ms. Mantele informed the Commission that Mr. Schwenne did send a written request to the City Manager Scott Taylor prior to the Commission hearing his use permit application, requesting an exemption for a garage on 459 N. Tehama (under code section 18.120.020(3))- Parking/Commercial Uses. This exemption states that parking requirements for commercially zoned property with 50 feet or less street frontage may be reduced or waived by the city manager. All other reductions require approval by the planning commission. Mr. Taylor spoke to the Commission about this request by stating that although he appreciated Mr. Schwenne's explanation of why he felt this section applied to his situation, he denied his request stating that covered parking is required by the zoning code and is a standard that he cannot support waiving. The applicant was so advised. A short discussion was held between staff and Commissioners regarding parking, existing building permits and the conditions of approval.

Ms. Mantele advised the Commission about what the planning files showed for 459 N Tehama, which was that a conditional use permit had been filed with the City for a billard parlor in May of 1998. The file does not show that this application was heard. Additionally the file indicates that a letter was sent to the property owner at the time, also in May of 1998, informing him that a residential use is allowed in the General Commercial zone with a Use Permit. However no Use Permit was applied for thereafter

Ms. Mantele discussed with the Commission the General Commercial code, specifically code section 18.60.040(2) –*Other Regulations/Residential Uses*, wherein this section states that Residential Uses permitted with a use permit shall be subject to the regulations of the residential zones for which use is considered a principally permitted use; which the list of regulations include parking requirements.

Ms. Mantele then advised the Commission that the applicant was now in the audience. Michael Schwenne came forward, apologized for being late and spoke on his educational background, construction experience and his reasons for doing the project. He again asked to be exempted from the parking requirements under the parking code due to the cost of constructing a garage. Commissioner Woods commented that since the request before them was to allow the structure to be used a residential use, then the parking requirements stated in the parking code for two family residential uses will need to be met, and felt that the commercial parking code section that he requested relief under was not applicable in this case.

Commissioner Griffith closed the public hearing.

It was moved by Commissioner Woods, seconded by Commissioner Benningfield to approve the next Resolution in line entitled, A Resolution of the Planning Commission of the City of Willows Granting Use Permit approval (File #UP-16-02) to Michael & Monica Schwenne to establish a residential use (Duplex) within an existing structure for property located at 459 N. Tehama Street, Assessors Parcel Number 005-403-012.

**AYES: GRIFFITH, WOODS, BENNINGFIELD**

**ABSTENTION: NONE**

**Staff reminded applicants that all use permits have a 10 day appeal period.**

**CONTINUED PUBLIC HEARING NOTICE**

Legal Notice  
City of Willows

Notice is hereby given that the Willows City Council has continued the public hearing for Appeal # AP-16-01 filed by Michael and Monica Schwenne, to Tuesday, March 22, 2016 at 7:00 p.m., in the Council Chambers of the Civic Center, 201 North Lassen Street, regarding the action of the Planning Commission following the closure of the Public Hearing for Use Permit file#UP-16-02 on February 17, 2016; for property located at 459 N. Tehama Street, APN: 005-403-012.

The public is invited to attend and be heard and/or submit written comments to the City Clerk. Documentation pertaining to the above items is available for review at the City Clerk's Office of the Civic Center during normal business hours.

Please publish on the 12<sup>th</sup> of March, 2016. Send affidavit of publication and bill to City of Willows, 201 North Lassen Street, Willows. For questions call Natalie Butler at 934-7041.



ROBERT W. HUNT  
rhunt@hjc-law.com

March 10, 2016

Jim Yoder, Vice Mayor  
City of Willows  
201 N. Lassen Street  
Willows, CA 95988

**Re: *Relationship of Planning Commission and City Council***

Hon. Vice Mayor Yoder and Members of the City Council:

You requested an opinion regarding the relationship between the City of Willows City Council and Planning Commission, specifically with regard to the Council's hearing appeals from a Planning Commission decision. For clarity, this opinion will break the discussion into two parts.

**Questions Presented:**

1. What is the relationship between the City of Willows City Council and Planning Commission?
2. What is the effect, if any, on the Planning Commission's powers if the City Council overrules a Planning Commission decision?

**Short Answers:**

1. The Planning Commission is created by the City Council, which establishes the "rules, procedures and standards" within which the Commission operates. The Planning Commission serves as an advisory body to the City for planning and land use issues. The Commission also functions as the City's decision-making body for many land use related proposals including land use permits, variances, and major subdivisions.
2. The ultimate responsibility for land use issues lies with the City Council. Accordingly, Planning Commission decisions may be appealed to the city

Council, thus providing due process to aggrieved applicants. The City Council may affirm, overturn or modify a Commission decision, or return the application to the Planning Commission or staff for further action or consideration. None of these actions detracts from or usurps the functions of the Planning Commission, but are instead legitimate exercises of the City Council's police powers.

**Factual Background:**

California Government Code § 65100 authorizes the creation of a city "planning agency" with authority to carry out the functions set forth in the Government Code. That "planning agency" may be a planning commission, other administrative body or a hearing officer, or the City Council itself. Section 65101 provides that the planning commission shall have five (5) members and shall "report directly" to the City Council. Section 65102 states that the City Council may establish "rules, procedures and standards" for its Planning Commission, so long as they do not conflict with federal and state law. Government Code § 65103 lists, generally, the functions of a planning commission, which may include "perform[ing] other functions as the legislative body" may direct.

Exercising the authority provided in the Government Code, the City of Willows enacted Chapter 2.35.010 of the Municipal Code establishing the City's Planning Commission, consisting of five (5) members. Chapter 2.35.020 provides that the Planning Commission shall have all of the duties set forth in state law, but asserts that the Planning Commission duties and powers do not in any way limit, affect, or conflict with the authority of the City Council.

Various subsections of Chapter 18.135 of the City's Municipal Code provide that the Planning Commission may hold public hearings, may issue use permits, and may impose terms and conditions on such permits.

Chapter 18.135.060 provides that any decision of the Planning Commission may be appealed to the City Council, and the Council's decision is final.

Chapter 18.140 deals with variances. Again, applications for variances from permitted uses must first go to the Planning Commission. However, Chapter 18.140.050 restricts the power of the Planning Commission – it provides that the Commission may issue a variance only if the specified criteria are met. Again, an appeal from a decision of the Planning Commission may be taken to the City Council.

Appeals from Planning Commission decisions may be quasi-judicial exercises of the Council's powers, by which the Council reviews the Commission's decision to determine whether it conformed to law and Commission powers. Or such appeals may be exercises of the Council's legislative powers, by which the Council examines whether the decision, although fully within the Commission's powers and compliant with law, may not be in the City's best interests.

**Analysis:**

**1. Relationship between City Council and Planning Commission**

Although not articulated in the City of Willows Municipal Code, many California cities do set forth a general description of the relationship between their planning commissions and city councils, as well as the commission's functions.

*The Planning Commission acts as an advisory body to the City Council on all planning and development policy issues and is charged with the preparation, maintenance, and implementation of the City's General Plan. The Commission functions as the decision-making body for many land use related proposals including land use permits, variances, and major subdivisions. The Commission's decisions can be appealed to the City Council, which can uphold the Commission's decision, overturn it, modify it, or send it back for further study. (City of Richmond, California.)*

I believe this paragraph accurately reflects the relationship between the City of Willows Planning Commission and City Council.

The Willows Planning Commission is created by, and subsidiary to, the City Council. The Council establishes "rules, procedures and standards" within which the Commission operates.

As set forth in various provisions of the Willows Municipal Code discussed above, the Planning Commission has various functions and powers. However, those functions and powers are not without limitation. Variances, for example, may be granted only pursuant to enumerated criteria, and any action of the Planning Commission may be appealed to the City Council.

**2. What effect does the City Council's overruling of a Planning Commission decision have on the Commission's powers or purpose?**

As expressed by the City of Richmond's description of its Planning Commission, the Willows City Council can uphold, overturn or modify a Planning Commission decision, or return it to the Commission or staff for further study or action. The Planning Commission's powers or purposes are unaffected by the City Council's overruling or modification of a Commission decision. Instead, the Council's actions on appeal not only fulfill the Council's functions, they also provide the requisite due process to which aggrieved applicants are entitled.

Land use regulations and entitlements are exercises of the City's police power, and the ultimate exercise of that power cannot be delegated. (*Alameda County Land Use Assn. v. City of Hayward* (1995), 38 Cal.App.4th 1716.) However, a Planning Commission's grant or denial of a permit or variance which may be appealed to the City Council is not an impermissible delegation of the City's police power. (*Hopkins v. MacCulloch* (1939) 35 Cal.App.2d 442.)

The City Council is the legislative body with ultimate responsibility for the City and all land use issues therein. Implementation of the Council's plans, standards, rules and procedures is delegated to the Planning Commission, subject to appeal to the City Council. However, missing from the Willows scheme is the standard of review pursuant to which the Council hears appeals of Planning Commission decisions. Because of the interplay of the Council's quasi-judicial and legislative functions, just what evidence or level of proof the Council should require in reviewing a Commission decision is not clear.

It is recommended that all appeals from a Planning Commission decision should be heard by the City Council on a *de novo* basis. All evidence that was before the Planning Commission should be put before the City Council, the appellant should be present as should any others who offered evidence before the Planning Commission. The Council and Commission should explore whether a Commissioner or Planner should be present for such appeals. Council may also examine such additional evidence that the parties may wish to offer. The City Council should then take action on the appeal based on all of the evidence presented, in the exercise of its sound discretion. A full review of the application and all relevant evidence *de novo*, i.e., from the beginning, gives the applicant full due process and serves to fulfill both the Council's quasi-judicial and legislative functions.

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Such rights of appeal, and the City Council's power to affirm, overturn, modify or request other action do not in any way diminish the powers or duties of the Planning Commission. Absent appeal, the Planning Commission's decisions are final, binding both the City and the applicant. But rights of appeal recognize an applicant's entitlement to due process review of those decisions.

**Conclusion:**

The Planning Commission is a creation of the City Council, pursuant to authority conferred by the California Government Code. The City Council establishes the "rules, procedures and standards" within which the Commission operates. The Planning Commission serves as an advisory body to the City for planning and land use issues. The Commission also functions as the decision-making body for many land use related proposals including land use permits, variances, and major subdivisions.

However, the ultimate responsibility for land use issues within the City lies with the City Council. Accordingly, Planning Commission decisions may be appealed to the City Council, thus providing due process to aggrieved applicants. The City Council may affirm, overturn or modify a Commission decision, or return the application to the Planning Commission or staff for further action or consideration. None of these actions detracts from or usurps the powers of the Planning Commission, but are instead legitimate exercises of the City Council's functions.

Very truly yours,

**HUNT JEPSON & GRIFFIN, LLP**



Robert W. Hunt

RWH:ks

**DRAFT RESOLUTION TO UPHOLD PC DETERMINATION**

CC RESOLUTION NO. \_\_\_\_\_-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS  
UPHOLDING THE PLANNING COMMISSION DECISION TO REQUIRE  
PARKING IN ACCORDANCE WITH THE CITY PARKING REGULATIONS  
SECTION(S) 18.120.020(1)(A) FOR USE PERMIT (FILE #UP-16-02) ON APPEAL  
FOR PROPERTY LOCATED AT 459 N. TEHAMA STREET SPECIFICALLY  
ASSESSOR PARCEL NUMBER 005-403-012**

**WHEREAS**, the applicants, Michael and Monica Schwenne, have proposed establishment of a residential use consisting of a two- family use of a studio and a one bedroom unit; and,

**WHEREAS**, the project site is zoned “CG- General Commercial” which allows for a residential use with an approved Use Permit; and

**WHEREAS**, notices of the Planning Commission meeting held on February 17, 2016 to hear the project proposal was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners for the February 17, 2016 meeting who were within 400 feet were sent; and

**WHEREAS**, the Planning Commission did, on February 17, 2016, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and

**WHEREAS**, the Planning Commission at the February 17, 2016 meeting, by a majority vote, approved the project with a resolution and final conditions of approval generated from the internal city departments comments for the proposed residential use; and

**WHEREAS**, the applicant has submitted a Letter of Appeal to the City of the Planning Commission decision within ten days from the date of decision; and

**WHEREAS**, notice of the City Council meeting held on March 8, 2016 was published in a newspaper of general circulation in the City in accordance with law; and

**WHEREAS**, the City Council has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and

**WHEREAS**, the City Council makes the following findings with respect to Use Permit (file#UP-16-02)

1. That the use is consistent with the City of Willows General Plan and Zoning Ordinance. The site is currently zoned CG (General Commercial) which allows for Residential uses with a conditional use permit per Section 18.60.030(1).
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.  
The conditions of approval incorporate provisions which project will not be detrimental to the public health, safety or welfare.
3. That per Section 18.60.040(2) Residential uses require parking.
4. That per Section 18.120.020(1)(a) One and Two-Family Dwellings require a one-car garage for each dwelling unit containing one bedroom.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Willows does hereby find that the project as conditioned is consistent with the City of Willows General Plan, the City of Willows Municipal Code, the City of Willows Zoning Ordinance, and hereby on appeal uphold the Planning Commission decision to require parking for residential uses as set forth in the final conditions of approval for Use Permit File# UP-16-02.

**IT IS HEREBY CERTIFIED** that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Willows on Tuesday, the 22<sup>nd</sup> day of March, 2016, by the following vote, to wit:

AYES \_\_\_\_\_  
 NOES \_\_\_\_\_  
 ABSTAIN \_\_\_\_\_  
 ABSENT \_\_\_\_\_

APPROVED: \_\_\_\_\_  
 Gary Hansen, Mayor

ATTEST: \_\_\_\_\_  
 Natalie Butler, City Clerk

**DRAFT RESOLUTION TO OVERTURN THE PLANNING COMMISSION DECISION**

CC RESOLUTION NO. \_\_\_\_\_-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS  
OVERTURING THE PLANNING COMMISSION DECISION TO REQUIRE A  
GARAGE TO SATISFY PARKING IN ACCORDANCE WITH THE CITY  
PARKING REGULATIONS SECTION(S) 18.120.020(1)(A) FOR USE PERMIT  
(FILE #UP-16-02) ON APPEAL FOR PROPERTY LOCATED AT 459 N. TEHAMA  
STREET SPECIFICALLY ASSESSOR PARCEL NUMBER 005-403-012**

**WHEREAS**, the applicants, Michael and Monica Schwenne, have proposed establishment of a residential use consisting of a two- family use of a studio and a one bedroom unit; and,

**WHEREAS**, the project site is zoned “CG- General Commercial” which allows for a residential use with an approved Use Permit; and

**WHEREAS**, notices of the Planning Commission meeting held on February 17, 2016 to hear the project proposal was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners for the February 17, 2016 meeting who were within 400 feet were sent; and

**WHEREAS**, the Planning Commission did, on February 17, 2016, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and

**WHEREAS**, the Planning Commission at the February 17, 2016 meeting, by a majority vote, approved the Use Permit request with a resolution and final conditions of approval; and

**WHEREAS**, the applicant has submitted a Letter of Appeal to the City from the Planning Commission decision within ten days from the date of decision; and

**WHEREAS**, notice of the City Council meeting to hear the appeal, held on March 8, 2016 was published in a newspaper of general circulation in the City in accordance with law; and

**WHEREAS**, the City Council did, on March 8, 2016, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and

**WHEREAS**, on March 8, 2016 the City Council did continue the public hearing to March 22, 2016; and

**WHEREAS**, notice of the City Council meeting to continue the appeal, held on March 22, 2016 was published in a newspaper of general circulation in the City in accordance with law; and

**WHEREAS**, the City Council did, on March 22, 2016, continue the public hearing to consider all evidence submitted in connection with the appeal, including public oral and written comments, letter and

documents, staff reports, and all other documents and evidence which are part of the Record of proceedings; and

**WHEREAS**, the City Council makes the following findings with respect to Use Permit (file#UP-16-02);

- 5. That the use is consistent with the City of Willows General Plan and Zoning Ordinance. The site is currently zoned CG (General Commercial) which allows for Residential uses with a conditional use permit per Section 18.60.030(1).
- 6. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.  
The conditions of approval incorporate provisions which project will not be detrimental to the public health, safety or welfare.
- 7. Surrounding/adjacent residential properties do not have enclosed parking.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Willows does hereby find that the project is consistent with the City of Willows General Plan, the City of Willows Municipal Code, the City of Willows Zoning Ordinance, and hereby on appeal overturn the Planning Commission decision to require parking for residential uses as set forth in the final conditions of approval for Use Permit File# UP-16-02, for property located at 459 N. Tehama Street, Assessor’s Parcel Number 005-403-012

**IT IS HEREBY CERTIFIED** that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Willows on Tuesday, the 22<sup>nd</sup> day of March, 2016, by the following vote, to wit:

AYES \_\_\_\_\_  
 NOES \_\_\_\_\_  
 ABSTAIN \_\_\_\_\_  
 ABSENT \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Gary Hansen, Mayor

ATTEST: \_\_\_\_\_  
Natalie Butler, City Clerk

**AGENDA ITEM**

March 22, 2016

**TO:** Honorable Mayor Hanson and Members of City Council  
**FROM:** Wayne Peabody, Interim City Manager  
**SUBJECT:** Life Support Unit Update

**RECOMMENDATION**

Informational Only

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**SUMMARY:**

Willows Fire, in April, 2015, provided an overview of the proposed changes to the ambulance service levels anticipated to impact the residents of the City of Willows. Since that time, discussion has focused on California State standards, Nor-Cal EMS Standards and delivery methodology. The group has been focusing on determining target response times based on zones, establishing those zones in the Enloe Dispatch CAD system. Once the zones are set, then we can analyze the data for compliance with State and Nor-Cal EMS standards.

Future Council obligations would consist of both political and financial assistance to partner with Glenn County and, potentially, the City of Orland to develop a County- Wide Ambulance District; including meeting all the legislative requirements to qualify a measure for voter consideration.

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**RECOMMENDATION**

Informational Only

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Respectfully submitted,



Wayne Peabody  
Interim City Manager

**Attachments:**

- A: Glenn County Meeting notes
- B: Response time zones

**Attachment A:**

**Glenn County Ambulance Meeting**

**1-27-16 2:00 PM**

**Attendees:**

**City of Willows – Fire: Wayne Peabody**

**Public Health: Grinnell Norton, Amy Travis**

**Nor-Cal EMS: Dan Spiess, Eric Rudnick MD**

**Westside Ambulance: Lori Finch**

**Enloe: Mark Walker, Marty Marshall, Wayne Samson**

**Meeting Summary:**

- Reviewed response time data provided by Enloe and Nor-Cal EMS
- Discussion on the ambulance situation in both Glenn and Colusa
- Discussion on finances:
  - Limited reimbursement for ambulance service
  - Loss of revenue in Colusa County
  - Tax initiatives , memberships, and other means of raising funds

**Action Items:**

- 1. Determine target response times based on zones**
  - 3 zones were established and will be based on the 2 ambulance bases in Glenn County: Westside in Orland and Glenn Medical Center in Willows
  - Zones will be set based on radius from the home base
    - Zone 1 – Urban: will be set at a 10 minute response time
    - Zone 2 – Rural: will be set at a 20 minute response time
    - Zone 3 – Wilderness: will be set at the as quickly as possible response level
      - Looking to hit 90<sup>th</sup> percentile for response times in each zone
  - Zones will be mapped in the Enloe CAD system
- 2. Establish zones in CAD system**
  - Wayne, Lori, and Eric will meet with Enloe and review their CAD system.
  - They will establish the radius for each zone
- 3. Analyze data**
  - Historical data will be pulled from CAD based on the response times in each defined zone.

- New data will be documented and reported based on zones and response time criteria
- Enloe and Nor-Cal will work with Zoll to ensure a bridge is developed so Nor-Cal can obtain data from Enloe's system.

#### **4. Reconvene Ambulance Meeting to review results**

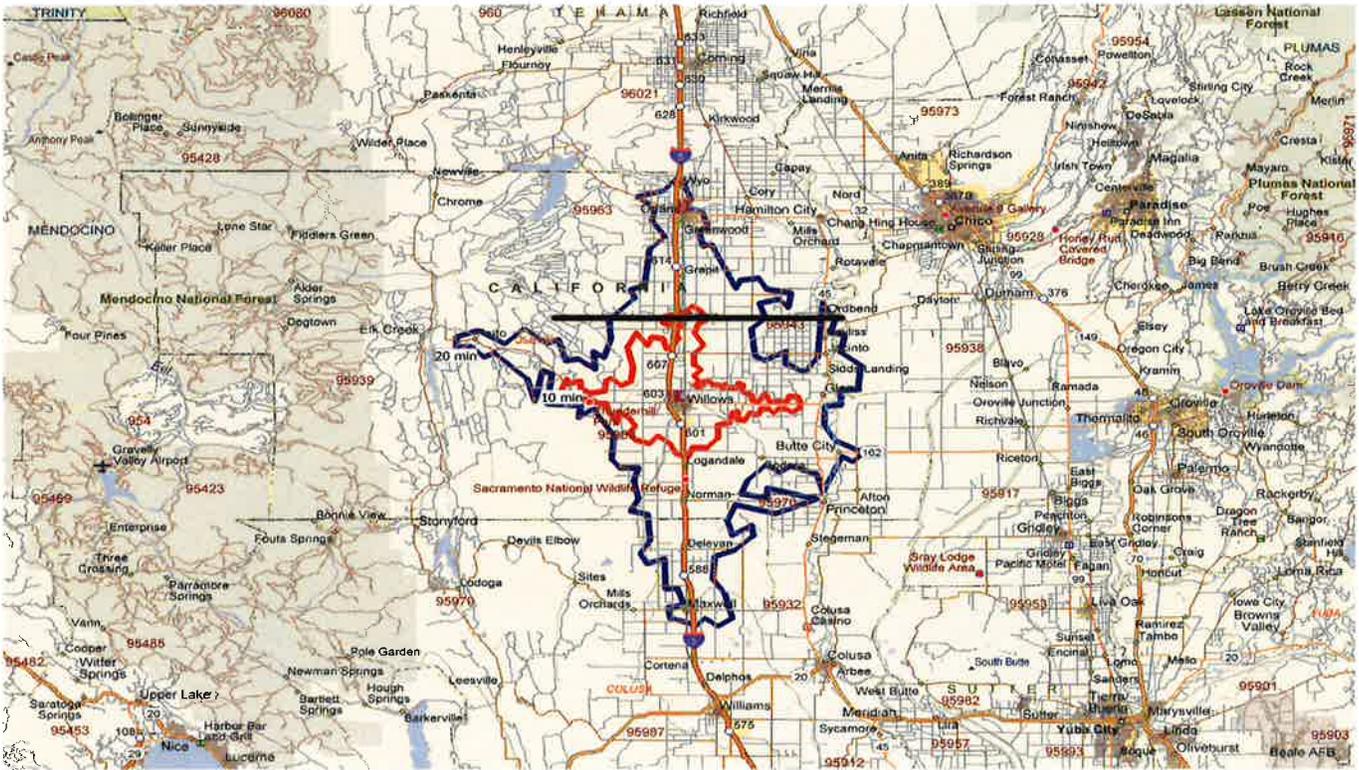
- Once enough data is collected, hold a meeting to review the data and determine if we are:
  - meeting the established response times – no further action necessary
  - are not meeting response times – action required
    - If we are unable to meet response times, we determine how to address the situation, what options we have, and develop a proposal to present to key partners such as elected officials.

