

MINUTES OF THE WILLOWS CITY COUNCIL MEETING HELD December 14, 2010

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

Present: Holvik, Hobbs, Cobb, Yoder & Hansen

Absent: None

4. **Agenda Review:**

- a) Council Member Yoder requested that item 11 (g) to receive nominations and by motion, appoint a Mayor and Vice Mayor for 2011 to become effective immediately, be moved to item 4 (b). It was then **moved** by Council Member Holvik and **seconded** by Council Member Yoder to accept the December 14, 2010, Agenda as amended to move item 11 (g) up to item 4 (b). The motion was unanimously passed.
- b) Vice Mayor Hansen opened nominations for appointment(s) of a Member of the Council to serve as Mayor for 2011. Council Member Holvik made a **motion** to nominate Vice Mayor Hansen to be appointed to serve as Mayor for 2011, with the appointment to go into effect immediately. There were no further nominations for Mayor and nominations were closed. Council Member Yoder **seconded** Council Member Holvik's motion to appoint Vice Mayor Hansen to the seat of Mayor for 2011, with the appointment to become effective immediately. The motion was unanimously passed.

Newly Appointed Mayor Hansen opened nominations for appointment(s) of a Member of the Council to serve as Vice Mayor for 2011. Council Member Yoder made a **motion** to nominate Council Member Holvik to be appointed to serve as Vice Mayor for 2011, with the appointment to go into effect immediately. There were no further nominations for Vice Mayor and nominations were closed. Council Member Hobbs **seconded** Council Member Yoder's motion to appoint Council Member Holvik to the seat of Vice Mayor for 2011, with the appointment to become effective immediately. The motion was unanimously passed.

5. **Presentations & Proclamations:** None
6. **Oral and Written Communications/Public Comment:** None
7. **Consent Agenda:**

Council Member Yoder requested that items 7 (c) and 7 (d) be pulled from the Consent agenda and voted on separately due to the fact that our two newly seated Council Members were not in attendance at those Council Meetings and should not vote to approve the minutes of those meetings. It was then noted that the two new Council Members were present at the November 23 Council Meeting, in which they were administered the Oath of Office. Council Member Yoder then requested that only item 7 (c) be pulled from the Consent Agenda and voted on separately. It was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik to approve the Consent Agenda, minus item 7 (c). The motion was unanimously passed.

It was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik that item 7 (c) be approved. The motion passed with three Ayes and Council Members Cobb and Hobbs abstaining and the following items approved/adopted:

- a) Approval of General Check Register (22468-22502).
- b) Approval of Payroll & Direct Deposit Check Registers (Z02084-Z02130 & 30989-31016).
- c) Approval of the November 9, 2010, City Council Meeting Minutes.
- d) Approval of the November 23, 2010, City Council Meeting Minutes.
- e) Accept a proposal to dispose of surplus vehicle by sealed bid method.
- f) Approve a proposed Non-Disposal Facilities Element (NDFE) for the County of Glenn, City of Orland and City of Willows.

8. **Public Hearings:** None

9. **Ordinances:** None

10. **Items introduced by City Council or Administrative Staff for discussion purposes only (Including Economic Development Updates, if any):** None

11. **New Business:**

- a) Consider adoption of a Resolution to designate the City Manager as the authorized representative to act on behalf of the City in completing an application process for financial assistance with the State Water Resources Control Board for sewer line replacement:

City Manager Steve Holsinger explained that in April of 2009, the City Council authorized Staff to pursue loan financing for the replacement of existing sewer lines in an amount not to exceed \$1.85MM. At that time, ARRA funds were potentially available by the Federal Government via the California State Water Resources Control Board (CSWRCB) for 0% loan financing. However, City Staff subsequently learned that the funding source had been exhausted in advance of processing the City's application for funding. At that time, Staff put the application process on hold, pending other advantageous funding opportunities. At this time, a new program has been developed by the Federal Government in association with the CSWRCB to provide up to 50% loan forgiveness. The City may be eligible to participate in this program and now is the time to re-start the application process. Under the current potential funding parameters, the City would be responsible for up to \$925,000 (50% of the \$1.85MM total) in loan funding over 20 years. While the interest rate is yet to be determined, it is assumed, at this time, that it will not exceed 3%. At this interest rate, the annual payment would be approximately \$62,200 per year.

There are a number of items to be completed by City Staff over the next several weeks in order to submit a full application. One of those items is to have an approved Resolution naming an authorized representative to act on behalf of the City pertaining to this transaction. Staff is suggesting that Council adopt the Resolution to designate the City Manager as the Authorized Representative.

It was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to adopt a Resolution naming the City Manager as the Authorized Representative for purposes of applying

for financial assistance with the California State Water Resources Control Board. The motion was unanimously passed.

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- b) Consider adoption of a Resolution authorizing the City Manager to sign a Notice of Completion for work performed in conjunction with Phase I of the South Tehama Street Project.

Public Works Director Greg Tyhurst explained that bids were received in April to pave a section of South Tehama Street within the boundaries of County Road 57 to Fern Street. Granite Construction was the low bidder and the contract was awarded to them on April 13. Work commenced on the project on June 18 and was completed on October 10. Staff has reviewed all of the work within the project scope and has found the work to be in compliance with the plans and specifications as set forth by the City Engineer. At this time Staff is asking the Council to adopt a Resolution allowing the City Manager to sign a Notice of Completion.

It was **moved** by Council Member Yoder and **seconded** by Council Member Hobbs to adopt a Resolution authorizing the City Manager to sign a Notice of Completion for work performed under an agreement dated April 13, 2010, for the South Tehama Street Phase I Project (State Funding number ESPL 5062 (013)). The motion was unanimously passed.

- c) Consider adoption of a Resolution authorizing the City Manager to sign a Notice of Completion for work performed in conjunction with the South Tehama Street Landscape Project, the South Tehama Street Phase II Project and the South Tehama Street Phase III Project.

The Public Works Director stated that much like the previous item, he is seeking Council approval to adopt a Resolution to allow the City Manager to sign a Notice of Completion for the South Tehama Street Landscape Project, the South Tehama Street Phase II Project and the South Tehama Street Phase III Project. He explained that Knife River Construction was the low bidder and was awarded the contract on September 28. Work on the project commenced on October 18 and was completed November 18. Staff reviewed all of the work within the project scope and has found the work to be in compliance with the plans and specifications as set forth by the City Engineer.

It was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to adopt a Resolution authorizing the City Manager to sign a Notice of Completion for work performed under an agreement dated September 28, 2010, for the South Tehama Street Landscape Project, the South Tehama Street Phase II Project and the South Tehama Street Phase III Project (State Funding numbers ESPL 5062 (014, 015, & 016)). The motion was unanimously passed.

- d) Consider acceptance of the General Plan Annual Progress Report and direct Staff to forward the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

City Planner Karen Mantele presented this item to the Council explaining that Section 65400 of the State of California Code requires that cities evaluate and annually report to the Office of Planning and Research and the Department of Community Development, the status of the General Plan and progress in its implementation and the progress made towards meeting the City's share of regional housing needs, (which planning period covers from January 1, 2007 to

June 30, 2014), and efforts within the Housing Element that remove governmental constraints to the maintenance, improvement, and development of housing.

The City adopted its General Plan in 1981 and has not updated the General Plan since that time, other than a major revision to the Land Use Element in 1987 with the annexation of land South of the canal, and some revisions to the Element and Land Use Map in 2000, an updated Housing Element in 2005, and most recently the current 2009-2014 Housing Element Update. The 2009-2014 Housing Element was adopted by the City Council on June 8, 2010. The Element was certified as adequate by the State Department of Housing and Community Development (HCD) on September 9, 2010. The City now has an adopted and certified updated Housing Element which outlines the City's plan to meet the Regional Housing Needs Allocation for the anticipated future housing needs for all income groups.

Other General Plan Elements include Open Space (1981), Conservation (1981), Circulation (1981), Safety (1974), Seismic (1974), Noise (1974), and Scenic Highways (1974). The City Council in 2008 contemplated a General Plan Maintenance Fee which would have been assessed on all building permits, to set aside funds for a comprehensive update to the General Plan. However, with strong public opposition, the Council voted against implementing such a fee to each building permit. As such the City has no plans in the near future to update their General Plan.

Affordability levels for the City of Willows is based upon Glenn County income limit information (adjusted for household size) provided by HCD each year. In Glenn County, the 2010 income limits are based upon a median income of \$33,780 for a family of four. Willows' fair share housing allocation represents 37 percent of Glenn County's total housing allocation needs.

The housing unit report presented to the Council for approval includes the unit count of new housing produced during the calendar years from 2007 to 2010 (those years within the RHNA Planning period) and provides a ten year overview of building permit issuance.

The Planning Commission at their November 17, 2010, meeting reviewed and discussed the General Plan Annual Progress Report and directed Staff to add information to the Report before forwarding to the City Council, regarding entitlements that the City has approved towards producing new residential units. This additional information is included in the housing report presented to the Council and is in italics. Additionally the Commission expressed that they would like to see the Senior Housing Survey done as soon as feasible, and prior to 2014, as this is one of the 2009-2014 General Plan policies as listed at the end of the Annual Report along with other policies to implement prior to 2014. With that, Ms. Mantele asked that Council consider acceptance of the Progress Report and direct Staff to forward the Report to the required State Agencies.

Council discussion ensued, with the main focus of discussion being on Council's desire to make the conducting of a Senior Needs Assessment Survey a priority, per the recommendation of the Planning Commission.. The City Manager explained that this type of survey would cost approximately \$30,000 - \$40,000 and he doesn't know how the City would fund a survey at this time unless funds were taken straight from the General Fund. Ms. Mantele stated that she has contacted HCD to see if there were any grant funds available for this type of project and she was told that nothing is available at this time. The Council suggested that perhaps City Staff could look into some other resources that might be available to prepare a survey, such as a Chico State

student who could prepare it as part of their course work or as a special project. Staff confirmed that they would investigate to determine if anything like that may be available. The City Manager then reminded the Council that the Senior Needs Assessment Survey, although a priority for both the Planning Commission and the City Council, is not required to be completed until 2014, whereas there are several other actions in the report which are required to be completed before December of 2011 in order for our current Housing Element to remain certified.

Once discussions ceased, it was by **unanimous consensus of the Council** to accept the General Plan Annual Progress Report and to direct Staff to forward the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

- e) Consider improvements as satisfactorily completed in compliance with the Nuisance Abatement complaint against Mrs. Anna Francis at 429 N. Shasta Street (Glenn County Superior Court Case #09SCV0115).

The City Manager presented this item to the Council explaining that since May of 2000, City Staff has attempted to work with the property owner at 429 North Shasta Street to self-abate the public nuisances that existed at this location. In May of 2009 the City Council authorized the City Attorney to commence court action against the property owner Anna Francis. On November 5, 2010, the City was advised by the court to proceed with actions necessary to satisfy the requirements of the cleanup.

Since that time, Mrs. Francis and her family have continued their efforts to remove the nuisances from her property. Upon the City's last inspection it was found that only a few items were left to be removed. City Staff was able to work with a local towing company to remove the remaining items and the items are scheduled for removal in the very near future. At this time, the Willows Fire Department has determined that the public nuisances have been satisfactorily removed or are scheduled for removal in the near future. Therefore Staff declares the owner of the property has met or exceeded the requirements that were set out by the court and is recommending that the City Council find this abatement action as satisfied.

It was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to consider the improvements already completed and/or currently scheduled as satisfactorily in compliance with the Nuisance Abatement complaint against Mrs. Anna Francis, at the property on 429 North Shasta Street (Glenn County Superior Court Case Number 09SCV0115). The motion was unanimously passed.

- f) Staff seeking Council direction on potential changes for the upcoming Weed Abatement Season and clarify what procedures to utilize for the City's Abatement program.

The City Manager presented this item, explaining that earlier this year following the completion of the seasonal weed abatement process, the City Council directed Staff to explore possible changes to the City's Abatement program and procedures. Staff initiated a review of some of the surrounding communities and their weed abatement programs. After reviewing other Cities procedures, Staff prepared a summary of some possible alternatives that the Council could consider utilizing during the 2011 Weed Abatement Season. These options are being introduced for Council discussion purposes only and Staff is not recommending any specific changes to the current process at this meeting, but rather seeking Council direction on which option they would like to implement moving forward. Staff will then complete a more comprehensive

recommendation on specific policy and procedural changes to incorporate within the City's Municipal Code. Following are the possible alternatives being introduced for discussion:

Option 1: Use the same or very similar program that we have been using, but with specific modifications to the current contract format and bidding/awarding process.

Option 2: Get out of the Weed Abatement business altogether, although Staff doesn't believe this is possible because the Abatement Program is mandated under State Law. As an alternative, the City could simply move to a fine or citation type system, similar to parking or traffic enforcement citations.

Option 3: Develop an "In-House" Program utilizing Public Works or seasonal part-time employees; funded via special revenue enterprise fund. This is a viable option but would be very difficult in that it would require additional staff and special equipment that the City currently does not possess.

Option 4: Contract the Weed Abatement program out completely and/or create a citizens oversight committee to administer the program through July 1 each year and then come before the City Council with a recommendation on assessments, fines, etc. This would provide for complete local residential control of program and procedures with the exception of confirming assessments/liens on properties, which is authority only vested in the City Council.

Option 5: Assign or create an advisory or ad-hoc committee consisting of citizens and/or Council Members and/or Staff members in order to recommend a contractor and to oversee the entire abatement process and make recommendations to the Council.

Extensive discussion ensued among the Council and each Council Member voiced their preferred option and discussed the pros and cons of each of the options. Upon conclusion of discussions, a majority of the Council Members believed that the procedures should remain as they have been in the past, but they would like to straighten out some of the loopholes in the contract and make any necessary changes in order for the process to be fair and run smoothly. In order to do this, it was the consensus of the Council to create a subcommittee consisting of two Council Members and key City Staff members to review the current contract and procedures and bring back their recommended changes and modifications to the entire Council for approval at a future meeting. Council Members Holvik and Cobb volunteered to sit on the Committee and the Council then directed the City Manager to set up a meeting of the subcommittee in the near future.

Jeff Williams, an audience member present at the meeting, stated that he believed the Council should seek public comment and input on the Weed Abatement processes. He also questioned why the City Attorney was not present at the meetings and why he wasn't involved in the Weed Abatement process. He then stated that he believed that Staff should identify each property that is scheduled to be abated by the Contractor, post a notice at the property itself and possibly on the City's website, and take bids on each individual property to be abated and post the bid amount on the property. Mayor Hansen thanked Mr. Williams for his comments.

g) Appointment of Mayor and Vice Mayor for 2011. (Action already taken under item 4-b)

h) Consider appointments to various committees, commissions, and or panels for 2011.

Following discussion and reviewing the 2010 committee appointments list, it was by consensus of the Council to make the following committee appointments/reappointments for 2011:

Airport Land Use Committee: Holvik & Cobb (alternate)
Glenn County Waste Management Regional Agency: Hansen & Holvik (alternate)
Transit Committee: Yoder & Hansen
Transportation Committee: Yoder & Hansen (alternate)
LAFCO: Holvik & Hobbs (alternate)
City Select Committee: Mayor (Hansen)
Countywide Mosquito & Vector Committee: Cobb
Finance Committee: Cobb & Hobbs
GCID Voting Delegate: Mayor (Hansen)
League Legislative Delegate: Mayor (Hansen)
Library Board: Hobbs
3CORE (f.k.a. Tri-Counties Economic Development Committee): Hobbs & Holvik (alternate)
CDBG Loan Committee: Yoder & Cobb

12. Council Member Reports:

Council Member Yoder stated that he will be attending the Transit & Transportation Committee Meetings this upcoming Thursday.

Mayor Hansen stated that he attended the recent Craft Faire and Light Parade and that there was a very nice turnout.

13. Executive Session: None

14. Adjournment: Mayor Hansen adjourned the meeting at 8:48 p.m.

Dated: December 14, 2010

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider