

MINUTES OF THE WILLOWS CITY COUNCIL MEETING HELD July 27, 2010

1. The meeting was called to order at 7:01 p.m. by Mayor Baker.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Holvik, Yoder, Hansen & Baker

Absent: Towne

4. **Agenda Review:** City Manager Steve Holsinger suggested that item 12 (a) to consider adopting a Resolution approving use of Façade Improvement Funds for a rehabilitation project at 300 North Butte Street be removed from the agenda and placed on a future agenda when the whole Council will be in attendance. Reason being is Council Member Yoder and Mayor Baker would have to recuse themselves from hearing the item due to conflicts of interest, leaving only Council Members Holvik and Hansen present to hear the item, which does not constitute a quorum. It was then **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the July 27, 2010, Agenda minus item 12 (a) which will be placed on a future Council Meeting Agenda when all five Council members are in attendance. The motion was unanimously passed.

5. **Presentations & Proclamations:**

a) Barb LaDoucer presented the City Council and Citizens of Willows a Citation of Appreciation from the American Legion Auxiliary in recognition of outstanding service and assistance which contributed to the advancement of the American Legion Auxiliary programs and activities dedicated to God and Country.

b) Building Official Clay Dawley presented a Certificate of Appreciation to Kay French for the most improved property in the City for all of the upgrades and improvements which have been done to the Sycamore West Apartments located at 1333 West Sycamore Street.

c) Mayor Baker presented a Proclamation declaring August 3, 2010, as “National Night Out” in the City of Willows to Willows V.I.P. Sergeant Pat Millen.

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

Mayor Baker read a letter received by the Council from Library Board of Trustee Adrienne Haylor regarding her thoughts on the recently announced upcoming resignation of Library Director Sandie Hobbs and she suggested that the Council does not leave the Library Director position vacant, but rather, actively recruit for the position of a new Director. Mayor Baker announced that this is an item that the Council will be discussing during their Closed Session this evening.

Alan Schauer, Willows Citizen, suggested that the City remove all of the stoplights throughout the City in order to not have to incur the expense of maintenance & repairs of the lights.

7. **Community Business Issues & Concerns (Introduced April 27, 2010):**

A. Pass Through Accounts (PTA's) Update:

Finance Director Tim Sailsbery will be presenting an informational overview of the City's Pass Through Agreement Accounts Policies, Processes, Procedures and Oversight under item 12 (b) on tonight's agenda.

8. Consent Agenda:

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

- a) Approval of General Check Register (21811-21973)
- b) Approval of Payroll & Direct Deposit Check Registers (Z01713-Z01789 & 30684-30780)
- c) Adopt a Resolution authorizing adjustment of Holiday Schedule and Closure of City Hall for one week between Christmas and New Year's Day
- d) Approve second reading by title only and adoption of Ordinance Number 689-2010 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING SECTION 3.30 TO THE WILLOWS MUNICIPAL CODE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION FEES FOR THE DEPLOYMENT OF EMERGENCY SERVICES RESOURCES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF WILLOWS AND WILLOWS RURAL FIRE DISTRICT"

9. Public Hearings:

- a) Conduct a Public Hearing to allow citizens to protest charges for Weed Abatement and upon conclusion, consider approval of a Resolution confirming costs of abatement and declaring them a special assessment:

Prior to hearing this item, Mayor Baker announced that due to legal noticing requirements, tonight's Public Hearing will be opened to allow for public protest and comments and the meeting will then be continued to the August 10, 2010, City Council Meeting; Therefore, no formal action will be taken by the Council at tonight's meeting. Fire Chief Wayne Peabody presented the staff report to the Council and briefly explained the City's annual Weed Abatement program and procedures. Mayor Baker then opened the Public Hearing at 7:21 p.m.

Curt Collins of 839 Sherwood Way spoke in protest of an abatement invoice that he received for \$630.00. He stated that he had his neighbor, Patrick Otterson, mow the front of the property and while he was in the process of mowing, Fire Captain Skip Sykes just happened to stop at the property and speak to Mr. Otterson. Mr. Otterson inquired of Captain Sykes whether the back yard also needed to be mowed and Captain Sykes told Mr. Otterson that the Fire Department did not have any jurisdiction over the back yards of properties; Therefore Mr. Otterson did not mow the back lot. A few days later the City's abatement contractor came in and abated the back yard of the property. Mr. Otterson was present and corroborated Mr. Collins' statements. Captain Sykes was also present at the meeting and acknowledged that the conversation between him and Mr. Otterson did take place and the statement attributed to him was accurate. Captain Sykes

acknowledged that he did not think that the City had jurisdiction over the weeds in the rear of the property but has since found that is not the case.

Gary Gabel spoke in protest of a \$8631.00 abatement invoice which he received for a property which he owns located at 426 W. Willow Street. Because of what Mr. Gabel explained was a recording glitch when he purchased the property, the only address on file with the County Assessor, Tax Collector and Recorder was the physical property address and Mr. Gabel resides in Red Bluff. Therefore he explained that he had never received any Abatement Notices and it wasn't until he was contacted by a local newspaperwoman that he even knew the property had been abated. Fire Chief Peabody explained that the City sends the notices to the most current and last known addresses on file with the County Tax Collector and Assessor, and the only address listed was the 426 W. Willow Street Address. In essence, Mr. Gabel's notices were returned to the Fire Department because the home is not occupied.

Jeff Haynes spoke in protest of a \$10,058.86 abatement invoice which he received for a property which he owns located at 1341 West Sycamore Street. Mr. Haynes stated that he has received abatement notices from the City for roughly the last eight to ten years and he has always let the City's Abatement Contractor abate the property and he has never paid higher than a \$500 invoice. He stated that he would like the City to tighten up the abatement contract and not allow it to be so open-ended, because it basically gives the Contractor no limits of hours and how much they can charge. He suggested that the contractor bid each specific property before beginning the abatement so the property owner would have an idea of the charges before they agreed to allow the contractor to abate the property.

Dale Myers, Willows Citizen and former City Weed Abatement Contractor in previous years, applauded the Fire Department for their annual Weed Abatement efforts, however, he believes that perhaps this year's Contractor should be investigated and possibly even charged with criminal negligence. Speaking to Mr. Haynes' suggestion that prior to abatement of each property, the City Contractor bid each specific parcel, Mr. Myers indicated that due to the number of properties that are abated and the time it would take to bid each property prior to abatement, this would certainly drive up the administrative costs and the contractor costs and did not agree that is how the process should work.

Donna Settle, managing editor of the Sacramento Valley Mirror, suggested that the City may want to have their Attorney review this and other contracts in the future before they are executed.

Lengthy discussion then ensued among the Council, Staff and Audience members present. The Council Members expressed their serious concerns over the high invoices in comparison to previous years and inquired what the difference was. They also inquired whether the Contractor was present to address their questions. Chief Peabody explained that the Contractor was unable to attend the meeting due to prior commitments. Chief Peabody also was admittedly awestruck by the difference in the charges this year versus previous years but stated that the Fire Department was given a breakdown of services provided and they were within the parameters of the contract. He stated if there was any mis-management that he would take the blame and stated that he will once again conduct a second review of the work performed versus the fees charged. Although the Council members were clearly concerned with the cost of service, they also expressed that the City is not in the Abatement Business and ultimately the onus to keep one's property clean from debris, refuse, rubbish, weeds, etc., should fall on the property owner and the property owners should pay attention when they receive the notices from the Fire Department and either abate their own property or privately hire somebody to do the work. Mayor Baker

pointed out that the \$82,500 bill has already been paid to the Contractor for the work performed and the City has no other means to recover the costs other than to place the charges on the property owner's tax bill as a special assessment. For the City to waive the fees entirely would be a great burden to those tax paying citizens who do abate their own properties at their own expense. Chief Peabody stated that the Council could consider waiving the 40% administrative fee which was added to the cost. Mayor Baker and the rest of the Council were all in agreement that this needs to be looked into further and the consensus of the Council was that there should be a second internal review conducted and the contract should also be looked at and tightened up in the future. With that, at 8:26 p.m. Mayor Baker stated that she is continuing the Public Hearing to August 10, 2010, at 7:00 p.m. or soon thereafter. Mayor Baker then called for a five minute recess.

Mayor Baker reconvened the Meeting at 8:33 p.m.

10. **Ordinances:** Action taken under item 8 (d).

11. **Items introduced by City Council or Administrative Staff for discussion purposes only (Including Economic Development Updates, if any):**

Mayor Baker reported on the last SWOT meeting that occurred at the Old Hwy 99 Steakhouse. She stated that during that meeting there was a request by some of the citizens to invite City Staff to be included in the SWOT Analysis discussions. Mayor Baker stated that it is a requirement for staff to attend these meetings in their official working capacity in order to record the discussions and that staff operates by policy and under direction of the Council. She believes that since staff is mandated to attend the meetings in an official capacity, she does not believe that staff should be participating in the discussions and SWOT analysis. Further, she stated that certain members of staff have been publicly scrutinized by members of the community at some of the more recent City Council Meetings and she did not think it would be fair for staff to now have to be involved in discussions relating to some of the items they have been scrutinized over. Council Member Hansen who was also present at the SWOT meeting stated that initially he thought it may be a good idea to allow for staff input during the SWOT Analysis discussions, however, after having more time to think about this, he concurred with Mayor Baker and agreed that staff should only be attending the meetings in order to perform their official duties, and if they were involved in the actual discussions, this may be a conflict of interest. He also stated that he believes the facilitator for the meetings, Christine Zoppi, has done a very good job keeping things on track and moving along. Council Members Yoder and Holvik also concurred with Mayor Baker and Council Member Hansen and it was the unanimous consensus of the Council Members that staff not be directly involved with the SWOT Analysis discussions

12. **New Business:**

a) Item removed from agenda under Agenda Review (#4) above.

b) Finance Director Tim Sailsbery and Principal Planner Karen Mantele gave an informational Power Point Presentation showing an overview of the City's Pass Through Agreement Accounts (PTA's) and Use Permits Policies, Processes, Procedures and Oversights. Upon conclusion of the presentation, Mr. Sailsbery asked that in order to commence further discussions on these items, he is seeking commencement of formation of a "Citizen's Committee" consisting of several community members, himself, and possibly a

City Council Member. Mayor Baker volunteered to sit on this committee and by a consensus of the Council was appointed to said committee.

c) Staff is seeking Council Direction about their possible interest in reducing/waving a portion of Development Impact Fees for Low Income Housing units to be built by Community Housing Improvement Program, Inc. (CHIP) within the Willowglen Subdivision, Phase II:

The City Manager presented this item to the Council stating that in July 2009 the City Council adopted new Development Impact Mitigation Fees within the City of Willows. There has since not been any new development requiring the payment of Development Fees since the Ordinance was adopted. Throughout the window of time immediately prior to adoption of the Impact Fee Ordinance, CHIP was engaged in the process to purchase 14 parcels within the Willowglen Subdivision. Immediately upon the completion of that purchase transaction, CHIP representatives contacted the City to inquire about possible options to avoid the financial impacts in conjunction with the newly adopted Development Impact Fees. Discussions concluded with CHIP indicating that they would not be ready to commence construction for approximately one year and would contact the City at that time to request "fee adjustment" as defined in WMC Section 19.05.070.

As requested in a letter from Attorney Carl Leverenz on behalf of CHIP, the developer is seeking a reduction of fees up to \$4000 per parcel or a total of \$56,000, and if approved, CHIP is prepared to commence construction of those homes immediately. Additionally, the letter states that recently four other neighboring Northern California cities had provided similar levels of assistance for low income housing. A waiver or a reduction of any level in conjunction with the Impact Fees would require an equivalent contribution by the City of Willows to the Impact Fees fund balances, therefore, staff is seeking direction from the City Council.

Carl Leverenz, Attorney on behalf of CHIP, was present at the meeting and addressed the Council, reiterating the City Manager's statement that he is requesting a fee waiver or reduction up to \$4000.00 per property. Mr. Leverenz stated that he would be happy to answer any questions of the Council.

Council discussion ensued and after each Council Member had an opportunity to state their opinions and comments on this waiver request, it was by unanimous consensus of the Council Members present that the City is not in a secure enough financial situation to forego any of the Development Impact Fees. It basically comes down to dollars that the City just does not have to give.

13. Council Member Reports:

Council Member Hansen reported that he recently attended Business Expo and Farmers' Market and he was very impressed at the number of vendors and the size of the crowd in attendance. Mayor Baker also attended the Business Expo and Farmers' Market and had a very nice time. She also suggested that maybe next year the Farmers' market could switch between Willows and Orland on a weekly basis, rather than a monthly as they are currently doing. The City Manager stated that the Willows Farmers' market actually ranks number 4 in the State according to RCD. Mayor Baker wrapped up the Council Member reports by stating that she thinks Christine Zoppi, the facilitator for the special SWOT meetings that have recently taken place with the City Council and members of the community, has been doing a fantastic job.

14. **Executive Session:** Pursuant to Government Code §54950 et seq., the City Council held a Closed Session at 9:45 p.m. to discuss the following topic:

PUBLIC EMPLOYEE APPOINTMENT/DISMISSAL/RESIGNATION:

Pursuant to Government Code § 54957.1 (5)

Title: Library Director

The Council reconvened to open Session and reported that they accepted the Library Director, Sandie Hobbs' resignation and the Council then directed staff to continue engaging in discussions with the City of Orland about potentially sharing Library Director services and to update the Council on the discussions at a subsequent Council Meeting.

15. **Adjournment:** Mayor Baker adjourned the meeting at 9:55 p.m.

Dated: July 27, 2010

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider