

**MINUTES OF THE WILLOWS CITY COUNCIL / PLANNING COMMISSION**  
**JOINT MEETING HELD June 8, 2010**

1. The meeting was called to order at 6:15 p.m. by Mayor Baker.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Commissioners Amy Alves, Leon Thur, Kerri Warren, Chairperson  
Larry Domenighini, Council Members Vince Holvik, Peter Towne, Jim  
Yoder, Gary Hansen & Mayor Heather Baker

Absent: Commissioner Candis Woods

4. **Public Hearings:**

- a) Consider adoption of a Resolution to adopt a Negative Declaration for an updated City of Willows Housing Element:

The Housing Element is a mandatory element of the City's General Plan and is subject to a substantial number of State Laws and is the only element subject to a five-year re-adoption requirement. In addition, each Housing Element must be reviewed and certified by the State Department of Housing and Community Development (HCD) as being in accord with the extensive body of state law. The State of California Housing Element Law, enacted in 1969, mandates that local governments adequately plan to meet the existing and "projected housing needs of all economic segments of the community". The law acknowledges that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. New legislation such as Senate Bill (SB) 2 (Addressing emergency shelter, transitional housing and supportive housing needs), Assembly Bill (AB) 2348 (Providing a detailed sites inventory to meet the Regional Housing Needs Allocation or "RHNA"), and AB 2634 (Identifying existing and projected extremely low-income housing needs) were bills related to housing that were made a requirement of this update, as the state has responded to the continuing lack of affordable housing with legislation that requires greater commitment from local governments and ties funding sources to housing element certification. The legislation also provides for stronger penalties for failing to comply with state housing law. Local governments, therefore, have multiple incentives for adopting a housing element that is certified by HCD.

Throughout California, jurisdictions are struggling to plan for housing and comply with state housing element law. It should be pointed out that state law explicitly indicates that jurisdictions are not expected to spend any of its own funds in carrying out the objectives of this element. It is not the City's responsibility to guarantee or ensure that the housing units that are needed to accommodate population growth are constructed. Instead, the City's obligations under the law are to (1) provide adequate, appropriately zoned sites to meet the existing and projected housing needs of all economic segments of the community and to (2) eliminate any constraints to the private development of a supply of housing to meet the needs of all economic segment of the community, and (3) facilitate the actions required of the development industry in providing an adequate supply of housing.

A housing element must identify available sites that can accommodate the RHNA. The projected housing need fair share allocation for the City of Willows (RHNA) are 487 housing units for the 2009 – 2014 planning period. The first step in identifying adequate sites is preparing an inventory of land suitable for residential development. California Government Code Section 65583.2(a) specifically provides that land suitable for residential development includes vacant and underutilized land. This land must be zoned and designated to allow for residential development during the planning period.

On January 13, 2009, the City Council authorized the City Manager to sign a services agreement with Pacific Municipal Consultants (PMC) for consultant services to prepare the 2009-2014 Housing Element update. PMC was selected for their wide range of Housing Element knowledge and experience.

The first public meeting to address the housing needs was a community stake holder meeting held on May 21, 2009. The majority of the public comments from this meeting were a concern with the lack of a variety of housing for senior citizens. A preliminary draft was prepared by PMC and was presented at a joint Planning Commission and City Council meeting held on August 18, 2009. Comments received from the hearing were incorporated into a revised draft, with the primary concerns being the proposed increased densities and the relaxing of zoning requirements. In October of 2009 the revised preliminary draft was submitted to HCD for a sixty day review. During that time, public comments were welcomed and the draft was made available at the City offices and on the City's website. The City received a response letter from HCD on December 16, 2009, which commended the City of Willows for increasing densities in the R-3 and R-P zones to allow up to 30 units per acre, as well as programs to provide zoning for a variety of housing types. The letter also stated that the draft element did address many statutory requirements; however revisions were needed, including completing an analysis of the governmental constraints and special housing needs, specifically emergency shelters, breaking down any fees and exactions that would be required of development, and addressing the City's Design Review process. The City provided, through the consultant, answers to HCD requests and resubmitted a revised housing element draft on January 18, 2010, for their review. Subsequent phone calls thereafter took place between HCD, PMC and the City addressing issues that HCD felt needed enhancement or clarification. PMC and city staff have worked with HCD to address their comments and have as a result resubmitted subsequent revisions to HCD of the draft housing element after public input and HCD reviews, and presented the revisions on March 18, April 22, and April 29, 2010, respectively. On May 17, 2010, the City of Willows received a compliance letter from HCD stating the housing element was in compliance with state law and the City can move forward with the element adoption process.

The City noticed and circulated the Initial Study/Mitigated Negative Declaration for a 30-day public review beginning on December 10, 2009, and ending on January 11, 2010. No comments were received from the public or any other agencies.

The following is a summary of the actions the City will need to complete during the 2009-2014 to meet the housing need.

\*Amend the General Plan to Increase densities in the High Density Residential Zone (R-3) from a maximum of 14 units per acre to allow for 16-30 units per acre.

\*Amend the General Plan to Increase densities in the Multiple Residence-Office Professional (R-P) zone to allow up to 30 units per acre.

\*Amend the General Plan Increase the density in the Two-Family Residential zone (R-2) to allow up to 15 units per acre.

\* Amend the Zoning Ordinance to allow for residential uses on all floors except the ground level as a permitted use in both the Central Commercial (CC) and General Commercial (CG) zones without a conditional use permit.

\* Amend the Land Use Element of the General Plan to be in compliance with the Housing Element by incorporating a Medium Density Residential (MDR) designation which will allow 7-15 units per acre and increase the Multifamily Residential designation (MFR) to allow for 16-30 units per acre.

\* Rezone parcel APN 001-330-017 to the R-3 zone allowing exclusively residential uses and a minimum of 16 units per acre.

With that, staff recommends that the Mayor conduct the Public Hearing in order for the public to discuss and provide comment, and to close the Public Hearing and if appropriate, approve the adoption of a Resolution to adopt a Negative Declaration for an updated Housing Element.

Mayor Baker opened the Public Hearing at 6:30 p.m. Several citizens spoke during the public hearing, including but not limited to, Cynthia Mello, Keith Parrish, Dean Gummow, Don Romeri, Rick Thomas (speaking on behalf of Ron Khan), Robert Faust, Forrest Sprague, Doug Ross, Barb LaDoucer, Dan Schuller, Rich Gilmore, Jim Hutson, William Barry Duncan and Joe Hinton. Although all people spoke in opposition to the adoption of the Housing Element, their main focus was opposition of allowing a rezone from R-1 to R-3 and increased densities in the R-3 zones from 14 units per acre to 16 – 30 units per acre, specifically at the vacant lot on the corner of Merrill Avenue and Elm Street (APN 001-330-017). Nearly every person that spoke stated their strong opposition of low-income, high-rise apartments being put on that vacant lot. Other concerns were those of maximum building heights, the concern that if more people move into the city they will just be put on “our welfare rolls”, public safety issues, not enough public meetings taking place in order to allow public input, etc.

Jennifer Gastelum, Senior Planner for Pacific Municipal Consultants explained that if there were to be a project such as a 4 or 5 story building coming into an R-3 zone, it would have to through Design Review and staff pointed out that if this were ever the case, not only would there be a minimum of four Public Hearings held, but the property owners within 400 feet of the project would be notified by mail of the Public Hearings. Members of the Planning Commission and the City Council indicated that there is currently no proposed “high-rise” project on the horizon for the 3 acres located at Elm and Merrill. Additionally, they indicated that they are not interested in multi-family residences at Elm and Merrill and that if there were to be a project of this magnitude proposed in the future, it would very likely be denied.

Once all comments were received, Mayor Baker closed the Public Hearing at 7:55 p.m. Council discussion ensued and it was made abundantly clear by the Council that the adoption of the Housing Element is a State Requirement and in not adopting it, there can be no development in the City at all, and the city would no longer be eligible for a number of state grants to assist with development projects. Additionally, they explained that the adoption of the element does not

guarantee that a rezone of the parcel located at Merrill and Elm from R-1 to R-3 would ever occur and they reiterated that many of them would not be in favor of a “high-rise” project with up to a maximum of 69 units at that location. The Housing Element is simply something that the City is required to adopt in order to be in compliance with state law.

Once discussions ceased, it was **moved** by Council Member Towne and **seconded** by Council Member Yoder to Adopt a Resolution of the City Council of the City of Willows, State of California, adopting a Negative Declaration for an updated Housing Element, repealing the existing 2005 Housing Element, and adopting the 2009-2014 updated Housing Element. A roll call vote was taken and the motion passed unanimously.

5. At 8:34 p.m. Mayor Baker called for a brief recess and the meeting reconvened at 8:42 p.m. to the CITY COUNCIL REGULAR MEETING OF June 8, 2010.

6. **Agenda Review:**

It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the June 8, 2010, City Council Meeting Agenda as presented.

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

Planning Commission Chair Larry Domenighini, speaking as a citizen, announced that the Willows Music Boosters are holding a Retirement Dinner for Ellen Pastorino at Thunderhill Raceway on June 15 starting at 6:00 p.m. The cost of the dinner is \$30.00 with all proceeds benefiting the Music Boosters.

Mayor Baker read a letter addressed to the City Council Members and Planning Commissioners by Barbara Gummow regarding some concerns she had about the City holding their regular meeting on Election day, especially when there is such an important issue as the Housing Element Adoption on the agenda.

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

A. City Council Vision Statement (Council Member Holvik):

This item is a carry over agenda item from the May 25, 2010, City Council Meeting in which Council Member Holvik was unable to attend and give his “vision” for the City. Council Member Holvik stated that his vision is rather short, simple and to the point and it is “The City of Willows should be an inviting and prosperous community where people live, work & play.”

B. Pass Through Agreement (PTA) Accounts – Update

Finance Director Tim Sailsbery stated that he did not have a PTA update at this time, as there have been some issues with the ability to form a committee to meet and discuss the PTA policies, procedures, oversight and control. Mr. Sailsbery stated that he would be drawing up a formal synopsis of policies, procedures, processes and internal policies with regards to PTA’s and he will present this to the Council at a future meeting. The City Manager then stated that he has heard back from one additional city regarding his inquiries to obtain certain information relative to planning fees, Use Permits and Planning Services Logs or contacts for services. Once he receives this additional information, he will compile all of the information that he has received

from all of the cities and will formally present this item to the Council at one of their meetings in July.

Rick Thomas, business owner, addressed the Council and inquired about why all of the other “business concerns” that were on the agenda for the May 25 Council Meeting were not again on tonight’s agenda for discussion. He also stated that at the May 25 meeting he didn’t hear any clear direction given to staff by the Council about placing a “City of Willows Vision Statement” on the City’s website and wondered if and/or when this will be done. In addressing Mr. Thomas’ first question, Mayor Baker stated that all of the items that Mr. Thomas is referring to are not on tonight’s agenda because the Council believed the items were adequately addressed during the May 25 meeting and after discussions the Council directed staff to remove those items from subsequent agendas. With regard the question about the City’s Vision Statement, Council discussion ensued and the Mayor directed staff to place an item on the next City Council Meeting Agenda to discuss a “City-Wide Vision Statement”. The City Manager stated that he would draft something up, using parts of the Council’s personal vision statements that they have shared over the past two meetings, and the Council could review, revise, change or modify the statement as they see necessary. Council Member Holvik then stated that he would like to see the item of “Economic Development Updates” of future agendas, but not as a standing agenda item. He stated that he would like to see that item on the agenda periodically when there are actually Economic Development items in which the Council (and the public) should be aware of.

Cynthia Mello, business owner, presented the City Clerk with an article from a local newspaper about the City of Orland and also presented some pictures of directional signage in the City of Orland, stating that she would like to see some similar directional signage in the City of Willows. The Mayor directed the Clerk to make copies of the article and the pictures and see that each of the Council Members receives copies.

**9. 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 unanimously passed and the following items were adopted/approved:

- a) Approval of General Check Register (21706-21768).
- b) Approval of Payroll & Direct Deposit Check Registers (30652-30683 & Z001605–Z001676).
- c) Approval of Minutes of the City Council May 11, 2010, Regular Meeting.
- d) Approval of Minutes of the City Council May 25, 2010, Regular Meeting.
- e) Direct the City Clerk to Review and Prepare the Biennial Conflict of Interest Code for the City of Willows.
- f) Approval of second reading by title only and adoption of an Ordinance entitled “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING SECTION 19.125.240 TO THE WILLOWS MUNICIPAL CODE CREATING TEMPORARY ECONOMIC STIMULUS REGULATIONS FOR SIGNAGE FOR THE CITY OF WILLOWS LICENSED BUSINESSES**”.

**10. Presentations and Proclamations:** None

**11. Public Hearings:** None

12. **Ordinances:** Action taken under 9 (f).

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

The City Manager updated the Council on the City's request to Cal-Water, asking them for permission to paint "Welcome to Willows" on their water tank at the Wal-Mart site. Cal-Water has recently contacted the City and stated that are not willing to allow the tank to be painted for use as a sign. He also gave an update on the status of the GWIL project to obtain downtown signs. He stated that Greg sought some bids for signs and gave this information to GWIL but was recently informed that at their last meeting GWIL changed their original design concept for the signs and they currently don't have any new design specifications that the City is aware of at this time.

14. **New Business:**

- a) Consider adoption of a Resolution approving the use of Downtown Façade Improvement Funds for a Mini Grant to install windows at the Health Habit and authorize a commitment of \$1200 for the project:

Prior to this item being heard, Council Member Yoder and Mayor Baker recused themselves from this item due to a conflict of interest, in that they both operate businesses in the Central Commercial district. Vice Mayor Hansen then took over running the meeting during the absence of the Mayor. The City Manager stated that this is an application request to the City for a Mini-Grant under the Façade Improvement Program to replace four existing windows at the Health Habit (231 W. Sycamore Street), a business located in the Central Commercial District. The type of work proposed did not require Planning Commission approval and is therefore proceeding directly to the City Council for grant funding approval. This project was applied for under the Mini Grant portion of the Façade Improvement Program as the owner, Karen Roberts, desires to improve the building front and obtain financial assistance with the improvements. The cost estimate to replace the windows is approximately \$1265.18. Mrs. Roberts understands that the maximum allowed for Mini Grants is \$1200 and she is liable to pay the difference. Brief discussion ensued and it was **moved** by Council Member Holvik and **seconded** by Council Member Towne to adopt a resolution approving the use of Downtown Façade Improvement Funds for a Mini Grant to install windows at the Health Habit, 231 W. Sycamore Street, authorizing the commitment of \$1200. The motion was passed by the following vote:

Ayes: Holvik, Towne & Hansen  
Noes: None  
Absent: Yoder & Baker (Due to recusal).

At this time, Council Member Yoder and Mayor Baker re-entered the Council chambers and re-joined the meeting.

- b) Discuss Administrative Procedures & Policy No 9-1 and consider leaving the policy as it is currently written or consider, by motion, revising or amending the policy:

The County Elections Office has recently provided the City with a Municipal Elections Calendar in anticipation of the November 2, 2010, General Election. Prior to noticing the public and accepting nomination documents for available Council seats, it seems an appropriate time for the

Council to review, discuss, reaffirm, and possibly modify as necessary the City's current Election Policy.

The City of Willows Administrative Procedures and Policy Manual No. 9-1, limits the candidate statement to 200 words and indicates that the City will be responsible for the cost of publishing the statement in English, which is \$350.00 if submitted in electronic format, or \$450.00 if not submitted in an electronic format. Should the candidate wish to have their candidate's statement translated and printed in Spanish, in addition to English, the candidate will pay the actual cost incurred, which is \$150.00.

On July 11, 2006, this item was on the agenda for discussion and it was asked at that time that Council be given the opportunity to review Policy 9-1 prior to each election.

Council discussion ensued and it was **moved** by Council Member Towne and **seconded** by Council Member Hansen to re-adopt the current Administrative Policy 9-1 regarding Elections procedures. The motion was unanimously approved.

**15. Council Member Reports:**

There were no Council Member reports, however, Mayor Baker encouraged her fellow Council Members for future meetings during the "Council Member Reports" portion, for them to be cognizant to give more information and more thorough reports and updates of meetings and/or seminars, activities, etc. which they have attended, so as to keep the public well-informed.

**16. Executive Session: None**

**17. Adjournment: Mayor Baker adjourned the meeting at 9:39 p.m.**

Dated: June 8, 2010

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider