

# *Williams City Council Minutes*

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810 E Street / P.O. Box 310, Williams, CA 95987

Regular Meeting of the City Council  
March 11, 2009  
*Minutes*

The City Council of the City of Williams met the 11th day of March, 2009 at the hour of 6:00pm.

1. ROLL CALL:

PRESENT: Councilmembers John Troughton Jr., Don Barker, Angela Fulcher, Eddie Johnson, and Mayor Patricia Ash.

ABSENT: None.

ALSO PRESENT:

James Manning, City Administrator  
Ann Siprelle, City Attorney  
James Saso, Chief of Police  
Wes Goforth, Director of Public Works  
Rene Miles, City Clerk

Others: David Miles, David Guttman, Belinda Titus, Peter Rodrigues, Peter Garcia, Twila Garcia, Sunny Bhim, Sarvan Singh, Pamm Stadick.

2. Mayor Ash opened the meeting at 6:00pm leading with the Pledge of Allegiance.
3. Mayor Ash declared time for a period of public comment.

Mr. George Lewis addressed the Council regarding graffiti removal within the City, submitted attached Exhibit A for the record, and urged the Council to address this issue.

Ms. Pamm Stadick addressed the Council regarding the property commonly known as "Garrison's" located at 609 E Street in Williams. Ms. Stadick requested that the Council consider a parking variance so she could obtain a current business license and make it possible to resume business at that location. Mayor Ash inquired regarding this and the City Administrator responded by stating that Ms. Stadick would need to bring this issue before the Planning Commission for approval. City Attorney, Ann Siprelle, added that if her request was denied by the Planning Commission, Ms. Stadick could appeal the denial to the City Council, but if it was approved there would be no need to bring the issue back to the City Council. Ms. Stadick's comments, as well as permission granted for the use of two parking spaces by a neighboring business are entered into the record as attached Exhibit B.

Mr. David Guttman addressed the Council to request that the City put a stop sign and cross walk at the corner of 10<sup>th</sup> and C Streets, due to safety issues with children from nearby schools and the elderly from a nearby residential care home. Mayor Ash inquired regarding this and Mr. Manning indicated that he would work with the Police Chief to complete a traffic study to determine necessity. Mr. Guttman submitted a petition signed by 13 local residents to be entered into the record as attached Exhibit C.

After hearing no further comments, Mayor Ash closed the period of public comment.

4. Mayor Ash declared time for approval of the Consent Agenda Items a and b. No Treasurer's report was available this month. Councilmember Fulcher moved to approve the Consent Agenda as is. Motion seconded by Councilmember Barker. Motion carried by the following vote:

Ayes: Councilmembers Troughton Jr., Barker, Fulcher, and Mayor Ash.

Noes: None.

Abstain: Councilmember Johnson due to being absent from the prior meeting.

5. Ms. Aguayo addressed the Council and public regarding Ordinance 170-09 Amendment to Chapter 17.36, 17.40, 17.44, and 17.48 of the Williams Municipal Code regarding maximum building heights. This ordinance would amend maximum building height to 60 feet, to accommodate buildings up to four stories high. This is made possible due to the Williams Fire Department's purchase of a new ladder truck. A public hearing was properly noticed.

Mayor Ash opened a public hearing. After hearing no comments from the public, Mayor Ash closed the public hearing.

Councilmember Barker moved to read by title only, waive further reading and adopt Ordinance 170.09. Motion seconded by Councilmember Johnson. Motion carried by the following vote:

Ayes: Councilmembers Troughton, Jr., Barker, Fulcher, Johnson, and Mayor Ash.

Noes: None.

Abstain: None.

6. Ms. Aguayo addressed the Council and public regarding the applicants for the two Planning Commission vacancies, Ed Davis and David Miles. Both applicants met the requirements. Councilmember Troughton, Jr. inquired whether or not Mr. Miles would have a conflict of interest being a volunteer with the Fire Department, and it was determined by Mr. Manning and Ms. Siprelle that a conflict of interest would not exist by having Mr. Miles on the Planning Commission. It was moved by Councilmember Troughton, Jr. and seconded by Councilmember Johnson to appoint Ed Davis and David Miles to the Planning Commission, each for four-year terms. Motion carried by the following vote:

Ayes: Councilmembers Troughton, Jr., Barker, Fulcher, Johnson, and Mayor Ash.  
Noes: None.  
Abstain: None.

After being appointed, David Miles took the Oath of Office and was sworn in by the City Clerk. Ed Davis was not present at this meeting, so he will be sworn in before participating in the next Planning Commission meeting.

7. Mayor Ash declares time for reports.

City Attorney: Nothing to report.

City Clerk: Council Handbook draft almost complete; it will be ready for first review within the next 1-2 weeks.

City Treasurer: Not present.

8. Mayor Ash declares time for Council Reports and Committee Updates:

Councilmember Troughton Jr.: Gave updates on committees and projects.

Councilmember Barker: Gave updates on committees and projects.

Mayor Pro-Tem Fulcher: Nothing to report.

Councilmember Johnson: Gave updates on committees and projects.

Mayor Ash: Gave updates on committees and projects. Also, Mayor Ash thanked Morningstar Packing Co. for being so involved with the community.

9. Mayor Ash declares time for Staff General Reports and Discussion.

City Administrator: Gave updates on business and projects. After inquiring about the salary survey that should have been completed by now, Mayor Ash requested that Ann Siprelle, City Attorney, follow up with the agency that is performing the survey for results.

City Finance Officer: Not present.

Police Chief /Code Enforcement: Report given by Chief Saso. Also, Chief Saso requested that Council consider recognizing Officer Renea Garcia for his achievements with local youth and involvement in the community. Mayor Ash requested that Renea Garcia be recognized at the next Council Meeting and directed the City Clerk to add it to the agenda for next month. In addition, Chief Saso announced that a Police Community Meeting will be held April 2<sup>nd</sup> at 7:00pm at City Hall.

Fire Chief:

Report given by Councilmember  
Barker.

Public Works:

Report given by Wes Goforth.

Mayor Ash adjourned the Open Session at 6:43pm to reconvene in Closed Session immediately following.

CLOSED SESSION started at 6:45pm.

Council returned from Closed Session at 7:25pm. There was no announcement following the Closed Session.

Mayor Ash adjourned the meeting at 7:25pm.

Approved: \_\_\_\_\_  
Patricia Ash, Mayor

Attest: \_\_\_\_\_  
Rene L. Miles, City Clerk

# EXHIBIT A

march 11, 2009

## Memorandum

To: Mayor Pat Ash, Williams City Council  
From: George Lewis  
Date: March 11, 2009  
Subject: Authorization to remove graffiti

### I. Definition of Problem:

There is a need for new regulations governing signs (yard, political, other) placed on street, or policy as set by the City Council.

- A. Individual citizens may not take nuisance abatement into their own hands (summary abatement) without proper authority.
- B. Graffiti on city street rights-of-way may be removed by city officials if applied to city street signs.
- C. Graffiti on private utility poles can be removed by employees of a utility company or any citizen or city employee authorized by a utility.
- D. Authority must be granted the city council (with approval of the utility companies), if citizens are allowed to remove such graffiti. Such authority carries with it indemnification.

### II. Evidentiary Basis Defining Problem:

Section 731 of the Code of Civil Procedure allows for a **court** to order the removal of graffiti.

- A. Section 556-556.4 of the Penal Code includes the following:  
"It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away."
- C. Section 594 of the Penal Code allows the **court** to:
  - a. order the cleanup, repair, or replace damaged property,
  - or
  - b. order the defendant, and his or her parents if the defendant is a minor, to keep the damaged property or another specified property in the community free of graffiti for up to one year.
- D. Section 38772 of the Government Code places the city legislative body (**City Council**) as the enforcement body against graffiti.
- E. Section 38773.7 of the Government Code states "The legislative body (**City Council**), by ordinance, may regulate...."
- F. Section 34 of the Public Utilities Commission, General Order 95 considers signs attached to utility poles as graffiti.

- G. No where in city ordinance is a person allowed to remove what another person has put up unless they are an agent of the city, state or a utility company. The same is not true where graffiti has been applied to private property. The property owner only has to give permission for it to be removed before summary abatement may occur. A private utility company such as Frontier Communications or PG&E can give permission to anyone to conduct summary abatement.
- H. Courts have rejected the idea that aesthetics is more important than free speech especially when the site is on public property. A person may pass out handbills or post signs on public property without the permission of government. However, government can:
  - a. define the types of signs that can be posted on public property.
  - b. limit a signs location because of safety reasons.
- I. Summary abatement or the immediate removal of graffiti should be described in detail in a city ordinance; e.g. the City's Nuisance Abatement Ordinance, or Sign Ordinance.

- III. Alternatives: The following alternatives need to be considered:
- a. Launch an education campaign against graffiti.
  - b. Apply existing nuisance ordinance provisions, if enforceable; e.g. state laws (PC 556) makes the person who profits from graffiti responsible even though they may not have put their sign upon city property (street RW).
  - c. Rely upon the existing city code enforcement effort; cite one or more violators under the City's Nuisance Abatement Ordinance.
  - d. Strengthen the existing nuisance ordinance by allowing summary abatement. There is a current Williams' ordinance that adopts the Uniform Sign Code.
  - e. Adoption of an anti-graffiti ordinance (see example).
  - f. Allow summary nuisance abatement by a committee appointed by the City Council with powers to immediately act to remove graffiti.

- IV. What are the goals: What are the goals of a graffiti elimination program?
- a. Issue one or more citations by the city-this would be one way of getting the word out to violators especially if court order penalties are reported in the media.
  - b. Use Comcast, newspapers or brochures to inform the public not to use graffiti.
  - c. More citizen involvement in cleaning up graffiti; i.e. more citizen involvement in cleaning up the city and keeping it clean, and publicizing those efforts.
  - d. Generate private funding to pay for a summary nuisance abatement program.

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- V. Outcome Projections: Results from a proactive graffiti abatement program include:
- a. A few pissed off people; i.e. those people whose signs are removed from city streets.
  - b. A cleaner looking community.
  - c. Funding from utility companies, citizens and businesses for a summary nuisance abatement program. Utility companies may provide funding because sign fasteners represent a safety problem when employees have to climb a pole.
- VI. Trade-Offs: Public policy can contain an action for which there is a reaction. A stronger graffiti summary abatement program would create the following reactions:
- a. No distinction is made about what types of signs are posted in city street rights-of-way; there is an absolute prohibition, and city standards clearly define (diagram) what signs are allowed on city street rights-of-way. The city is not allowed to make exceptions for non-profit organizations, but may include very specific other signs in its design standards.
  - b. Complaints from those people who put up yard, political or other types of signs. It would be an admission of creating a nuisance if anyone publicly complained, but behind the scenes, elected officials may lose some votes.
  - c. A more proactive approach to solving the problem, and a less reactive method.
  - d. Creating accountability from code enforcement.
  - e. Greater respect for other people's property from those people who act without thinking.
  - f. By allowing a citizen committee to conduct graffiti summary abatements, there would be less cleanups required by city personnel or private utility companies.
  - g. There maybe some initial city resources invested in this process; e.g. legal fees, cleanup tools. The initial investment could be off-set by other long term funding sources. The city would also be paying for city employees to take the time to remove graffiti.
- VII. Proposed Public Policy:
- An ordinance enacted by the City of Williams that allows a committee appointed by the City Council to summarily remove graffiti, or
- A resolution by the City Council stating that city employees are directed to summarily remove graffiti.
- Or both of the above.

# EXHIBIT B      march 11, 2009

Madam Mayor and Members of the Council, thank you for allowing me to speak at this Public Comment.

My name is Pamm Stadick and I have been working since 2005, to relocate my Portland, Oregon business of 7 yrs, to Williams. My task has been a tedious and time consuming goal. I am a former Williams resident and believe my shop would be a valuable asset to the community and it's revitalization. I hold 1/3 interest in the Garrison Surplus building located next to the Williams Arch. ADDRESS 609 E ST

Initially approaching the city in 2005, to request a business license, I was given a list of fire chief and building inspector requirements that needed to be met. Upon their recommendation, I agreed to re-partition off 555 square feet as a Phase I project. That area at one time, was it's own building within the Garrison building. The intention was to have a smaller store that could be opened sooner than later.

I obtained the proper building permit, met it's requirements, kept it updated and have my Project Application on file. My site plan is also on file identifying exits, main shut off points for gas and electrical, and their layout, along with an Owner Information sheet.

In April 2008, ready for my final walk through, I approached the city again for my Business License application. I was given the application and was met with much resistance. I was informed that I needed off street parking. I don't know when this went into effect. I requested the necessary information for meeting those requirements and they said they would get back to me. Three months passed without hearing from anyone, so I returned to city hall. I acquired a copy of the city parking ordinance and found the requirement to be: one off street parking space for every 300 sq foot of store space to be opened. For now, I would need 2.

My building was built around 1923, without off street parking. It is a corner lot and has at least 10 on street parking spaces that do not conflict with any other businesses. It would be logical to me that any building built prior to 1960 or so, would be under a grandfather law, for parking requirements, as it is for other original building mechanics. If this had been one of the original

requirements presented to me in 2005, I don't believe I would have continued my quest to be open in Williams.

Inquiring for help as to where to acquire bids and information on having the work done, I was turned away and left to figure it out on my own. Williams doesn't employ or have businesses that can do the necessary work for the completion of a parking lot. All work must be hired from outside of Williams. Most cities offer a public parking facility, Williams does not at this time.

Everyone is aware of the peril of our existing economy. The verbal guesstimations for the parking work to be done, would be an overly burdensome \$20-\$30 thousand dollars, not including the property. I don't know what kind of income will be generated at this new location for me. I have not been successful in opening this store in a timely manner, so it is imparitive that I retain my current employment. Doing so, would limit my hours of store operation to: Friday, Saturday, Sunday and some holidays, then 5 days a week June through August.

If it would at all be possible to ask for a parking variance, permission has been granted to me by Kevin Dennis, Depue Warehouse owner, for my 2 required parking spaces, in his parking area located directly across the street from my intended business.

In closing, I feel that I have done everything in my power to open my shop and have been frustrated at every turn, I have been to city hall on several occasions and due to what I perceive as a personality conflict can't seem to get anywhere. When I am working on the building I have many people stop and inquire of the status of it's possible opening. Not only would revenue be generated for the city, the job I do hold now, will gainfully employ someone else who needs one.

I would like to request to be put on next month's agenda, allowing me to speak to city council, in hopes of finding a resolution.

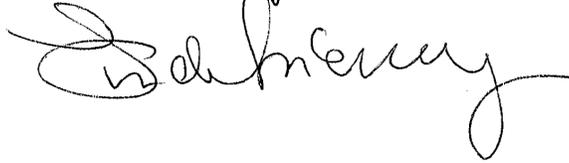
Thank you for your time and consideration.

March 11, 2009

I give my permission for Pam Garrison Stadick to use two parking spaces in the Depue Warehouse parking lot located at 618 E. St in Williams.

Kevin Dennis by

Kevin Dennis

A handwritten signature in cursive script, appearing to read "Bob Incey". The signature is written in black ink and is positioned to the right of the printed name "Kevin Dennis".

# EXHIBIT C

March 11, 2009

## Petition for stop sign and crosswalk at 10<sup>th</sup> and C streets

We the citizens of Williams CA come before this city council to ask for a stop sign and cross walk at the corners of 10<sup>th</sup> and C streets. We deem this a safety necessity as there many children crossing at these corners four times daily during school. There are also elderly crossing from Countryside Manor care home. The traffic on 10<sup>th</sup> street often speeds and we have been witness to many a close call. Will there have to be an accident before the obvious solution is taken.?

David Guttman	David Guttman	282 10 <sup>th</sup> St
Ellen Beckom	Ellen Beckom	282 10 <sup>th</sup> St.
Nancy Bertram	Nancy Bertram	282 10 <sup>th</sup> St
MARSHLENE K. STONE	Marshlene K. Stone	282 10 <sup>th</sup> St
Ed Gessner	Ed Gessner	282 10 <sup>th</sup>
Betty Wujcinski	Betty Wujcinski	282 - 10 <sup>th</sup>
Carleen M. Conrado	Carleen M. Conrado	282 10 <sup>th</sup> street
Jennifer Mobley	Jennifer Mobley	282 10 <sup>th</sup> St William
Guillermo Encinas	Guillermo Encinas	175 N. Villa #21 Willows
Olivia Lander	Olivia Lander	282 10 <sup>th</sup> Williams
Mary White	Mary White	282 10 <sup>th</sup> S Williams
Sunny Shim	Sunny Shim	275 10 <sup>th</sup> WILLIAMS
KAMILA SHIM	KAMILA SHIM	275 10 <sup>th</sup> WILLIAMS