## Attachment B:

### Willows 10 min Drive Time



### Willows 10/20 min Drive Time



**AGENDA ITEM**

**TO:** Honorable Mayor and Willows City Councilmembers  
**FROM:** Wayne Peabody, Interim City Manager  
**SUBJECT:** Updating Tobacco Ordinance

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**RECOMMENDATION**

Discuss and direct Staff regarding updating tobacco related ordinance(s) within the City of Willows Municipal Code

**SITUATION (or BACKGROUND):**

At the February 9 City Council meeting, the Willows High School chapter of Students Working Against Tobacco ("SWAT"), gave 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, Council directed Staff to return a discussion item at a later date in order to ultimately provide direction regarding possible actions to be taken. This agenda item provides the opportunity for Council to start this process.

In late calendar, 2011, the Orland High School chapter of SWAT provided a similar presentation to the Orland City Council. The net result was an ordinance passed in 2012, with an update to the ordinance in 2014 to include e-cigarettes in the ordinance. The current ordinance for the City of Orland is attached for your review.

The City of Willows does have an existing tobacco related ordinance, dating back to 1993. It is also attached to assist in your discussion

**FINANCIAL CONSIDERATIONS:**

N/A

**NOTIFICATION**

N/A.

**ALTERNATE ACTIONS**

1. Direct Staff regarding tobacco ordinance.
2. Request additional information from staff.

**RECOMMENDATION**

Discuss and direct Staff regarding updating tobacco related ordinance(s) within the City of Willows Municipal Code

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Respectfully submitted,



Wayne Peabody  
Interim City Manager

Attachments:

- Section 8.14 of Orland Municipal Code- Regulation of Smoking and Second Hand Smoke
- Section 8.25 of Willows Municipal Code-Smoking In Public Places

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## Chapter 8.25 SMOKING IN PUBLIC PLACES

Sections:

- [8.25.010](#) Definitions.
- [8.25.020](#) Smoking prohibited – Restaurants.
- [8.25.030](#) Smoking prohibited – City-owned facilities.
- [8.25.040](#) Posting of signs.
- [8.25.050](#) Enforcement.
- [8.25.060](#) Violations and penalties.
- [8.25.070](#) Nonretaliation.
- [8.25.080](#) Other applicable laws.
- [8.25.090](#) Severability.

### **8.25.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Bar" means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

"Business" means any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

"Dining area" means any enclosed area containing a counter or table upon which meals are served.

"Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

"Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity who employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

"Restaurant" means any coffee shop, cafeteria, sandwich stand, and any other eating establishment which gives or offers for sale food to the public, guests or employees. The definition of a restaurant shall not include a bar. [Ord. 637-93, 4-27-93. Prior code § 9-97].

**8.25.020 Smoking prohibited – Restaurants.**

Smoking shall be prohibited in all enclosed dining areas of restaurants within the city of Willows. [Ord. 637-93, 4-27-93. Prior code § 9-98].

**8.25.030 Smoking prohibited – City-owned facilities.**

Smoking is prohibited in all buildings, vehicles, or other enclosed areas owned or leased by the city, or otherwise operated by the city except in areas where the city manager may designate as smoking areas. The city manager may designate a smoking area only if the area involved:

- (1) Is not regularly open to the public; and
- (2) Does not require major room or building modification; and
- (3) Is not regularly occupied by nonsmokers.

In any dispute arising out of the smoking area designations made by the city manager under this chapter, the rights of the nonsmoker shall be given precedence. [Ord. 637-93, 4-27-93. Prior code § 9-99].

**8.25.040 Posting of signs.**

(1) "Nonsmoking" signs with letters of not less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in every building or other place where smoking is regulated by this chapter, by the owner, operator, manager, or other person having control of such building or other place.

(2) Every restaurant shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. [Ord. 637-93, 4-27-93. Prior code § 9-100].

**8.25.050 Enforcement.**

(1) Enforcement of this chapter shall be implemented by the city police department.

(2) Any citizen who desires to register a complaint under this chapter may initiate enforcement through the city police department. Upon receipt of the first complaint within a 12-month period, the police department shall write a letter to the violator outlining this chapter and the stated complaint or violation.

(3) Any owner, manager, operator, or employee of any establishment regulated by this chapter may inform persons violating this chapter of the appropriate provisions thereof.

(4) Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter. [Ord. 637-93, 4-27-93. Prior code § 9-101].

**8.25.060 Violations and penalties.**

(1) It shall be unlawful for any person who owns, manages, operates, or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

(2) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

(3) 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. [Ord. 637-93, 4-27-93. Prior code § 9-102].

#### **8.25.070 Nonretaliation.**

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this chapter. [Ord. 637-93, 4-27-93. Prior code § 9-103].

#### **8.25.080 Other applicable laws.**

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. [Ord. 637-93, 4-27-93. Prior code § 9-104].

#### **8.25.090 Severability.**

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. [Ord. 637-93, 4-27-93. Prior code § 9-105].

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**The Willows Municipal Code is current through Ordinance 721-16, passed February 9, 2016.**

Disclaimer: The City Clerk's Office has the official version of the Willows Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 8.14 - REGULATION OF SMOKING AND SECONDHAND SMOKE<sup>[1]</sup>**Sections:**

*Footnotes:*

*--- (1) ---*

**Editor's note**—Ord. No. 2014-04, adopted May 5, 2014, amended Ch. 8.14 in its entirety to read as herein set out. Former Ch. 8.14, §§ 8.14.010—8.14.060 pertained to similar subject matter, and derived from Ord. No. 2012-01.

## 8.14.010 - Purpose.

In order to serve 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.

(Ord. No. 2014-04)

## 8.14.020 - 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 formed for profitmaking purposes, or for nonprofit purposes, including, but not limited to, retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are 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.

"E-cigarette" or "electronic cigarette" may be defined as including the following: any device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined in California Health and Safety Code section 119405(b), as that section may be amended from time to time.

"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 e-cigarettes. "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 e-cigarette, or a lighted smoke inhalation device of any kind that generates smoke of any kind, from tobacco, marijuana, or any other weed or plant.

(Ord. No. 2014-04)

#### 8.14.030 - Smoking prohibited.

Smoking is prohibited within twenty (20) 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 (20) feet of any building owned, controlled and/or maintained by the city.

(Ord. No. 2014-04)

#### 8.14.035 - 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 withdraw any such designation.

(Ord. No. 2014-04)

#### 8.14.040 - Smoking waste prohibited.

No person shall dispose of lighted or unlighted cigars or cigarettes, or cigar or cigarette butts, or

any other tobacco-related waste, within twenty (20) feet of any entryway.

No person shall dispose of lighted or unlighted cigars, cigarettes, e-cigarettes 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.

(Ord. No. 2014-04)

#### 8.14.050 - 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.

(Ord. No. 2014-04)

#### 8.14.060 - 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.

Each incident of smoking in violation of this chapter is an infraction subject to a twenty-five dollar (\$25.00) fine.

Each incident of prohibited disposal of smoking waste in violation of this chapter is an infraction subject to a twenty-five dollar (\$25.00) fine.

Violations of this chapter are subject to a civil action brought by the city, punishable by a civil fine not less than twenty-five (\$25.00) and not exceeding one hundred dollars (\$100.00) per violation.

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

(Ord. No. 2014-04)

**AGENDA ITEM**

March 22, 2016

**TO:** Honorable Mayor Hanson and Members of City Council

**FROM:** Wayne Peabody, Interim City Manager

**SUBJECT:** Communications System

**RECOMMENDATION**

Appoint two members to an ad-hoc Community Communication Sub-Committee to identify possible solutions.

**SUMMARY**

In late 2012 part of the banner pole system failed. The City Engineer provided plans/drawings for new banner poles. Based on the plans in 2012, the cost to fabricate & install new poles is estimated at \$7,300. With new technology and seeing what neighboring communities have done or are doing, I believe there may be other opportunities, with more efficient ways to share community messages and events.

It is our hope that we can develop an ad hoc sub-committee to process and bring this item to a successful conclusion.

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**RECOMMENDATION**

Appoint two members to an ad-hoc Community Communication Sub-Committee to identify possible solutions.

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Respectfully submitted,



Wayne Peabody  
Interim City Manager

Attachments: None