



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, October 5, 2010
6:30 p.m.
AGENDA

Members of the City Council

*Woody Fridae, Mayor
Cecilia Aguiar-Curry, Mayor Pro-Tempore
Harold Anderson
Michael Martin
Tom Stone*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, September 21, 2010 (pp 1-6)
- B. Street Closure Request – Winters High School Homecoming Rally (pp 7-10)
- C. Resolution 2010-52, A Resolution of the City Council of the City of Winters Authorizing Submittal of An Application to the California Energy Commission's EECBG Program for Funds to Execute an Energy Efficiency Project (pp 11-13)

PRESENTATIONS

1. Update-Public Safety Facility (pp 14-15)

DISCUSSION ITEMS

1. Community Dinner Fee Waiver Request (No Backup)
2. Fire Alerting System, Station BDA, and Base VHF Radio System for Fire/Police Public Safety Facility (pp 16-28)
3. Accidental Firearm Discharge (pp 29-40)

COMMUNITY DEVELOPMENT AGENCY

- 1.
-

CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the October 5, 2010 regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on September 29, 2010, and made available to the public during normal business hours.

Tracy Jensen for Nanci Mills
Nanci G. Mills, City Clerk

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Wednesday at 10:00 a.m.

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Minutes of the Regular Meeting of the Winters City Council
Held on Tuesday, September 21, 2010

Mayor Fridae called the meeting to order at 6:30 p.m.

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin, Tom Stone and Mayor Woody Fridae.
Absent: None
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Grant Writer Dawn Van Dyke, Administrative Assistant Tracy Jensen.

Charley Wallace led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said the Proclamation honoring the Winters Historical Committee is being moved to the October 5th or October 19th City Council meeting. Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the agenda with said change. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry recently attended the League of California Cities annual conference in San Diego and thanked the City and Chamber of Commerce for sending her. She attended many great classes and met with a representative from the California Redevelopment Agency and discussed the City's strategic plan. She also spoke of the City's successful transmission line opposition. Bill Marble of Woodland was named the new League of California Cities President, and Ms. Aguiar-Curry was named the new Chairman of Environmental Policies. The Festival de la Comunidad is this Saturday, September 25 from 5-10pm. Everyone in the community is welcome to attend.

Council Member Anderson attended an Affordable Housing Steering Committee meeting at City Hall on 9/8, a SACOG board meeting on 9/9, and a LPCCC meeting in Davis on 9/13. Council Member Anderson also attended a Yolo County Transportation District meeting where Terry Bassett, the Director of Administration, was selected to go on a prestigious fact-finding meeting to Washington D.C. and then on to Africa, where they will review the transportation system used during the

recent World Cup soccer tournament. Council Member Anderson also attended the League of California Cities annual conference with Cecilia, where he attended a Transportation Committee Policy meeting, and on 9/20 attended a WPCC meeting, where policies and procedures were discussed, as well as handicapped access to the amphitheater. He also reminded everyone of the Putah Creek Clean-Up to be held this Saturday, 9/25.

Council Member Stone is working on the Community Dinner, which will be on November 21, the Sunday before Thanksgiving. Over 700 dinners were served last year and more are anticipated this year. Candidates Night will be held on 9/23 at the WHS gym, and Council Member Stone will be attending a Town-Gown Conference on 10/7-10/8, where they will explore the partnership between Universities and Cities.

Mayor Fridae reminded the public of the Special City Council meeting scheduled for Wednesday, September 29 at 6:30 p.m., where the appeal of the Planning Commission's decision on August 10, 2010 will be heard.

PUBLIC COMMENTS: Jon Tice, 1041 Kennedy Dr., questioned the safety of the gas lines that run through town and along Valley Oak Drive. He requested a detailed response from the City as to when the lines were last inspected, what the results of the inspection were and the frequency of inspections. The 36" and 42" gas lines were installed 20 years ago. He also requested speed bumps on Valley Oak Drive, as this is the longest, straightest residential street in town. He noted the anonymous letter submitted to the Express last week was "spot-on" and asked Council to follow their own rules. Regarding the future of the swimming pool, he provided to Council a binder containing ideas to make the pool more self-sufficient in the future.

Charley Wallace thanked the Council for following the rules. He asked about the recent Police Department shootings, saying there was no press report and there should be some mechanism in place to trigger a report when an accidental discharge occurs. The public should know and a report should be provided to the City Council at an open meeting. If there is nothing in place, a policy should be created and placed on the agenda to inform the public. Council Member Aguiar-Curry asked that this item be brought forward as an agenda item to a future meeting.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, September 7, 2010
- B. Amplified Sound Permit for Hispanic Advisory Committee Festival de la Comunidad
- C. Street Closure Request – Buckhorn Car Show

- D. Resolution 2010-50, a Resolution of the City Council of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)

City Manager Donlevy gave an overview. Motion by Council Member Martin, second by Council Member Stone to approve the Consent Calendar. Motion carried unanimously.

PRESENTATIONS

A Proclamation of the City Council of the City of Winters Honoring the Life of Frank A. Ramos for his Outstanding Service

Mayor Fridae read into record the Proclamation honoring Frank A. Ramos and presented the Proclamation to his wife, son and daughters.

A Proclamation of the City Council of the City of Winters Honoring the Winters Historical Committee – Moved to the October 5th or October 19th City Council meeting.

DISCUSSION ITEMS

1. Speed Control Options at Railroad Ave. and Russell Blvd.

Council Member Stone asked to bring this subject before Council to prompt a discussion regarding temporary speed control devices for the Railroad & Russell intersection as to not impact the bridge project. But after speaking with City Engineer Nick Ponticello, the upcoming bridge project will take care of the issue. Letters have already gone out to the residents in the area confirming this. It was noted the stationery police car has slowed incoming traffic.

2. Climate Change and Environmental Initiatives and Programs Update

City Manager Donlevy gave an overview, indicating that City Attorney Wallace advertised this item to include a public hearing, which will follow. Over the last few years, the City has made an effort to move forward regarding climate change. When the City adopted the General Plan in 1992, a concerted effort was made to address the environment and includes fourteen policies that relevant. At that time, the phrase "climate change" was not used, yet there were 13 different policies adopted by the City to address these issues. In 2008, the State adopted AB32, which is meant to specifically address greenhouse gases (GHG) in the environment. The State also adopted SB375, which is a land use planning companion to AB32. The

goals of these pieces of legislation are to legislatively begin a process of creating ways to address greenhouse gases in the environment. The lead agency and enforcement of AB32 is from the Air Resources Board and SB375 is enforced by the legislature and regional planning agencies like SACOG.

The Air Resource Board has identified 7 key causes of greenhouse gases, which include: transportation, electric power, commercial and residential fuel use, industrial uses, recycling and waste, agricultural and forestry.

Council Member Anderson asked if the Yolo Bus operations fit into the plan. City Manager Donlevy said yes, it will be added. While attending the League of California Cities annual conference, Council Member Anderson was reminded that we, as a City, had signed the Yolo Climate Change Compact. Council Member Aguiar-Curry asked if HEALS would be included. City Manager Donlevy replied yes, and said he had received a nomination form for the Blue Excellence Award. Council Member Aguiar-Curry said the City of Winters is ahead of the game and she's proud of it.

Mayor Fridae asked if the developers for any new projects will be held to the Energy Star standards. City Manager Donlevy said most are going that way. These standards are in demand and are expected, including solar energy. Council Member Aguiar-Curry added that a new National Green Building Standard code throughout the State of California has been approved. City Manager Donlevy said the State Department of Energy sets the requirements, which include two fundamental requirements: Energy Star and Solar requirements. Proposition 23 is trying to kill Proposition 32. (Prop 23 would suspend the implementation of Air Pollution Control Law (AB32) requiring major sources of emissions to report and reduce greenhouse gas emissions that cause global warming, until unemployment drops to 5.5% or less for a full year.)

In 2009, the City of Winters was recognized with SACOG's highest award for smart growth, the Blueprint Excellence Award, for implementing programs and projects which reflect key goals of addressing climate change and smart planning within the region. Examples include Downtown Master Plan, Form Based Code, and the Putah Creek Master Plan. One of the most important things in addressing climate change and addressing our own sustainability in the City of Winters is economic development. We must create jobs. Transportation and cars on the road, which includes those people driving from Winters to their jobs every day, represent 37% of the greenhouse gases.

Mayor Fridae opened the public hearing at 7:28 p.m. and closed the public hearing at 7:28 p.m. with no public comments.

Council Member Aguiar-Curry asked what if Prop. 23 passes? As per the League of California Cities, most cities have already implemented AB32 and are going forward with SB375 (Redesigning Communities to Reduce Greenhouse Gases), which could

be problematic. Council Member Aguiar-Curry thanked Ms. Van Dyke for pursuing and preparing the application for the Proposition 84 Grant for the Climate Action Plan.

3. Legal Services Agreement – Harriet Steiner

City Manager Donlevy gave an overview. Due to the appeal of the Planning Commission decisions regarding the Burger King/Arco project, it is necessary to obtain independent legal services, as the City Attorney and current legal representative Laura Hollander have advised the Planning Commission and cannot provide legal service for the appeal. Council Member Anderson asked that the date on the Agreement for Legal Services be changed from 9/21 to 9/29. Mayor Fridae asked if the City's cost of the appeal might be picked up by the developer. City Manager Donlevy said the City can't afford the appeal and has requested \$15,000 from the developer for legal representation and experienced consultants.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve the Legal Services Agreement (Harriet Steiner) and to correct the date within the agreement as discussed. Motion carried unanimously.

4. Supplemental Legal Services Review Committee

City Manager Donlevy gave an overview, requesting that one City Council member be appointed, along with the City Attorney and City Manager to serve on a committee to review the supplemental legal services being provided to the City. Motion by Council Member Aguiar-Curry, second by Council Member Stone to nominate Council Member Anderson for this appointment. Motion carried unanimously.

COMMUNITY DEVELOPMENT AGENCY

- 1. Resolution 2010-51, a Resolution of the Community Development Agency of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)**

Agency Chairperson Aguiar-Curry opened the meeting of the Community Development Agency at 7:42 p.m.

Grant Writer Dawn Van Dyke gave an overview and said this resolution will send a message of support from the CDA as well.

Motion by Council Member Stone, second by Council Member Martin, to approve Resolution 2010-51, a resolution of the Community Development Agency of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010). Motion carried with the following vote:

AYES: Agency Members Anderson, Fridae, Martin, Stone, Agency Chairperson Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

Agency Member Anderson pointed out that "In 2009-10 alone, the City of Winters was subject to the State's "borrowing" \$781,448 in Redevelopment funds and \$111,396 in General Funds."

Agency Chairperson Aguiar-Curry closed the meeting of the Community Development Agency at 7:45 p.m.

CITY MANAGER REPORT: There will be one carnitas cook-off entry for the upcoming Festival de la Comunidad that is healthier than the rest, which will be a non-fried alternative and is delicious. Mayor Fridae volunteered to help. Also, in response to Charley Wallace's request, a report will be provided to Council regarding the recent accidental gun discharges in the Police station, which are subject to an internal investigation. An internal policy will also be brought before Council. Mayor Fridae requested that Mr. Tice's request regarding the PG&E gas lines, when they were last inspected, the results of the inspection and how often the lines are inspected. Council Member Anderson added that the City needs to know where the check valves are and whether there is a safety feature in place to turn off the gas if needed.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 7:55 p.m., Mayor Fridae continued the meeting to September 29, 2010.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE : October 5, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Street Closure – Winters High School Homecoming Rally–October 8, 2010

RECOMMENDATION:

Approve street closure to allow for the Winters High School Homecoming Rally.

BACKGROUND:

The Winters High School will be holding its Annual Homecoming Rally on Friday, October 8, 2010 at the corner of Main and First Street.

Per the City's Street Closure Ordinance, it requires Council approval on identified streets on the attached form.

FISCAL IMPACT:

None by this action.

**CITY OF WINTERS
REQUEST FOR STREET CLOSURE**

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. For a parade or amplification an additional permit is required.

A request to close streets shall be filed with the Police and Public Works Departments at least ten (10) business days prior to the date the street would be closed

There shall be no closure of the following streets without Council approval:

1. Main Street
2. Railroad Avenue
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Requests to close these streets shall be processed in much the same manner except that the request shall be submitted to the Council by the Police Department. Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

ORD. 91-03 ART. 16

Name: Courtney Caruso Organization: WHS Student Gov.

Address: 101 Grant Ave Mailing address: same

Telephone: (530) 795-6140 Today's Date: 9/14/10

Streets Requested: 1st + Main / 2nd

Date of Street Closure: 10/8/10 Time(s) of Street Closure: 11:30-1:30

Description of Activity: downtown rally - Oct 8
floats, games, approx 550 students/staff @
intersection of 1st & main

Services Requested of the City: road blocks @ 1st/Main
intersections
road block on 2nd

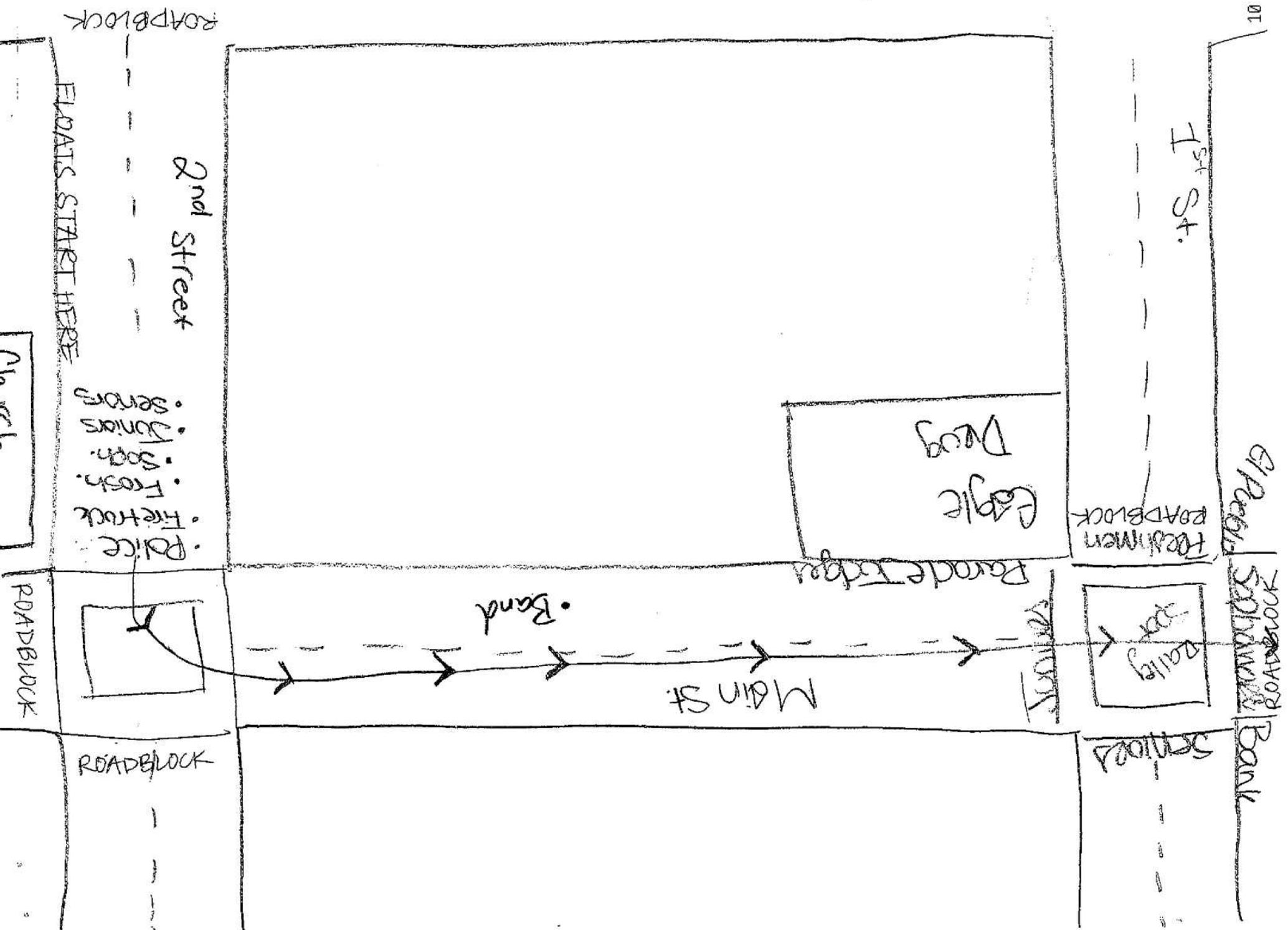
2nd
at

**CITY OF WINTERS
REQUEST FOR STREET CLOSURE**

Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure.

Name	Address	Signature
1. Daniel	47 main st.	<i>[Signature]</i>
2. Mike Bernu	41 main st	<i>[Signature]</i>
3. Patricia Lopez	43 Main St	<i>[Signature]</i>
4. Sun H Song	102 Main St	<i>[Signature]</i>
5. Duong Heung	104 MAIN ST	<i>[Signature]</i>
6. Gabriel Herrera	113 - Broadway	<i>[Signature]</i>
7. Elia Arce	106 Main St	Elia Arce
8. Elia Arce	43 Main St	Elia Arce
9. Eagle Dmc	101 main st	<i>[Signature]</i>
10.		
11.		
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22.		

Abbey St.





CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: Oct. 5, 2010

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Dawn Van Dyke, Management Analyst

SUBJECT: Resolution 2010-52 A Resolution of the City Council of the City of Winters
Authorizing Submittal of An Application to the California Energy Commission's
EECBG Program for Funds to Execute an Energy Efficiency Project.

RECOMMENDATION: That the City Council approve Resolution 2010-52 A Resolution of the City Council of the City of Winters Authorizing Submittal of An Application to the California Energy Commission's EECBG Program for Funds to Execute an Energy Efficiency Project.

BACKGROUND: The City of Winters has already received approval for this grant application and is in the process of executing the grant contract. The City was awarded \$38,830 through the California Energy Commission's (CEC) Energy Efficiency Block Grant (EECBG) program for electrical upgrades at City facilities. These upgrades include: new HVAC units at City Hall and the Police Department (318-A First St.), and electrical upgrades to various fixtures and systems at City Hall, the Community Center, the City Corp Yard, the Wastewater Treatment Facility, and the East Street Pump Station.

At the time the application was submitted in December of 2009, staff received a resolution from the City Council (2009-57) authorizing the application submittal. However, in the interim, the CEC sent an electrical auditor to assist staff and ensure that the funds would be spent most efficiently. This resulted in some changes to the original scope of work. As a condition of approval for the grant, the CEC has asked that the City revise the original resolution to match the actual scope of work.

FISCAL IMPACT: This will result in \$38,830 worth of energy efficiency improvements at various City facilities.

ATTACHMENT: Resolution 2010-52

RESOLUTION 2010-52

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA ENERGY
COMMISSION'S EECBG PROGRAM FOR FUNDS TO EXECUTE AN ENERGY
EFFICIENCY PROJECT.**

WHEREAS, the City of Winters recognizes that it is in the interest of the regional, state and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction; and

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission's EECBG Program for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the City of Winters, is eligible for EECBG funding under the California Energy Commission's EECBG Program; and

WHEREAS, the City of Winters is proposing to implement the energy efficiency project described in Exhibit A in order to qualify for EECBG funds from the California Energy Commission; and

WHEREAS, the City of Winters has considered the application of the California Environmental Quality Act to the approval of the energy efficiency project described in Exhibit A; and

NOW THEREFORE BE IT RESOLVED, that in compliance with the CEQA, the City of Winters finds that the approval of the energy efficiency projects described in Exhibit A is a "project" under CEQA that is exempt under Section 15301 relating to existing facilities.

Be it also resolved that the City Council of the City of Winters authorizes the submittal of the application to the California Energy Commission's EECBG Program for funds to execute the project described in Exhibit A.

BE IT ALSO RESOLVED that if recommended for funding by the California Energy Commission the City Council of the City of Winters authorizes the City of Winters to accept a grant award up to the amount of this application for \$38,830, and that the City Manager, acting for the City of Winters is hereby authorized and empowered to execute in the name of the City of Winters, all necessary contracts and agreements, and amendments, hereto, to implement and carry out the purposes specified in the application.

The foregoing resolution was passed by the City Council of the City of Winters this 5th day of Oct, 2010.

Effective Oct. 5, 2010.

Signed:

Woody Fridae, Mayor

Cecilia Aguiar-Curry, Mayor Pro Tem

Harold Anderson, Council Member

Mike Martin, Council Member

Tom Stone, Council Member

John W. Donlevy, Jr. City Manager

ATTEST:

Nanci Mills, City Clerk

Exhibit A

Energy Efficiency Block Grant funds will be used under the Equipment Purchase category for the purchase of a new HVAC to replace the existing units at City Hall and the Police Department. Additional funds will be used for the purchase of dual occupancy sensors, 2 lamp 28 watt T8 light fixture, LED exit signs, 85 watt induction lights, 400 watt induction wall pack, 200 watt induction cobra head for City Hall, Corp Yard, Wastewater Treatment facility, East Street Pump Station, Community Center electrical upgrades.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : October 5, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Bruce K. Muramoto, Chief of Police; Scott Dozier, Fire Chief
SUBJECT: Update of Police-Fire Facility

INFORMATION:

This is an informational report to update council on the status of the new Police and Fire Facility.

BACKGROUND:

The Public Safety Facility, Project No. 05-03, was established to design and construct a facility to house both Departments. On June 15, 2005, the City Council approved the selection of the site for the new facility. The site is located along West Main Street, north of Grant Avenue, off the future street being constructed with the Ogando-Hudson subdivision, and the land will be granted to the City with the Ogando-Hudson Final Map.

On August 4, 2009 the City Council authorized the following: (1) award a construction contract for the Public Safety Facility (Project 05-03) to Bobo Construction, Inc. in the amount of Six Million Three Hundred Sixty Six Thousand (\$6,366,000.00); (2) authorize expenditures in the amount of Eight Million Dollars (\$8,000,000.00) for the Project; (3) authorize the City Manager to execute the contract/payment up to Seventy Five Thousand Dollars (\$75,000.00) for Special Inspection services; (4) authorize the City Manager to execute the construction contract on the City's behalf.

On September 3, 2009 the City issued Bobo Construction a "Notice to Proceed" for the City of Winters Police-Fire Facility. On September 15, 2009 a "Pre-Construction Meeting" was held. Members of City staff and Bobo Construction were present at this meeting. Bobo Construction was given 260 working days to complete the project.

The Project is approximately 60% complete. The main and storage buildings have been erected and roofing is scheduled to be completed this week. Over 80% of the interior framing has been completed. Currently, mechanical systems, rough electrical and plumbing systems are being installed. We are also scheduled to have both emergency generators and fuel system installed during the month.

ALTERNATIVES:

None by this action

FISCAL IMPACT:

None by this action



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmember's
DATE: October 5, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Scott Dozier, Fire Chief
Bruce Muramoto, Police Chief
SUBJECT: Fire Station alerting, BDA system and base Fire and Police public safety base VHF radio system funding for the new Fire and Police Public Safety Facility

RECOMMENDATION: Staff is requesting approval for the expenditure of funds already encumbered under the original funding for the Winters Fire and Police Public Safety Facility in the total amount of \$106,612.99 to fully fund the station alerting system, the station BDA (bi-directional amplifier) system and the stations fire and police public safety VHF (very high frequency) radio system. Staff is also requesting that the Council authorize the City Manager to sign contract documents with the vendor.

BACKGROUND: Staff is recommending that Com Tech be awarded the three bids on a sole source bases. The Com Tech 10 Station Alerting system that is proposed is proprietary to Com Tech and is pretty much the standard used throughout the fire community in this area. It is a time tested system that has proven itself in real life service in many fire stations not only in Yolo County, but fire and military fire facilities around the United States. The station alerting system will meet the needs of the fire department now and has the ability for expansion if needed in the future. The system will alert the occupants of the station to any alarms that may be received. This includes both audio and visual alerting of the station.

The BDA system will allow for clear and concise transmissions and reception from within the station for the public safety portable VHF radios and cell phones. Staff conducted studies as to how well the VHF and cell phone coverage was and it was determined that the coverage for both system (VHF and Cell) was very poor in the area of the new facility thus requiring the need for a signal booster system, which is what

the BDA system will accomplish.

The public safety VHF system is a standard communications system including antennas, cabling, lightning protection, tone remotes, racking, and un-interruptible power supplies. Staff feels that as much as Com Tech is the service provider for the County emergency communications network at YECA (Yolo County Communication Authority) and has done work for the City and District and they are well informed as to how our system works that they should be awarded this contract as well. By awarding the three contracts to Com Tech this will provide one stop shopping for the city and a one point contact should something needs to be changed or updated either now or into the future.

Attached is a copy of the project scope from Com Tech that will cover all aspects of the three systems. Staff will be available at the council meeting to answer any questions regarding the above, should the need arise. Please feel free to contact me at the station if needed.

FISCAL IMPACT: There will be no fiscal impact to the general fund in as much as the funding for the three projects have been integrated in to the over all cost of the facility.



Project Scope

Winters FD
Chief Scott Dozier
10 Abbey St
Winters, CA. 95694
(530) 795-4131

7/30/10

Dear Chief Dozier,

The following is a brief system description of what ComTech is proposing for the City of Winters Fire and Police Station.

The ComTech 10 System Hub is the primary component of the alerting system. It is capable of 3 radio/audio sources and 1 data path for alerting. The proposed system will be configured for whole station alerting utilizing a single radio VHF radio source: (Green Fire). Decoders will be utilized with appropriate pre alert messages.

The system is configured for day/night volume control. This includes monitoring of the radio. This as well as all other timer settings can be modified at the data panel.

The ComTech 10 will provide the relay contact closure to control stove and bar-b-que shut offs when an alert is received. The actuators must be provided and installed by others. The system provides a momentary contact closure, either normally open or normally closed. The contacts may be configured dry or 12 volts with a 5 amp maximum current draw. 24v, 5 amps is the maximum rating on the system relays. The appliance control for this quote is only slated to interact with the kitchen/bbq upstairs.

The station's telephone overhead paging will also be incorporated into the system and have access to the PA system. This will be for the FD and PD sides of the building.



800-377-7422 • 120 Main Avenue Suite G • Sacramento, CA 95838
sales@comtechcom.net

The ComTech 10 Fire Station Alerting System Hub has a one year factory warranty and additional maintenance contracts are available upon request.

A 19" equipment rack is included in our proposal. The rack will house the System Hub, power supply, amplifiers, UPS, a power strip and radio shelf.

We have quoted indoor speakers throughout the station. In the dorm rooms, egress paths and other high noise environments, low voltage speaker lights have been quoted.

All dorm room speakers will have home runs in order to provide company based, zoned alerting in the future.

Many speakers located throughout the station will have wall mounted volume controls. Bear in mind that the speakers can be tapped to 0 (zero) but revert to alert level volume when the station is alerted.

In the apparatus bay we have quoted a strobe light and round 360° audio output ceiling/beam mounted speakers. The location of these speakers is noted on the plans. The ComTech 10 Alerting System will also integrate with the apparatus bay lighting and will activate the lighting when the station is alerted. The wiring from the contactor to the system hub must be run by the contractor. System relay's maximum capability is 5 amps at 12/24 volts. Dry contact or 12 volts is available with the system. ComTech's system can provide a momentary closure (normally open or closed) or a time adjustable relay.

On the exterior of the station we have quoted weather proof speakers. These horn speakers are included in the plans and will integrate with the station's day/night operation.

The toggle switch will be utilized for radio monitoring after hours if station personnel wish to continue monitoring after hours. The location of this switch is included in the plan set.

In the PD side of the building, there are speakers included in the plans in select areas. These speakers are capable of monitor PD radio traffic. Two radios (one for PD and one for FD) have been quoted. All necessary antennas, antenna masts, connectors, cables etc... shall be provided and installed by ComTech.

User settable Timer Relays are incorporated into the system to open and close the external gate. Coordination between the gate contractor and ComTech is required prior to installation.



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sales@comtechcom.net

The ComTech 10 Fire Station Alerting System comes standard with Din Rail wiring (DR-1). Included in the DR-1 pricing is complete system configuration and check out.

This installation provides a pre installation walk through to verify installation requirements to catch any "front end" issues.

Installation

Fire Station Alerting (FSA) System, Installation Scope of Work:
(New Construction)

Site Pre-requisites:

The customer shall provide ComTech Communications the floor and reflected ceiling plans in AutoCAD format for version 2006LT. ComTech shall create a wiring diagram to be followed during installation.

The customer shall provide access to the fire station as a minimum, during normal business hours (M-F). However, after hours and weekends may be required to complete the installation in a timely manner and with minimal disruption to the operation of the fire station.

Minimum of (1) one 120vac, 20amp circuit is required at the FSA System HUB location. Preferably; this circuit should be a dedicated circuit with a UPS (Un-interruptible Power Supply) or Surge Protector in-line with the FSA equipment.

Unless purchased as part of the order, the customer shall have a functional radio dedicated for and located by the FSA system. The radio shall be equipped with the appropriate antenna as to receive an adequate signal. The radio frequency and associated PL tone, if any; along with all identified DTMF, 2-Tone or other alert tone sets must be provided at least two weeks prior to the scheduled date of installation to facilitate system configuration and testing.

Scope of Work: ComTech Responsibilities:

- ComTech shall create the AutoCAD wiring diagram with the customer provided floor and reflected ceiling AutoCAD drawings provided to ComTech.



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- ComTech shall NOT be responsible for wiring diagrams if not provided by the customer to work from.
- ComTech shall coordinate with the appropriate site personnel: Installation schedules, site visits, travel plans, device installation mounting specifics, such as conduits and electrical boxes.
- ComTech shall provide and install the ComTech 10 Fire Station Alerting (FSA) system equipment as indicated on the approved purchase order.
- ComTech shall provide and install all speaker enclosures except where arrangements have been made for others to preinstall units (as in enclosed ceilings or areas where hard conduit connections are specified).
- ComTech will provide and run all FSA cabling once the appropriate cable trays and/or conduits have been installed by the customer or their designee.
- ComTech shall complete the final connections between the FSA system HUB and its peripheral devices such as: speakers, doorbells, and the radio/antennas purchase as part of the contract.
- Preparation status: ie... all customer pre-requisites and responsibilities must be completed prior to ComTech personnel arrival on site in order for ComTech to complete the final equipment installation portion of the project for final acceptance testing.
- At the completion of the installation; fully functional system tests shall be performed by ComTech Communications and the Customer's authorized personnel to verify the overall system function, performance and operation. Upon acceptable completion of the testing process, a Testing & Acceptance Sign-off sheet shall be signed and dated by both parties.

Scope of Work: Customer Responsibilities:

- The customer or their designated vendor shall be responsible to supply and install all infrastructure conduits, cabling paths, electrical boxes, and/or hard lid enclosures, per ComTech requirements. Peripheral systems equipment requiring back boxes and enclosures as indicated above include, but are not limited to:
Electrical boxes for: volume controls, monitor/reset switches, horn speakers, wall speakers and doorbells, interior and exterior.
- The customer is responsible to verify and ensure that all customer pre-requisites are fully complete prior to scheduling the system installation.



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It is very important that all site pre-requisites responsibilities are complete prior to ComTech's arrival on site. Customer delays requiring extended stays, additional site visits, all expenses for accommodations, transportation and labor shall be at ComTech's current T&M rate, and shall be the customer's responsibility. ComTech shall provide to the customer a proposal for additional services, labor, travel or equipment that may be required due to the afore mentioned customer site delays before proceeding beyond the original contractual requirements. This shall be in writing and require signatures by authorized representatives of ComTech Communications and the customer.

Acknowledgement of Acceptance:

Customer Name: _____ Date: ____/____/____
Printed

Customer Signature Name: _____ Date: ____/____/____
Signature Required

(A copy of this signed sheet is required when submitting your Purchase Order please.)

Thank you for allowing ComTech to provide you a quote for the ComTech 10 Fire Station Alerting System.

Sincerely,
Dave Johnson
National Sales Manager



**800-377-7422 • 120 Main Avenue Suite G • Sacramento, CA 95838
sales@comtechcom.net**

FIRE ALERTING QUOTE



120 Main Avenue Sacramento, CA 95838
Office: (916) 568-7800 FAX: (916) 568-3555

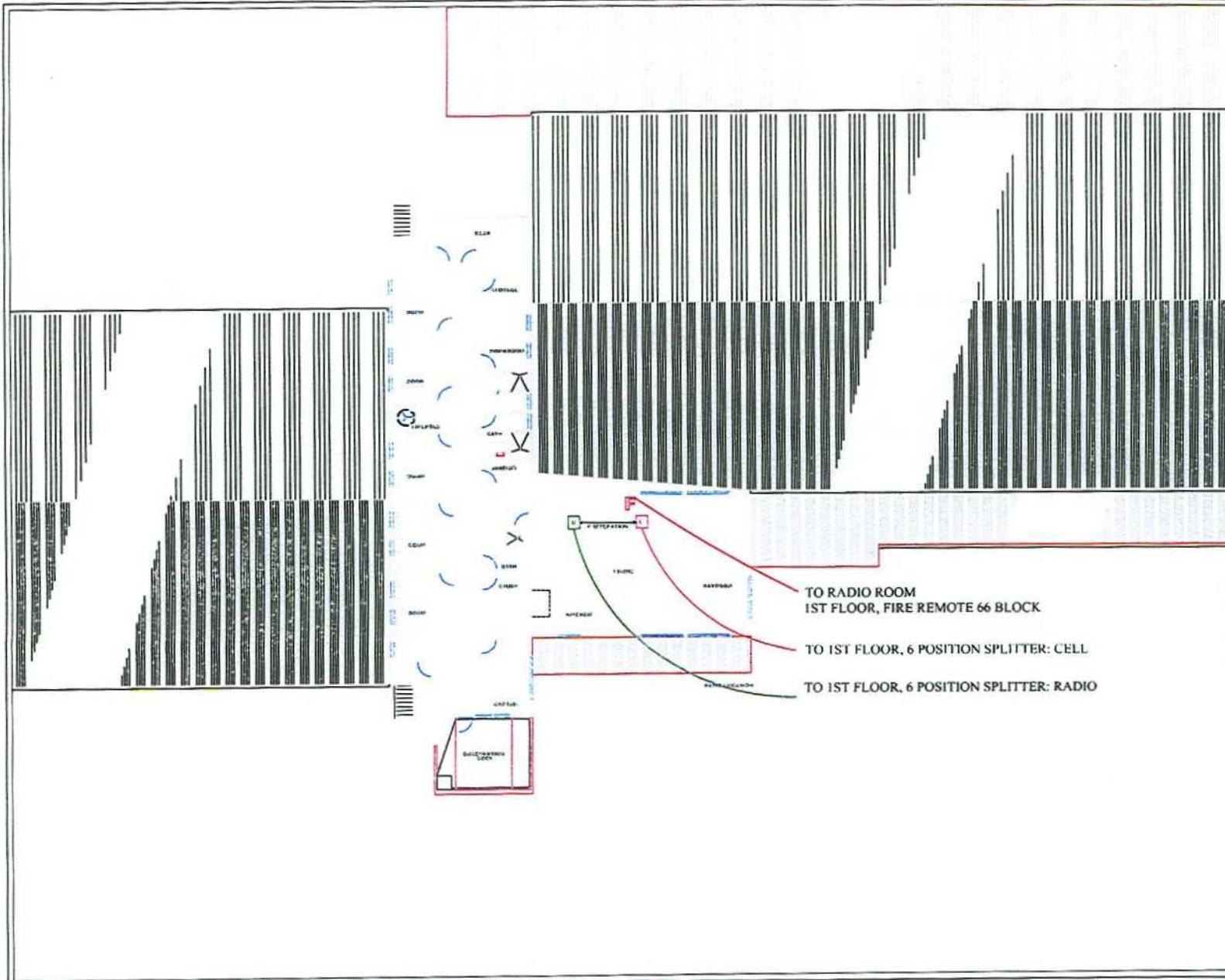
DATE: August 5, 2010

SOLD TO: Winters Fire Dept Contact: Chief Scott Dozier Address: 10 Abbey St City/St./Zip: Winters, CA. 95694 Email: Phone: (530) 795-4131	SHIP TO: Attn: Address: City/St./Zip: Phone	SALES REP: Dave Johnson EQUIPMENT
		ORDER NUMBER: _____ <input checked="" type="checkbox"/> NEW CUSTOMER P.O. #: _____ <input type="checkbox"/> ADD-ON Installation Date: _____ <input type="checkbox"/> REPLACEMENT TYPE OF ORDER: _____

ITEM	QTY.	PART NUMBER	DESCRIPTION	UNIT PRICE	EXT. AMOUNT
1	1	FS-10	ComTech 10 Fire Station Alerting System 2 Decoders: Station / All Call	\$ 9,550.00	\$ 9,550.00
2	1	ICT12012-15AR/1215AR	Dual 12/24 volt Rack Mount Power Supply	\$ 325.00	\$ 325.00
3	1	UPS	Un-interruptable power supply, 5-10 minute run time max	\$ 275.00	\$ 275.00
4	1	GS-100	100 Watt Amplifier with Rack Ears (FD)	\$ 829.00	\$ 829.00
5	1	GS-35	35 Watt Amplifier with Rack Ears (PD)	\$ 576.00	\$ 576.00
6	1	S5053-703	7 ft Open 19" Equipment Rack with Power Strip and 2 Radio Shelves	\$ 450.00	\$ 450.00
7	2	CM200	Motorola VHF Radios/Antenna/mount/cable/splitter/polyphaser	\$ 675.00	\$ 1,350.00
8	25	S86T72SPG8W	Indoor Speaker with Back Box Hardware (FD)	\$ 63.50	\$ 1,587.50
9	24	SPKL-1	Low Voltage Speaker Light Combo with Back Box Hardware	\$ 345.00	\$ 8,280.00
10	15	AT-10	Wall Mount Volume Control with Alert Over Ride	\$ 49.00	\$ 735.00
11	14	ATP-10	Wall Mount Volume Control with Alert Over Ride	\$ 59.00	\$ 826.00
12	1	AT-100PA	Wall Mount Volume Control for Apparatus Bay	\$ 75.00	\$ 75.00
13	2	110B	360° SoundSphere Apparatus Bay Speakers	\$ 295.00	\$ 590.00
14	4	SPT-15A	Out Door Weather Proof Horn Speakers	\$ 145.00	\$ 580.00
15	1	HT8AEH	Push Button, Black Doorbell	\$ 49.00	\$ 49.00
16	1	S332T-RO	Radio Monitor Toggle Switch	\$ 35.00	\$ 35.00
17	1	DR-1	Pre Installation Wiring, Configuration and System Check Out	\$ 750.00	\$ 750.00
18	1	Encode	2-Tone Encoding (Integrate old equipment or provide new device as applicable)	\$ 1,550.00	\$ 1,550.00
19	1	131ST-012-24R	RED Strobe Light for App Bay	\$ 415.00	\$ 415.00
20	1	LP1 / LP6	RED Strobe Light for SCBA Room	\$ 200.00	\$ 200.00
21	2	TR-60528	Adjustable Timer Relay (24v coil) for external Gate timed control	\$ 85.00	\$ 170.00
22	2	70169-D	Timer Relay Base	\$ 15.00	\$ 30.00
23	1	Misc	Installation Materials	\$ 8,425.00	\$ 8,425.00

NOTES: _____ _____ _____	TRANSPORTATION <input type="checkbox"/> OVERNIGHT <input type="checkbox"/> 2nd DAY <input type="checkbox"/> STANDARD <input type="checkbox"/> FEDEX <input type="checkbox"/> UPS	TERMS <input type="checkbox"/> CWO <input type="checkbox"/> COD <input type="checkbox"/> NET 10 <input type="checkbox"/> NET 30 <input type="checkbox"/> LEASE	Pg 1,2 TOTALS \$ 37,652.50
			TAXES \$ 3,106.33 LABOR \$ 22,150.00 FREIGHT \$ 677.75 PAGE 1 TOTAL \$ 63,586.58
AUTHORIZED CUSTOMER SIGNATURE X			GRAND TOTAL \$ 63,586.58 PROPOSAL VALID FOR 120 DAYS

Customer Order Form 1



SYM.	DESC.	REMARKS / MINIMUM REQUIREMENTS
R	POLE MOUNT RADIO REMOTE	DEEP # SQUARE SINGLE SERVED PLASTER HANG TO SURFACE. 1/2" OF PER LOCAL CODE REQUIREMENTS. PULP, SOLID CAT5 OR BETTER CABLE, HOME RUN TO RADIO ROOM STAINLESS STEEL WALL PLATE, SINGLE FEMALE RJ-45 CONNECTOR, 568-B WIRING VERIFY MOUNTING LOCATION WITH CUSTOMER PRIOR TO INSTALLATION.
F	FIRE HOSE REMOTE	DEEP # SQUARE SINGLE SERVED PLASTER HANG TO SURFACE. 1/2" OF PER LOCAL CODE REQUIREMENTS. PULP, SOLID CAT5 OR BETTER CABLE, HOME RUN TO RADIO ROOM STAINLESS STEEL WALL PLATE, SINGLE FEMALE RJ-45 CONNECTOR, 568-B WIRING VERIFY MOUNTING LOCATION WITH CUSTOMER PRIOR TO INSTALLATION.
Z	FIRE SUPPLY LINE	1/2" BORE HOSE OR BUTTON TING CROSSLINKS BACK HOUSING, WITH LOW DE MINDER SUPPLY. EXTERNAL WIRING, SERVICE BUNDLES SHOWN TO COME WITH IN EXTERIOR BUILDING. CONNECTS TO FIRE'S TENDANT RADIO
□	6 POSITION SPLITTER	DEEP # SQUARE BACKING WITH 1/2" IS FACILITATE MOUNT FLUSH IN CEILING OR ABOVE AS APPLICABLE FOR LOCATION AND CONVENIENCE. 10/34 CABLE
□	6 POSITION SPLITTER	DEEP # SQUARE BACKING WITH 1/2" IS FACILITATE MOUNT FLUSH IN CEILING OR ABOVE AS APPLICABLE FOR LOCATION AND CONVENIENCE. 10/34 CABLE
☆	6 POSITION SPLITTER	60# ANTONOVA SPLITTER FOR RADIO ROOM, WITH 10/34 CABLE, CAP UNDER PORTS WITH 200#M TENDANT. SECURE SPLITTER ABOVE CEILING GRAB
☆	6 POSITION SPLITTER	60# ANTONOVA SPLITTER FOR CELL PHONE ROOM, WITH 10/34 CABLE, CAP UNDER PORTS WITH 200#M TENDANT. SECURE SPLITTER ABOVE CEILING GRAB
66	6 POSITION SPLITTER	STANDARD 60# RUNDY 10/34 BLOCK, MOUNT AND LABEL ACCORDINGLY IN CUSTOMER WALL AND/OR BACKSHELD IN RADIO ROOM
60	6 POSITION SPLITTER	STANDARD 60# RUNDY 10/34 BLOCK, MOUNT AND LABEL ACCORDINGLY IN CUSTOMER WALL AND/OR BACKSHELD IN RADIO ROOM

ComTech FIRE STATION ALERTING
Communications

120 Main Avenue, Suite G
Sacramento, CA 95838
916-568-2277
800-377-7422

30 JULY 2010	COMTECH
WINTERS_PD_FIRE_RADIO REMOTES.DWG	
2 OF 2	



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: October 5, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Sergio Gutierrez, Police Lieutenant *SG*
SUBJECT: Accidental Firearm Discharge

INFORMATION:

This staff report is in response to a request by City Council regarding two accidental firearm discharges by Winters police officers within a one year period. The report outlines a summary of the two incidents, the reporting requirements per department policy, and the firearms training the Winters police officers receive.

The first incident occurred in October 2009 where a police shotgun was accidentally discharged inside the police department causing minor damage to the ceiling. The officer was unaware the firearm was still loaded with a live round at the time. The officer performed a function check and discharged the round.

The second incident occurred in September 2010 where an officer's personal off-duty revolver was accidentally discharged inside the police department while conducting an inspection of it. A file cabinet was damaged as a result of the incident.

Both incidents were unintentional and not a result of "horse playing" with the firearms.

During any incident of an accidental discharge of a firearm by a Winters police officer, department policy requires the officer to notify a supervisor or higher ranking officer as soon as possible. The police department initiates an internal affairs investigation to determine if there are any violations of department policy. These types of incidents are internal affair matters that involve peace officers. The incidents are then deemed confidential personnel files in accordance with laws, regulations, and department policy. Therefore, any internal administrative action shall not be disclosed.

The police department considers these matters serious safety issues. Every officer in the department is reminded about maintaining the highest level of safety when handling firearms.

Officers are taught firearms safety in their police academies before handling a firearm regardless of their experience. All Winters officers receive range training quarterly and are required to qualify in the use of their duty weapon. In this training, firearms safety is enforced. As part of any officer's field training, firearms safety is a criterion that an officer must demonstrate which includes safely loading and unloading the firearm. In addition, every officer must undergo a "perishable skill" firearms course to meet the Commission on Peace Officers Standards and Training [P.O.S.T.] requirements every three years. This course is a refresher that stresses on the proper handling of firearms and the qualifications required to meet P.O.S.T. standards.

Our firearms policy is consistent with other law enforcement agencies established by P.O.S.T. guidelines and police department policy published by Lexipol. Lexipol is a firm that the Winters Police Department uses to produce our department policy to remain consistent with other law enforcement agencies in California. Lexipol conducts on-going research for law enforcement in risk management and best practices. Then submit recommended revisions of policies or procedures to law enforcement agencies to consider adopting.

Prior to these recent incidents, there has not been an accidental discharge of a firearm for almost 20 years in the Winters Police Department. Unfortunately, these mishaps still occur regardless of how much safety training and practice is provided. Since these last two incidents, officers were reaffirmed through training safe and proper loading, unloading, and inspection procedures when handling a firearm.

ATTACHMENTS:

Winters Police Department Policy Sections

- 304: Shooting Policy
- 312: Firearms
- 346: News Media Relations

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this Department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized Department range.

The following weapons are approved for use by officers of this Department:

312.21 DUTY WEAPONS

The Department issued weapon is a: Glock Model 22 .40 Cal and the Glock Model 27 .40 Cal.

The following weapons are approved for on duty use:

MAKE	MODEL	CALIBER
Glock	27	.40
Glock	22	.40

312.22 AUTHORIZED SECONDARY WEAPONS

Officers desiring to carry a secondary weapon are subject to the following restrictions: It must be the Department issued Glock Model 27 .40 Caliber or other weapon approved by the Chief of Police.

312.23 AUTHORIZED OFF DUTY WEAPONS

The carrying of firearms by sworn officers while off duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate, i.e. administrative leave. Sworn officers who choose to carry a firearm while off duty will be required to meet the following guidelines:

- (a) The weapon shall be those listed as the authorized duty weapons for the Department or authorized by the Chief of Police.
- (b) The purchase of the weapon and ammunition shall be the responsibility of the member.
- (c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the weapon to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe

WINTERS POLICE DEPARTMENT

Firearms

manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Rangemaster.

- (e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Rangemaster.
- (f) If any member desires to own more than one weapon utilized while off duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (g) Ammunition should be of good quality and manufactured by a departmentally approved company as suggested by the Rangemaster.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster

312.24 AMMUNITION

Officers shall carry only department-authorized ammunition.

312.25 ALCOHOL & DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs which would tend to adversely affect the officer's senses or judgment.

312.26 LASER SIGHTS

Laser sights may only be installed on a weapon carried on or off duty after they have been examined and approved by the Department Rangemaster.

- (a) Any approved laser sight shall be installed only pursuant to manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to insure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.31 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the police range, and shall obey all orders issued by the Rangemaster. Officers shall not "dry fire" or practice "quick draws" except under Rangemaster supervision.

WINTERS POLICE DEPARTMENT

Firearms

- (c) Any member who discharges his or her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Division Commander prior to the end of shift if on-duty. If off-duty, as directed by the supervisor.
- (d) Officers shall not clean, repair, load or unload a firearm anywhere in the department, except at the location of the bullet trap in the detention area.
- (e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the unit parking lot and outside of the vehicle.
- (f) Officers shall not place or store any firearm or other weapon in department premises except when the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with their firearm.
- (g) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.

312.32 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could also result in criminal prosecution under Penal Code § 12035.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify twice a year with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations.

312.41 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall complete a report to their immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

WINTERS POLICE DEPARTMENT

Firearms

- (c) No range credit will be given for the following:
1. Unauthorized range make-up.
 2. Failure to qualify after remedial training.

312.5 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range, and will submit the roster to the training coordinator after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year of all duty weapons carried by officers of this Department to determine the proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to their personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

312.61 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster shall be the only person authorized to repair or modify any Department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department-approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. Here are the guidelines that will directly affect our Department and personnel. (49 CFR 1544.217)

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes; and
- (b) Officers must carry their department identification card and California driver's license. Additionally, officer(s) when requested must present their identification to airline officials; and
- (c) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer's necessity to fly armed,

WINTERS POLICE DEPARTMENT

Firearms

- must detail his/her itinerary, and should include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed; and
- (d) Officer(s) must have completed the now mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor; and
 - (e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter; and
 - (f) Discretion must be used to avoid alarming passengers or crew by displaying your firearm. The firearm must be kept on your person concealed at all times, and may not be stored in an overhead compartment; and
 - (g) Never surrender your firearm to anyone. Resolve any problems with a management representative of the air carrier, which may include the flight captain and/or ground security manager; and
 - (h) No armed officer may consume any alcoholic beverage while aboard an aircraft, or eight hours prior to boarding an aircraft.

312.8 CARRYING FIREARMS OUT OF STATE

Pursuant to 18 USC 926B, full time sworn officers and qualified retired officers (See: Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The officer shall carry his/her department identification whenever carrying such weapon.
- (b) The officer will remain subject to this and all other department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

312.9 OUT OF STATE PEACE OFFICERS IN CALIFORNIA

Pursuant to 18 USC 926C, any full time or retired out of state peace officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) The officer shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state's training and qualification standards within not less than one year prior to the date of issuance.
- (b) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (c) Out of state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

Shooting Policy

304.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only, and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.11 POLICY

It is the policy of this Department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- (a) An officer may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury.
- (b) An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
- (d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. (Penal Code § 597.1(b)).
- (e) For target practice at an approved range.

Where feasible, a warning shall be given before an officer resorts to deadly force as outlined above. A specific warning that deadly force will be used is not required by this policy, only that a warning be given if feasible.

304.12 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

WINTERS POLICE DEPARTMENT

Shooting Policy

- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

304.14 REPORT OF WEAPON DISCHARGE

Any member who discharges their weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Division Commander prior to the end of shift if on-duty and if off-duty, as directed by the supervisor.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief and in situations where the Chief has given prior approval, the Sergeant or an Officer may be assigned to make a press release.

346.21 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative or, if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Pursuant to Penal Code § 409.5(d), authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials which shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location which will not interfere with such activities.

WINTERS POLICE DEPARTMENT

News Media Relations

- (a) No member of this Department shall be subjected to media visits or interviews without the consent of the involved employee. Government Code § 3303(e).
- (b) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily Press Release (form WPD-040) of significant law enforcement activities which shall be made available, upon request, to media representatives at the front counter. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records or, if unavailable, to the on duty Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code §§ 6250, et seq.)

346.41 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential Peace Officer Personnel information. (See Policy Manual §1026)

WINTERS POLICE DEPARTMENT

News Media Relations

1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) Vehicle Code § 20012.
- (c) Criminal history information.
- (d) Information which would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this Department.
- (f) Information obtained in confidence.
- (g) Any information which is otherwise privileged or restricted under state or federal law. Government Code § 6254(k).