

MINUTES OF THE WILLOWS CITY COUNCIL MEETING HELD October 12, 2010

1. The meeting was called to order at 7:03 p.m. by Mayor Baker.
2. **PLEDGE OF ALLEGIANCE:** Council Member Holvik led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Holvik, Towne, Yoder, Hansen & Baker
Absent: None

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the October 12, 2010, Agenda as presented. The motion was unanimously passed.

5. **Presentations & Proclamations:** None

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

- a) Margaret Albiston announced that on October 18, 2010, at 6:00 p.m., the Willows Elks Lodge will be hosting a Candidates' Night for the candidates running for election to the Willows City Council and Willows Unified School Board.
- b) Rose Marie Thrailkill announced that the Candidates' Night scheduled to be put on by the Willows Chamber of Commerce on today's date had been cancelled due to there being a conflict with the Willows City Council Meeting. She also reported on various past and upcoming community events and fundraisers.

7. **Consent Agenda:**

Mayor Baker requested that item 7(d), "Approval of the September 28, 2010, City Council meeting", be pulled from the Consent Agenda and voted on as a separate item, as she was not in attendance at that meeting. It was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to approve the Consent Agenda, minus item 7(d). The motion unanimously passed with all Ayes. It was then **moved** by Council Member Holvik and **seconded** by Council Member Yoder to approve item 7(d) on the Consent Agenda. The motion passed with four Ayes and Mayor Baker abstaining, and the following items were adopted/approved:

- a) Approval of General Check Register (22200-22292).
- b) Approval of Payroll & Direct Deposit Check Registers (Z01935-Z01969 & 30901-30923).
- c) Approval of the City Council Meeting Minutes of September 14, 2010.
- d) Approval of the City Council Meeting Minutes of September 28, 2010.

8. **Public Hearings:**

- a) Consider approval of the proposed allocation of 2010/2011 Supplemental Law Enforcement Service Funds (SLESF):

Police Chief Bill Spears introduced the Staff Report to the Council explaining that as of the time of creating the report the proposed State Budget contains a continuation of the allocation of the

SLESF program with a minimum allocation of \$100,000 per agency. Government Code requires that the Police Chief submit a spending plan to the City Council for approval after a public hearing that must be conducted each year. This year's proposal is to provide full cost of the part time CSO position (\$19,875), and the majority of the cost of maintaining the SRO position (\$19,875) and the remaining \$4705 will be utilized for special projects, supplemental material and training for the SRO position, as well as for overtime. The City of Willows is the recipient of \$100,000 from the State of California for the SLESF grant and Chief Spears is requesting that the Council conduct a Public Hearing to receive input and consider approving the use of such funds to accept the grant.

Mayor Baker opened the Public Hearing at 7:18 p.m., and receiving no comments, closed the Public Hearing at 7:18 p.m. It was then **moved** by Council Member Yoder and **seconded** by Council Member Hansen to approve the proposed allocation of the 2010/2011 Supplemental Law Enforcement Service Funds. The motion was unanimously approved.

- b) Consider adoption of a Resolution to overturn the Planning Commission decision of September 29, 2010, to deny a Tentative Map for Basin Street Properties:

Prior to hearing this item, City Manager Steve Holsinger stated that there was a request from the Representatives from Basin Street for Mayor Baker to recuse herself from hearing and acting on this appeal due to the fact that she participated actively in the review of the project before the Planning Commission, including significant negative commentary on the traffic and circulation elements of the project that are at the heart of the appeal. Mayor Baker stated that she would be recusing herself, but expressed that she did not really want to do so. Mayor Baker exited the Council Chambers at 7:18 p.m., and Vice Mayor Hansen took over to chair the Public Hearing.

City Manager Steve Holsinger briefly introduced the Staff Report for this item explaining that this is an item being brought before the Council to either uphold or overturn the Planning Commission's denial of a Tentative Map for Basin Street Properties. This is strictly to look at the findings which the Planning Commission based their denial on and to determine whether the findings were applicable and are legally defensible. The basis for the Planning Commission's denial findings were based upon three General Plan Development Policy Statements: DPS-6, DPS-15, DPS-17, and an excerpt from a single Police Department memo dated April 6, 2010.

Vice Mayor Hansen opened the Public Hearing at 7:19 p.m. He then read a letter into the record that was received by Willows resident Robert Rist, who indicated that he was strongly in favor of the proposed development, but he is opposed to the construction of a bridge over the Glenn Colusa Irrigation District Canal onto South Merrill Avenue due to the significant amount of additional traffic it will generate.

Willows resident Barry Duncan addressed the Council and stated that he too is in favor of development but he also objects to a bridge over the canal connecting to Merrill Avenue. He proposed that the bridge be moved to the east and that a road should be built down the center of Jensen Park and connect to Lassen Street rather than Merrill.

Business Owner Rick Thomas spoke in favor of the project in its entirety stating that housing is the start to the City's economic success and that the City needs to grow in order to survive. He spoke briefly on the conditions of denial and it is his opinion that the conditions were not applicable and he strongly encouraged the Council to overturn the Planning Commission's denial of the project.

Willows resident Richard Ramsey also spoke completely in favor of the project and urged the Council to overturn the Planning Commission's denial.

Willows resident Jeff Williams stated that he opposes the bridge but not the project itself and he believes the bridge should only be used for emergency access in and out of the development.

Willows Resident Margaret Albiston spoke in favor of the project, stating that if the Council upholds the denial of the project by the Planning Commission, Willows will not only die, but it would also send a message to other future prospective developers to not even request to develop in Willows because the City would be viewed as anti-growth.

Larry Domenighini, Planning Commission Chair and Willows Resident, addressed the Council regarding his opposition to the project and the reasons the Planning Commission denied it.

Having no additional requests to speak by the public, Vice Mayor Hansen closed the Public Hearing at 8:02 p.m.

The City Manager once again addressed the Council and reiterated that the purpose of this Public Hearing is for the Council to either uphold or overturn the Planning Commission's denial of the project and it is not a re-examination or a re-evaluation of the project. The Planning Commission did a very good job of extensively reviewing the project, however, staff has looked at the findings for denial and has concluded that the findings are not applicable and are not legally defensible to reject the proposed project. The City Manager then spoke of the alleged safety issues due to potential impacts created by the increased traffic during peak and off-peak hours on Merrill. He then provided a visual demonstration by walking 55 feet across the Council Chambers and 55 feet back and had plenty of time to do so in the time frame estimated to elapse between cars traveling on Merrill, according to the traffic study. It was noted that Merrill Street is 52 feet wide. His demonstration was to point out that that a person could quite comfortably cross the street with little to no safety concerns due to increased traffic. He also noted that the Developer will be required to post a bond and monitor the traffic at all intersections where traffic from this development could potentially be affected. Finally, he stated that there would be one other alternative that could possibly alleviate the concerns over the increased traffic on Merrill Avenue, and that would be to make the four blocks of South Merrill Avenue between Elm and Laurel Streets a South-bound only, one-way street, thus disallowing any traffic coming over the bridge to continue down Merrill. He is recommending that the Council overturn the Planning Commission's denial of the project.

Police Chief Bill Spears and Fire Chief Wayne Peabody also addressed the Council and assured the Council that they are confident that there will be no significant issues regarding health and safety issues with the new development and that they are in support of the project from a Public Safety standpoint. Both Chiefs also recommended that the Council overturn the Planning Commission's denial.

Once Staff concluded their comments, Council discussion ensued. Although the Council understood the concerns of the citizens on Merrill Avenue, it was mainly an issue of weighing the pros and cons of the project and they all indicated that the project is good and responsible development and it gives an opportunity for growth to the City. They thanked the Planning Commission for their service and for all of their time in reviewing the project, however, after hearing testimony from staff regarding the findings for denial, they concurred with Staff that the findings were not applicable or legally defensible. It was then **moved** by Council Member

Holvik and **seconded** by Council Member Towne to approve a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the South Willows Residential Neighborhood Project and approving Tentative Map (TM09-02), Use Permit (UP09-04), and Planned Development (PD09-12) on appeal for property located in the Southern portion of the City of Willows, South of Glenn Colusa Irrigation Canal, East of Interstate 5, and West of Tehama Street (Route 99), specifically Assessor's Parcel Numbers 001-091-012, 001-101-003, 001-102-014, 017-170-011 & 017-170-017. A roll call vote was called with the motion passing unanimously 4 – 0 (with Mayor Baker absent due to recusal).

At this time Vice Mayor Hansen announced that there would be a short break.

The meeting reconvened at 8:57 p.m. whereupon Mayor Baker returned to the Council Chambers and Chaired the remainder of the meeting.

9. **Ordinances:** None

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

The City Manager informed the Council that some time back the Council directed him to survey other Cities to determine how they operate their Weed Abatement programs and their success rates. He has posed this question on the League of California Cities Listserv and has received very limited responses and is still hoping to receive more. He just wanted to inform the Council that this topic has not slipped off the radar and he is still in the process of collecting responses and he will bring the information before them in the future.

The City Manager also reminded the Council that the joint Cities/County meeting is scheduled to take place next Thursday, October 21 at the Berry Patch in Orland and if any Council Member planned to attend they should let the City Clerk know by Monday, October 18.

Police Chief Spears reminded the Council that the Police Department's presentation of a Meth workshop will be held tomorrow night at 7:00 p.m. He also announced that the "Cans for Cops" and "Toys for Tots" donation programs will be getting underway in the near future.

11. **New Business:**

a) Consider adoption of a Resolution awarding a construction contract for the Sanitary Sewer Replacement Phase 1 Project to R & R Horn, Inc.:

City Engineer John Wanger briefly presented that Staff report and stated that the City recently went out to bid on Phase 1 of a sanitary sewer main replacement project. This is one of many future sewer repair projects that will be occurring over the next several years to replace aging sewer infrastructure and cut down the inflow and infiltration from groundwater getting into leaky sewer lines. Seven bids were received for the project ranging from \$186,437 to \$301,626. The low bid was received from R & R Horn, Inc. Per the specs of the project, the contract is to be awarded based on the lowest base bid. Because the base bid was so low, there are sufficient funds to include all additive alternative work within the project. Additive alternates ranged in price from \$72,940 to \$101,871. The bid alternative submitted by R&R Horn was \$99,681. This brings the overall amount to be awarded to the lowest base bidder at \$286,118. Staff has reviewed R & R Horn's bid and determined that it satisfies the bidding requirements for this project.

It was **moved** by Council Member Holvik and **seconded** by Council Member Hansen to Adopt the Resolution awarding a construction contract for the Sanitary Sewer Replacement Phase 1 Project to R & R Horn, Inc. in the amount of \$286,118 and that an overall budget of \$353,730 be established for this project. The motion was unanimously passed.

b) Consider, by consensus, allowing the Recreation Department to continue fundraising efforts for the 2011 City Pool Swim Season:

Recreation Director Carol Lemenager presented this item to the Council stating that she is seeking Council direction on whether the Recreation Department should continue fundraising efforts in order to open the City Pool for the 2011 swim season. In March of 2010, Council authorized a committee consisting of interest citizens to form to help raise money to open the City pool for the 2010 swim season. The committee in turn formed a fundraising slogan, named the "Keep Our Pool Afloat" campaign. As the general public became aware of the campaign and fundraising efforts to keep the pool open, donations started coming in and additional ideas and opportunities of fundraising became available. The total Revenues generated for the pool during the 2010 swim season were \$27,308.80, of which, \$12,654.91 was straight monetary donations, \$3,850.00 was from Free Swim Day sponsorships, \$6685.20 was from the Willows Hydrojets for pool rental and \$4,118.69 was from pool admissions and swim lesson fees. Total expenditures for the pool were \$30,837.97 for wages, personnel and administrative costs, operational supplies, advertising, utilities, insurance, operation permit and various maintenance costs. With that, the Recreation Director is requesting direction from the Council whether to continue fundraising efforts and soliciting donations for the 2011 swim season.

Council discussion ensued and the Council thanked the Recreation Director for her hard work in putting together various fundraisers and seeking donations so the pool was able to operate during the 2010 season and it was the consensus of the Council to continue to host fundraisers and collect donations. It was noted by Council Member Yoder however, that the Council can't make any promises or guarantees that the pool will always remain open. He stated that we will have to see where the City is financially at the next budget cycle and if we are at a critical stage, the Council may need to make adjustments accordingly.

12. Council Member Reports:

Mayor Baker announced that this Friday was the High School Homecoming and she encouraged everybody to attend.

13. Executive Session: None

14. Adjournment: Vice Mayor Baker adjourned the meeting at 7:12 p.m.

Dated: October 12, 2010

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider