

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
November 10, 2009

1. The meeting was called to order at 7:00 p.m. by Mayor Towne.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance. After the Pledge of Allegiance, Council Member Holvik requested a moment of silence for the Soldiers who lost their lives in the recent tragedy at Fort Hood and in observance of the Marine Corp Birthday and the Veterans' Day Holiday.
3. **ROLL CALL:**
Present: Baker, Holvik, Hansen, Yoder & Towne
Absent: None
4. **Agenda Review & Acceptance:** City Manager Steve Holsinger pointed out that there was a typographical error on item 11 (b) on the agenda and the amount should have read \$48,185 rather than \$38,185 for the overall budget for the Sycamore Street Slip-Line project. It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the November 10, 2009, agenda with the aforementioned change. The motion was unanimously passed.

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

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

Randy McGarr, a resident of Sacramento Street, commented that he has noticed all of the various road projects that have been conducted throughout the City and he inquired when the City might be conducting roadwork on Sacramento Street which is in need of repair. Mayor Towne advised Mr. McGarr to visit City Hall during normal business hours and speak to the Public Works Director Greg Tyhurst for this information.

6. **Consent Agenda:** Prior to taking action on the Consent Agenda, Council Member Holvik indicated that he would be abstaining on item 6 (c) only which is the approval of the October 27, 2009 City Council Minutes, due to his absence at that meeting. It was then **moved** by Council Member Yoder and **seconded** by Council Member Baker to approve the Consent Agenda as presented. The motion passed, with Council Member Holvik abstaining on item 6 (c), and the following items were approved/adopted:

- a) Approval of General Check Register (20851-20872).
- b) Approval of Payroll & Direct Deposit Check Registers (30278-30301 & Z00931-Z00970).
- c) Approval of Minutes of the City Council October 27, 2009, Regular Meeting.
- d) Waive second reading, except by title only, and adoption of an Ordinance entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING SECTION 1-05-125 TO THE WILLOWS MUNICIPAL CODE REGARDING CONSISTENCY OF ANY USE, ENTITLEMENT, AUTHORIZATION, LICENSE OR PERMIT WITH STATE AND FEDERAL LAW**".

- e) Approve cancellation of the November 24 & December 22, 2009, City Council Meetings.

7. Presentations and Proclamations: None.

8. Public Hearings:

- a) Conduct a Public Hearing and following closure, provide direction to staff for continuing to process completion of the required update to the Digital Flood Insurance Rate Map (DFIRM) for the City of Willows.

The Federal Emergency Management Agency (FEMA) is converting all Flood Insurance Rate Maps (FIRM) to a digital format (i.e., Proposed Base Flood Elevation Determination for the City of Willows). The Department of Homeland Security, FEMA and the City of Willows is hereby soliciting technical information, comments and/or discussion of the proposed Base Flood Elevations (BFEs) shown in the Preliminary Flood Insurance Study (FIS) and on the Preliminary Flood Insurance Rate Map (FIRM) for the City. These newly proposed BFEs are the basis for the floodplain management measures that the City is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). This public hearing will provide an opportunity for community members to obtain information relative to rate adjustments and/or other impacts within specific neighborhoods in the City. A number of property owner notifications were mailed to those persons residing in the areas that could potentially be affected by the proposed changes by being annexed into the City's high-risk flood zone and several of those property owners were in attendance at the meeting.

Ms. Kathleen Schaefer, an Engineer with FEMA was in attendance and addressed the audience stating that she believed that she had good news for those residents who may have potentially been affected by the proposed changes. She stated that no changes would be made to the map which is currently in effect, even though the proposed map shows that the areas east of the Southern Pacific Railroad tracks from East Oak Street to East Wood Street (approximately 100 homes) were shown as being proposed for annexation into the high-risk flood zone. Ms. Schaefer said that she reconsidered this decision within the last few hours after having received some additional information from the City's Building Official Clay Dawley. She said the area which was considered for annexation was on the cusp of FEMA's minimum standards for a major flood zone. Upon a second review, she concluded that the depth of flood water would reach a maximum of 2 feet, which is within FEMA's margin, and she stated that although they probably should be in the flood zone, for now they will remain outside the high-risk flood zone. Ms. Schaefer continued by pointing out that while the potential for a major flood in those areas does exist, it is not enough to force residents to purchase federal flood insurance this year. The newly revised map should be available for public review during the month of March.

At this time, Ms. Schaefer addressed several questions posed by members of the audience regarding the flood map and flood insurance requirements. A rather lengthy question and answer session ensued and Mayor Towne then announced that he believes it would be appropriate at this time to open the Public Hearing to receive formal public input. Mayor Towne opened the Public Hearing at 7:56 p.m.. Joan Culp spoke during the public hearing, inquiring how she could go about obtaining insurance even if she was not required to do so. Ms. Schaefer addressed Mrs. Culp's question, and hearing no other public comments, Mayor Towne closed the Public Hearing at 8:05 p.m. Additional discussion ensued among the City Council, City Staff and Mrs. Schaefer and it was pointed out by the Building Official that there are also some areas in the city which

are currently in the high-risk flood zones that staff is working on trying to get out of those zones. If this were to happen, several residents on the South end of the City who are currently required to obtain flood insurance would no longer be required to do so.

Following discussions, Ms. Schaefer informed the Council that FEMA would be returning for another update sometime within three to five years and that annexations could occur at that time.

At 8:05 p.m. Mayor Towne called for a five minute recess. The meeting reconvened at 8:10 p.m.

9. Ordinances: Action taken under item 6 (d).

10. Items introduced by City Council or Administrative Staff for discussion purposes only:

Council Member Holvik shared some comments regarding the sign discussion which took place at the October 27, 2009, City Council Meeting which he was not able to attend. He indicated that he would like to see the Ordinance changed to allow for temporary off-site advertising for businesses holding special events. Council Member Hansen concurred with Council Member Holvik and also thought that the rules should be revised to accommodate special events for businesses. The City Manager stated that under the current Ordinance, staff has some authority to allow administrative permission for off-site signage for Civic and Non-Profit Organization special events, but to relax the standard to allow for every business to be allowed off-site signage could potentially result in businesses from out of the area to place off-site signs throughout the city – not just local businesses. Mayor Towne indicated that he concurs with the City Manager and he sees no real need to change the Ordinance and relaxing the Ordinance would allow the City to have much less control over signs being erected anywhere and everywhere throughout the City. Council Member Baker stated that if an off-site sign is going to make or break a business, she could not see justification of relaxing the standard for that one reason and added that she personally does not want to see a sign for another business placed in front of her place of business. The City Manager stated that all business and commercial activity in the City is important and he pointed out that businesses can take out advertisements at reasonable rates in two local papers, both with substantial circulations. The City Manager indicated that it is his opinion that the Ordinance should remain as it is currently written; however, he stated that staff will act accordingly in preparing an amendment to the Ordinance if so directed by Council. In concluding the discussions, Council Member Holvik stated that he was glad to hear that there is some allowance for the Civic Clubs and Non-Profits to temporarily advertise special events off-site and he stated that although he was not a part of the original discussions, after hearing the discussion tonight, he now has a little more insight and feels more comfortable with keeping the Ordinance as it currently is written. No formal direction was given to City Staff by the Council at this time to prepare any amendments to the Ordinance.

11. New Business:

- a) Consider adoption of a Resolution to authorize the City Manager to enter into, and execute all documents with the Department of Transportation for the use of American Recovery and Reinvestment Act (ARRA) Funds:

Public Works Director Greg Tyhurst explained that in Fiscal Year 2008/2009, the Department of Transportation Division of Local Assistance requested that local agencies put together a list of priority projects for inclusion into a State data base. The purpose behind this was to secure funds

awarded under the American Recovery and Reinvestment Act signed into law on February 17, 2009. As part of our priority list, the rehabilitation of South Tehama Street between County Road 53 and County Road 57 was targeted for these possible dollars. The City has been awarded \$547,792 dollars for this request. Additionally, another \$200,000 may become available to use to lengthen this project to the north and south of the two boundaries first mentioned. The City has also been awarded another \$37,000 for roadside beautification that came from the same funding source.

Discussion ensued among the Council and Staff and the Finance Director asked that as a separate motion that the Council would authorize the appropriation of funds in the amount of \$784,792 into the American Recovery and Reinvestment Act Fund. It was then **moved** by Council Member Hansen and **seconded** by Council Member Yoder to adopt a Resolution authorizing the City Manager to enter into and execute all documents with the Department of Transportation for the use of American Recovery and Reinvestment Act Funds. The motion was unanimously passed. It was then **moved** by Council Member Hansen and **seconded** by Council Member Yoder to authorize the appropriation of funds in the amount of \$784,792 into the American Recovery and Reinvestment Act Fund Number 396. The motion was unanimously passed.

- b) Consider adopting a Resolution awarding a construction contract for the West Sycamore Street Slip-line project to JF Pacific Liners in the amount of \$37,685 and establish an overall budget of \$48,185 for the project:

The Public Works Director explained that in September of this year, staff advertised the West Sycamore Street Slip-line project for public bid to line approximately 700 feet of existing sewer line in order to stop inflow and infiltration of groundwater into the sewer system. The project was bid in accordance with the Public Contract Code. On the scheduled date and time the bids were to be opened, no bids were received by the City. In accordance with Section 20166 of the Public Contract Code, when no bids are received for a project, the city no longer has to follow the regulations of the chapter of the code and may solicit bids directly with contractors. Based on this section of the code, the City contacted three firms in an attempt to received bids for the project. In response, JF Pacific Liners was the only responder and provided a bid amount of \$42,885. This includes a base bid of \$37,685 plus an additional \$5200 as an additive alternative if there is excessive water coming into the pipe joints. If the project is completed prior to the onset of significant rain, grouting will most likely not be necessary. Staff is requesting that Council authorize a total budget of \$48,185 for the project (\$42,885 plus estimated construction and management inspections and construction contingency costs of \$5300). The overall budgeted amount of \$48,185 being requested is below the Engineer's Estimate of \$49,811 for this project.

Staff has reviewed JF Pacific Liners bid and determined that it satisfies the bidding requirements for the Project and staff is recommending that the Council award the Contract and establish sufficient budget such that if the additive alternative work is needed, there is sufficient authorized monies available without having to delay the project or come back before Council for further authorizations.

Discussion ensued and it was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to adopt a Resolution awarding a construction contract for the West Sycamore Street Slip-line project to JF Pacific Liners in the amount of \$37,685 and to establish an overall budget of \$48,185 for the project. The motion was unanimously passed.

12. Council Member Reports:

The Council Members took an opportunity to thank the Public Works director for all of the road improvements that they have been making throughout the City.

13. **Executive Session:** None

14. **Adjournment:** The meeting was adjourned at 8:42 p.m.

Dated: November 10, 2009

NATALIE BUTLER

City Clerk