

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**

**April 27, 2010**

1. The meeting was called to order at 7:02 p.m. by Mayor Baker.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Holvik, Towne, Yoder, Hansen & Baker

Absent: None

4. **Agenda Review & Acceptance:** Mayor Baker recommended that item 16 (a) (1) be changed from "Appoint Council Members to the local Realtors Association Group to address future real estate market issues and concerns" to "Appoint a subcommittee comprised of local representatives, City staff and Council Members to address future real estate market issues and concerns." The reason for the change is that it was pointed out that there is no "Local Realtors Association Group". It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the April 27, 2010, agenda with the aforementioned change. The motion was unanimously passed.

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

Local Business Owner Hollie Myers presented a \$300.00 check on behalf of the 3/50 Project to Recreation Director Carol Lemenager to go toward the "Keep the City Pool Afloat" campaign.

Willows Citizen Rose Marie Thrailkill gave the Council an update on past and upcoming Community, Chamber of Commerce and GWIL activities, events and fundraisers.

Jeff Williams thanked the Council Members for volunteering their time and for their dedication in serving the Citizens of the community. Mr. Williams then stated that he is requesting Council Member Yoder publicly apologize to Mrs. RaeAnn Titus for a comment that was made to Mrs. Titus by Council Member Yoder during the last City Council Meeting that took place on April 13.

Doug Ross, citizen and reporter for a local newspaper, commented that his notes from the April 13 Council Meeting in which Mr. Williams is speaking of reflect that Council Member Yoder's comments were directed to the City Manager and not to Mrs. Titus. City Clerk Natalie Butler offered to Mr. Ross to make an audio recording of the meeting so he could hear exactly what took place.

6. **Consent Agenda** It was **moved** by Council Member Hansen and **seconded** by Council Member Yoder to approve the Consent Agenda as presented. The motion was passed unanimously and the following items were approved/adopted:

- a) Approval of General Check Register (21546-21578).
- b) Approval of Payroll & Direct Deposit Check Registers (30556-30584 & Z001419 – Z001459).
- c) Approval of the Minutes of the City Council April 13, 2010, Regular Meeting.

**7. Presentations and Proclamations:**

- a) Mayor Baker read and presented a Proclamation to Barbara LaDoucer of the American Legion Auxiliary declaring May 9 – May 15, 2010 as “Poppy Days”.
- b) Mayor Baker read and presented a Proclamation declaring May 9 – May 15, 2010, as “National Police Week” with special recognition of May 6 & 7, 2010, as “California Peace Officer Memorial Ceremonies” and May 14, 2010, as National Peace Officers Memorial Day”. Officer Kelly Meek accepted the Proclamation on behalf of the Police Department.

**8. Public Hearings:**

- a) Public Hearing to provide the public an opportunity to offer comments regarding unmet transit needs.

Mardy Thomas, Program Manager for the Glenn County Transportation Commission, presented this item to the Council, indicating that the Transportation Development Act (TDA) Statutes and Administrative Code of Regulations require specific actions on the part of local transportation planning agencies. As part of the regulations, Mr. Thomas explained that annually the County holds a public hearing to receive input from citizens and City Councils regarding unmet transit needs. Specifically an “Unmet Transit Need” is found to exist when there is a reasonable need for an identifiable group within the community that has no dependable and/or affordable access to employment, medical, commercial public, or social services. Because transit needs fluctuate with variables such as unemployment, population, demographics, land use and circulation patterns, it is necessary to re-evaluate the needs annually.

Mr. Thomas briefly outlined the previous year’s statistics for ridership on Glenn Ride and Glenn Trans and presented the Council with graphs showing comparisons of ridership between 2005 and 2010.

Mayor Baker opened the Public Hearing at 7:37 p.m. One citizen of the community, Doug Ross, spoke at the hearing and made a recommendation that the County place a bus stop shelter at the corner of Butte and Sycamore Streets and a better shelter at Wal-Mart. Mr. Thomas noted Mr. Ross’s suggestion. Mayor Baker closed the Public Hearing at 7:38 p.m.

**9. Ordinances: None.**

**10. Items introduced by City Council or Administrative Staff for discussion purposes only: Council Member Hansen requested that an item be placed on the agenda for the special budget meeting scheduled to occur on May 3 to discuss the Lamb Derby parade.**

**11. New Business:**

- a) Consider adoption of a Resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the 2010 fire season Weed and Rubbish Abatement Schedule and authorize staff to solicit bids for an Abatement Contractor.

Fire Chief Wayne Peabody presented this item to the Council explaining that each year the Willows Fire Department abates weeds, rubbish, refuse and dirt from different lots and alleyways throughout the City. In order to commence this process, it is necessary for the Council

to adopt a Resolution declaring weeds, rubbish, refuse and dirt as public nuisances and set a date for a Hearing on Protest. Chief Peabody stated that 298 Abatement Notices have been sent this season and he presented the Council with a list of addresses of properties that received notices. Council Member Hansen asked for clarification of why “dirt” is declared a public nuisance. Chief Peabody explained that under State Law, the City is mandated to include the word “dirt” in the Resolution. He further explained that generally dirt is considered a nuisance when there is a large pile of it that restricts Public Safety and the general public’s access to alleyways by blocking ingress or egress. Council Member Holvik asked how many notices were sent during last year’s Weed Abatement season. Fire Captain Skip Sykes responded that approximately 420 notices were sent last year.

Willows Citizen and businesswoman Laura Flannery asked for clarification of what an Abatement Contractor does versus what the Fire Department does. Chief Peabody explained that an Abatement Contractor is the contractor that the City uses to abate the private properties that do not self-abate. He explained that the Fire Department does not perform abatements and the preference is that the property owners cooperate and abate their properties on their own without having to have the contractor abate it for them. Mrs. Flannery asked how much the contractor charges and what is the term of the contract. Chief Peabody responded stating that the City goes out to bid for a Contractor and the term of the contract is one year. He also added that the property owners have until June 6 to self-abate their nuisances before the Contractor is sent out to abate the property.

Jeff Williams addressed the Council and stated that he recommends that this year when the City Council accepts the bid for an abatement Contractor, that they accept the lowest bidder, period. He pointed out that last year when the City went to bid, the bid that was accepted was actually higher than another bid but it was accepted because the Contractor was local. Willows Municipal Code does allow for local preferences as it pertains to purchases, however, Mr. Williams maintains that because it is the taxpayers that are paying for the service, and not the City, he believes in order to look out for the best needs of the taxpaying citizens, the City should accept the lowest bid whether the Contractor is local or not. This is something the Council could consider at a future meeting in which they will be awarding the bid for the Contractor.

Businesswoman Cynthia Mello inquired whether the Fire Department surveys all properties in the City, including those properties that are owned by the City that don’t appear to be properly maintained. Chief Peabody addressed her question explaining that the City-owned properties are included in the survey and that the City has in fact received some abatement notices.

Businessman Tony Hobbs inquired how the money that is put out by the City to pay the Contractor is recouped by the City. Chief Peabody explained that the costs are considered a special assessment and are added to the property owners’ annual tax bills and the tax collector reimburses the City once the property taxes are paid.

Discussions ceased and it was **moved** by Council Member Hansen and **seconded** by Council Member Yoder to adopt a Resolution declaring weeds, rubbish, refuse and dirt public nuisances, and to approve the 2010 fire season Weed and Rubbish Abatement Schedule and authorize staff to solicit bids for an Abatement Contractor. The motion was unanimously passed.

- b) Consider authorizing the Finance Director to pay PG&E \$10,000 for an application fee in conjunction with the California Solar Initiative Reservation Request.

City Manager Steve Holsinger presented this item explaining that a completed application has already been submitted to PG&E on the City's behalf to reserve a spot in the Solar Initiative Reservation program. If successful in the application for solar initiative reserve, our proposed solar project at the Waste Water Treatment Plant would qualify for approximately half-a-million dollars in solar energy credits applied to Solar Power Partners for installation of the Solar Power Project. If the City is successful in securing the incentive credits, the application fee will be refunded. If unsuccessful, it is likely the financial assistance available to the City via Solar Power Partners installation of the solar array at no cost will become null and void and thereby effectively eliminating the project and requiring refund of the application fee from PG&E. At the time of preparing the staff report for this item, the program period for solar credits currently available had expired. The city's application was submitted on the last date of availability and verification of the City's qualification and/or application status is unknown at this time. With that, the City Manager is asking for authorization to submit a \$10,000 check to PG&E for this project. It was **moved** by Council Member Holvik and **seconded** by Council Member Hansen to authorize the Finance Director to pay PG&E \$10,000 for an application fee in conjunction with the California Solar Initiative Reservation Request. The motion was unanimously passed.

- c) Consider authorizing a waiver of Statutory Planning and Development fees in conjunction with the Glenn Medical Center Construction project application.

President of the Board for Glenn Medical Center, Bill Casey, has recently submitted an application for the relocation and new construction of the Glenn Medical Center facility. The project as proposed will replace the existing medical center with a new state-of-the-art medical facility located immediately to the North of the current location. Glenn Medical Center is a bona-fide 501-C (3) non-profit agency serving the citizens of Willows and surrounding areas. The Agency has requested City assistance by way of fee waivers normally associated with projects of this nature. The Medical Center has entered into a normal Pass-Through Agreement to cover expenses of contract city staff members. The Medical Center is requesting relief of other fees typically associated with Planning and Development Services only.

Willows Citizen Kevin Flannery addressed the Council asking if Glenn Medical Center is a non-profit business. It was confirmed to Mr. Flannery that it is in fact a non-profit. Mr. Flannery expressed his surprise and he also believes that it is not fair that the City should waive planning and development for some projects and not others.

Willows Citizen Keith Corum addressed the Council stating that when the Willows Christian Church applied for a Conditional Use Permit to install a church bell, their application fees weren't waived and they too are a 501-C (3) non-profit organization. It was pointed out by staff that there was never a formal request by the Church for the City to waive the fees Mr. Corum then inquired about the actual amount of statutory fees that would be waived for the medical center. Although staff didn't have an exact amount, it was estimated that it would be several hundreds of dollars. Mr. Corum suggested that the Council should be aware of the exact amount of fees they are waiving before they consider approving the waiver.

Local Developer Forrest Sprague addressed the Council to speak about Planning and Development Impact fees and the potential problems that he believes could occur if the Council were to approve this fee waiver.

Council discussion ensued and it was **moved** by Council Member Holvik and **seconded** by Council Member Hansen to table this item until such time as staff can determine what specific fees would be waived and an exact amount of those fees. The motion was unanimously passed.

- d) Consider adoption of a Resolution of intention to levy and collect annual assessments and preliminarily approve the annual Lighting and Landscaping Engineer's Report for FY 2010-2011 for Birch Street Village and set the date of the required public protest hearing.

The City Manager initially introduced this item to the Council, stating that he would be recusing himself from discussion on this item stating a Conflict of Interest, as he is a parcel owner in the Birch Street Village Subdivision. Mr. Holsinger excused himself from the meeting at this time. The Finance Director then presented this item to the Council explaining that in 2005 the Willows Landscaping and Lighting Assessment District was initially formed to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village Subdivision (Zone A), in accordance with the Landscaping and Lighting Act of 1972. According to the act the City must undertake certain proceedings for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings in order to first, adopt a Resolution appointing the Engineer of Work and directing preparation of the annual Engineer's Report, second, approve the Engineer's Report, declare the City's intent to levy assessments, and set a date for a public hearing, and finally, to conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year.

Mr. Sailsbery stated that the first action was completed by the Council at their meeting on February 23, 2010, and that tonight's action item is the second part of the proceedings for FY 2010/11. Council has received a copy of the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering. Staff is asking that Council inform them if there are any desired changes which they wish to be made to the report. In brief, the report outlines costs from FY 2009/10, summarizes the cost projected for FY 2010/11 and provides the proposed overall assessments. In order to keep up with inflation, the estimated maximum annual assessment is proposed for increase by the allowable annual CPI (year 2009) of 0.7%. This raises the maximum annual assessment to \$400.56. While the estimated maximum annual assessment will increase, the actual amount that will be levied and collected during FY 2010/11 will stay the same as levied and collected in the previous fiscal year at \$385.82. This assessment will provide projected revenue of \$13,117.88. Coupled with a contribution of \$1502.25 from the Assessment District reserves, this will cover the total estimated expenses of \$14,620.13. During FY 2009/10, the Council implemented a minimum reserve balance of 10 to 20%. It is noted that the remaining Assessment District reserve balance at the end of FY 2010/11 does fall within this range.

With that, Mr. Sailsbery asked that the Council consider adopting the Resolution before them and to set the required public protest hearing for June 22, as outlined in the Resolution. Brief discussion ensued among Council and Staff and it was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to approve a Resolution of Intention to levy and collect annual assessments, preliminarily approving the Engineer's Report for FY 2010/11 for the City of Willows Landscaping and Lighting Assessment District Zone A – Birch Street Village, and to set the date of the public protest hearing for June 22, 2010. The motion was unanimously passed.

## **12. Council Member Reports:**

Council Member Towne stated that it is the centennial year for the Museum Building and there will be demonstrations and exhibits on the Saturday of Lamb Derby on May 8. He also stated that the Museum will have a table set up at Jensen Park on May 8 as well.

Council Member Hansen announced that he, along with Council Member Yoder and the City Manager, had a meeting with Police Chief Spears on April 15 to discuss the City Council's evaluation of Chief Spears that took place in closed session at the April 13 City Council Meeting. Council Member Hansen stated that it was a very positive and productive meeting and that the evaluation went very well. Council Member Yoder concurred.

13. **Executive Session:** None

14. **Adjourn to Joint Meeting of the Willows City Council and Planning Commission**

At 8:27 p.m. Mayor Baker stated that there would be a brief recess and she adjourned the meeting to a joint session between the City Council and Planning Commission.

15. **Call to Order a Joint Meeting of the Willows City Council & Planning Commission**

Mayor Baker called to order a Joint Meeting between the Willows City Council and the Planning Commission at 8:38 p.m. Present for the meeting were Council Members Holvik, Towne, Yoder, Hansen, Mayor Baker, Commissioners Warren, Woods, Alves & Chairperson Domenighini. Absent was Commissioner Thur.

16. **Public Hearings:**

- a) Conduct a Public Hearing to solicit citizen input and hold an open discussion on the City's Policies and Procedures as they relate to the City Municipal Code (including the Zoning Ordinance, the City's General Plan and CEQA Requirements)

Mayor Baker opened the Public Hearing at 8:40 p.m. Businessman Rick Thomas, who initially requested at the April 13 City Council Meeting that this item be placed on a future City Council Agenda, addressed the Council and thanked them for the opportunity to allow for public input on various issues which he and other members present at the meeting would like to bring to the City Council's attention. He hopes to have a productive discussion that will lead to the betterment of the community. Mr. Thomas spoke on his displeasure of the City's policy as it relates to Pass-Through Agreements that are charged for Planning Applications, the City's Outreach to the Community, or lack thereof as it may be, and about issues with restrictions of signage.

Following Mr. Thomas's comments, comments were heard from Forrest Sprague, RaeAnn Titus, Vern Roberts, Bobbie Nygard, Cynthia Mello, Laura Flannery, Karen Roberts, Keith Corum, Margaret Albiston, Barb LaDoucer, and Hoover Mock.

The range of topics and comments received from the speakers were as follows:

- Excessive and unreasonable Planning Application Fees (Specifically Conditional Use Permits) and the requirement for applicants to pay a Pass-Through Agreement (PTA) deposit at the time of application submittal in order for the City

to recoup the cost of contracted staff time which is spent to process planning applications.

- The possible development of a PTA deposit Appeal process.
- The City's lack of Economic Outreach to the Business Community and the perception by the Business Community that the only things that businesses ever hear from the City are negative and not positive.
- The lack of City presence/representation at special community events and training workshops.
- The lack of the City maintaining certain City-Owned properties (specifically the downtown mall plaza) and lack of maintaining cleanliness of the downtown commercial district, i.e. streets, sidewalks, weeds, trees, etc. referring to the downtown business district as "dirty" and stating that there is "no City pride".
- The City's Sign Ordinance being too restrictive and not allowing for off-site signage or for signage which would direct visitors of the City to the downtown Commercial district.
- The possibility of the City allowing businesses to utilize the banner poles downtown in order to advertise.
- Lack of the City's assistance to promote local growth and the allegation that instead, the City hinders growth and deters people from opening businesses in the community due to the fees that are charged.
- Taxpayers are concerned with the future economy of the City.
- Agrees with the City's promotion of the "Shop Local", "G.W.I.L.", and the "3/50 Project".
- The Planning Commission's inconsistencies with regards to what businesses require a Conditional Use Permit.
- The City's inconsistencies with enforcement of the Sign Ordinance.
- Community members and business owners don't always bring up their items of concern to the City Council out fear that they will be ridiculed or attacked and therefore there generally hasn't been a great deal of community representation at Council Meetings in the past.
- Comparisons were made between the City's economy during the 1950's & 1960's when the City was prosperous versus today when businesses are struggling to stay afloat.

Discussion then ensued among the audience, staff, Planning Commissioners and the Council. With regard to the Sign Ordinance, it was pointed out that several public discussions and hearings were held during the review of the old Ordinance and when suggested revisions were being discussed for the new Ordinance there was not a great deal of public participation or input at those meetings. It was also pointed out that it is critical to receive public input during the creation or revision of an Ordinance, because once adopted, is a time consuming and difficult process to make additional changes or amendments. With regard to the fees, while the City was looking at amending the fee schedule, a fee study was conducted and it was determined that the fees that were adopted were consistent with other communities of similar size and economics. However, that is not to say that the Council is not willing to take a look at possibly amending or temporarily adjusting the fees or make some revisions to the Sign Ordinance.

It was also pointed out that there is really no comparison to the conditions of Willows in the present day versus in the 1950's & 60's, as I-5 was not yet built and the main entry into the City was Highway 99 which drew people directly to the downtown district. In today's economy,

Willows is not the only City that is struggling and many surrounding communities are struggling and shrinking as well.

The Council and staff were in agreement that this was a productive meeting and there were many good suggestions shared by the public. Certain members of the Council believed that maybe the City needs to take another look at the planning fees and also look at some temporary adjustments or modifications to the Sign Ordinance and possibly allow for off-site special event signage.

Staff then indicated that they are seeking clear direction from the Council on how to deal with these items, specifically with the issues of fees and with the issue of inconsistent enforcement of the zoning and sign ordinances. The direction from Council with regards to the Sign Ordinance was that if there is currently a rule in place, staff should enforce it. Until such time as Council has an opportunity to review the additional issues which were brought forth, it was stated that tonight is not the night that any decisions can be made about every issue that was discussed. The Council agreed that there was nobody in attendance at tonight's meeting that didn't sincerely care about the City of Willows and they thanked Mr. Thomas for requesting this public forum in order to discuss these various issues. It was the determination of the Council that the Community and the City need to reunite and work collaboratively to help to create new jobs and new businesses and to assist in whatever ways they can to help businesses succeed. With that, Mayor Baker closed the public hearing at 11:38 p.m.

**16. (a) 1. Appoint a subcommittee comprised of local representatives, City Staff and 2 Council Members to address future real estate market issues and concerns:**

Local Realtors Lorri Pride, Vicki Miller & Leslie Swanner spoke about the policies and hurdles that they have recently been encountering with the sales of homes in the City. They stated that the lenders are now very particular about past building permits, conversions, etc. more than they have been in the past, and they would like to work with the City to try to work through some of these issues. It was suggested that a subcommittee be formed in order to discuss the various issues and to work through them in a manner that would be suitable to all parties. Council Members Holvik and Yoder volunteered to sit on the Committee with the three Realtors, along with Commissioner Woods, Building Inspector Clay Dawley and the City Manager.

**16. (a) 2. City Council and Planning Commission to give clarification and direction to staff regarding the requirements and process of Use Permits:**

Due to the length of tonight's meeting, it was moved by Council Member Yoder and seconded by Council Member Hansen to table this item to a future joint meeting between the Planning Commission and the City Council. The Motion was unanimously passed.

**17. Adjournment: Mayor Baker adjourned the meeting at 11:56 p.m.**

Dated: April 27, 2010

NATALIE BUTLER

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City Clerk