

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD March 22, 2016

1. Mayor Hansen called the meeting to order at 7:01 p.m.
2. **PLEDGE OF ALLEGIANCE:** Vice Mayor Yoder led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Domenighini, Mello, Williams, Yoder & Mayor Hansen.

Absent: None

Mayor Hansen requested those present at the meeting to observe a moment of silence for Reverend Gregg Nolta who passed away on March 17.

4. **Presentations & Proclamations:** None

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

- April Hine, Glenn County Friday Night Live Coordinator, gave the Council a brief report about the increase of tobacco use by the youth in Glenn County over the last four years. She stated that many cities have either recently adopted or are looking to create and adopt ordinances that regulate tobacco retail and tobacco licenses and creation of buffer zones to attempt to reduce youth access to tobacco.
- Dan Roach, the self-appointed Glenn County Veterans' Group leader for "The Wall that Heals" thanked the City for the hosting of "The Wall" and for the Proclamation that the Mayor presented during the opening ceremonies. He stated that the event was very successful and turned out much better than he had imagined.
- Doug Ross, Willows resident and writer for the Sacramento Valley Mirror, reported to the Council that he has recently noticed an upsurge of animals running at large in the City.
- Jamie Millen, President of the Willows Chamber of Commerce, reported on recent and upcoming City and Chamber events, activities and fundraisers.

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 (30657-30674; 33300-33328; Z07119-Z07157; 36000-36022).
- b) Approval of the Minutes of 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 - Appeal File Number 16-01 for Michael & Monica Schwenne's appeal of the Planning Commission's February 17, 2016 decision to require covered parking for property located at 459 N. Tehama Street – APN 005-403-012 (Use Permit Number 16-02):

City Planner Karen Mantele gave the Council a short summary of this item, explaining that Michael and Monica Schwenne brought a Use Permit application before the Planning Commission during a public hearing held at the Planning Commission's February 17, 2016, meeting. After hearing staff's reports, applicant comments and public input during that meeting, the Commission adopted a resolution granting approval of the Conditional Use Permit to establish residential use at this property, with final conditions of approval. As part of the conditions of approval, condition #6 stated "*On-site parking shall be provided in accordance with the City parking regulations Sections(s) 18.120.020(1)(a) and 18.120.050 prior to establishing the residential use*". Mr. & Mrs. Schwenne filed an appeal to the Commission's decision to require this condition to meet the parking code.

The public hearing to hear the appeal was held by the City Council on March 8, 2016. At that meeting the Council heard staff's report regarding the points of the appellant's letter of reasoning for the appeal. The public hearing was opened and the appellant spoke to the Council about his reasons that he felt he should not be held to comply with the garage requirement to satisfy condition of approval number 6 of the approved Use Permit to satisfy the parking requirements for the residential use granted to him by the Commission. After hearing from staff, the public, the appellant and having lengthy Council discussion it was the unanimous consensus of the Council to continue the public hearing to the next regularly scheduled Council meeting in order 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 Attorney's determination has been provided to the Council. The determination essentially stated that the Council has the authority to either overturn or uphold the Commission's decision. Additionally at the March 8 City Council Meeting the Council also requested that they be provided with a copy of the Planning Commission minutes from the February 17 meeting. Ms. Mantele provided a copy of the approved minutes to the City Council.

Mayor Hansen re-opened the public hearing at 7:28 p.m.

Bob Griffith, Vice Chair of the Planning Commission, addressed the Council and stated that he felt the Planning Commission did their due diligence with the approval of the Schwenne Use Permit, including the decision of the Commission to hold the applicant to the condition of approval to meet the City's parking requirements that the applicants are appealing. He is in favor of the Council upholding the Planning Commission's decision.

Willows resident and former City Council Member & Planning Commissioner Terry Taylor-Vodden addressed the Council. She advised the Council that the Planning Commission is the enforcement agency for City Planning issues and they have laws and rules that they have to adhere to and compliance is their goal as a Commission. She also stated that it was mentioned at one point that this property is to be a "low income" rental. She argues that low income doesn't mean that the renters shouldn't be entitled to market-rate amenities, and further, low income

individuals should have the benefit of an enclosed parking structure for a vehicle and other storage. She urged the City Council to uphold the Planning Commission decision and to require the applicant to comply to the City's parking codes for residential properties.

Hearing no additional comments from the public, Mayor Hansen closed the public hearing at 7:34 p.m.

Council discussion ensued. Council Member Mello stated that he was in favor of upholding the Planning Commission decision based on current City Zoning Codes.

Council Member Williams stated that he can understand both sides of this situation, but he feels the requirement to construct a garage would be a financial hardship on the applicant.

Vice Mayor Yoder thanked the City Attorney for his legal opinion on clarifying what the City Council's role is in an appeal of a Planning Commission decision. He also stated that Mrs. Taylor-Vodden had a valid point about having a garage for the storage of personal items. However, that said, he also agrees with Council Member Williams in that this would be a financial burden to the applicant.

Council Member Domenighini stated that he sees the clear-cut logic of the Planning Commission's decision and that it was clearly based on current City Codes and it is his intent to uphold their decision.

Mayor Hansen stated that he also understands both sides of this issue. He stated that he feels the applicant has done a nice job upgrading the structure thus far and he understands that the construction of the garage would be a financial hardship to the applicant. However, the bottom line is that there is adequate space available at the property for the applicant to construct a parking structure and he doesn't believe that a financial issue is a valid reason to overturn the Planning Commission's decision which was determined based on current City Zoning Codes. He believes that the Planning Commission made the right decision.

Mayor Hansen then asked what the pleasure of the Council is on this item. **M/S – Domenighini/Mello** to adopt a Resolution 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; APN 005-403-012. The motion passed 3/2 on a roll-call vote with Council Members Domenighini, Mello and Mayor Hansen voting Aye and Council Member Williams & Vice Mayor Yoder voting Nay.

8. **Ordinances:** None

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

- a) Interim City Manager Peabody gave the Council a brief update on the status of ambulance services in the City. He is currently a member of a group that 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 they can analyze the date for compliance with State and Nor-Cal EMS standards. He explained that future Council obligations would likely 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 legislative requirements to qualify a measure for voter consideration.

- b) Council Member Mello stated that he wanted to run a suggestion by the Council to look into some type of funding mechanism for a beautification project on South Highway 99 to the Basin Street Property. Vice Mayor Yoder agreed, as this is something that he has desired to see done for quite some time.

10. New Business:

- a) Direct staff regarding possibly updating tobacco related ordinances within the City of Willows Municipal Code:

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. SWAT members provided information pertaining to the prevalence of tobacco use in the parks, the dangers to not only the users, but others around the user, and 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 2011 the Orland High School chapter of SWAT provided a similar presentation to the Orland City Council. The ultimate 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 was included in tonight's agenda packet for Council's review.

Council discussion ensued and it was the unanimous consensus of the Council to direct staff to bring forth an Ordinance at the next meeting that would prohibit the use of tobacco products in all City parks.

- b) Communications System subcommittee formation:

In 2012 part of the City's downtown banner pole system failed. Subsequently the City Engineer provided plans and drawings for new structurally engineered banner poles to be

installed. The estimated cost for this was approximately \$7,300. With today's new technology and seeing what neighboring communities have done or are doing for advertising, there may be other opportunities with more efficient ways to share community messages and events. Interim City Manager Peabody is requesting two members of the Council to volunteer to serve on a subcommittee to review options and bring this item to a successful conclusion.

Council discussion ensued and it was ultimately determined that Council Members Mello and Williams would serve on this subcommittee.

11. Council Member Reports:

- Council Member Williams reported that he attended a Social Services Transportation Advisory Meeting on March 9. He also attended the Regional Transit Meeting on March 17.
- Council Member Domenighini reported that he attended the last LAFCO meeting a few weeks ago. He also reported that the next Library Board meeting will be held on April 14 at the Bayliss Library.

12. Executive Session: None

13. Adjournment: Mayor Hansen adjourned the meeting at 8:24 p.m.

Dated: March 22, 2016

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider