

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
April 28, 2009

1. The meeting was called to order at 7:00 p.m. by Mayor Towne.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.
3. **ROLL CALL:**
Present: Baker, Holvik, Hansen & Towne
Absent: Yoder
4. **Agenda Review & Acceptance:** There were no requested changes to the agenda by Staff or the Council and it was **moved** by Council Member Holvik and **seconded** by Council Member Baker to accept the April 28, 2009, agenda as presented. The motion was unanimously passed.
5. **Oral and Written Communications:**
 - a) Lester Messina from the Glenn County Department of Agriculture presented the Council with a Map of Proposition 84 Integrated Regional Water Management Program and gave an explanation of the Regional Water Management Program. He stated that if anybody had any questions that they could contact him at 934-6501.
6. **Consent Agenda:** It was **moved** by Council Member Hansen and **seconded** by Council Member Baker to approve the Consent agenda as presented. The motion was unanimously passed and the following items were approved/adopted:
 - a) Approval of General Check Register.
 - b) Approval of Payroll Check Register.
 - c) Approval of Quarterly Treasurer's Report as of March 31, 2009.
 - d) Approval of a 10% reduction in City Council Member stipend and reduce appropriation to 301.4004.101 (Wages) by \$225 and 301.4008.010 (Social Security) by \$17.
7. **Presentations and Proclamations:**
 - a) Mayor Towne presented a Declaration Declaring May 10 through May 16, 2009, as "National Police Week" with special recognition of May 7 & 8, 2009, as "California Peace Officer Memorial Ceremonies" and May 15, 2009, as "National Peace Officers Memorial Day". Police Officer Kelly Meek accepted the Declaration, asking that the City also recognize May 14 is the City of Willows' second annual Peace Officers Local Memorial Program. The Mayor confirmed that that day would be recognized as well.
 - b) Mayor Towne read a Proclamation Declaring May 10, 2009, through May 16, 2009, as "Poppy Days" and presented the Proclamation to Barbara LaDoucer, a representative of the American Legion Auxiliary. Ms. LaDoucer thanked the Council for the Proclamation and stated that she considers it an honor to be celebrating "Poppy Days" during the same week as "National Police Week". She also expressed her thanks to the community of Willows for all of their support each year to help raise funds for Veterans and their families.
8. **Ordinances:**
 - a. Consider reading by title only and passage of first reading of an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADOPTING THE WILLOWS MUNICIPAL CODE".

City Manager Steve Holsinger presented the staff report to the Council explaining that in early 2008, the Council appropriated funding for the reproduction of the City's Municipal Code, Zoning Ordinance, Land Division Standards and General plan documents in order that the documents may be provided via the City's Web-site. Subsequently, the City entered into a contract with Code Publishing Company in order for them to conduct a comprehensive review of these documents, including proofreading and renumbering the code sections by using a standard three-part numbering system. In October of 2008, Code Publishing provided a proof copy of the revised code and asked staff to review it and make any necessary changes. After staff conducted their review of the revised code, Code Publishing was contacted and informed that they could move ahead with making the necessary changes

to the document as requested by staff. Within the past month, Code Publishing has completed all requested changes and has finalized the code and the code has now gone “live” on the City’s web-site. It should be noted that there were no changes to the actual content in the Municipal Code, however, as a matter of procedure it is necessary for the Council to formally adopt the revised Code by way of passage of an Ordinance. The Ordinance being proposed tonight has been reviewed by the City Attorney and its contents approved.

With that, brief Council discussion ensued and it was **moved** by Council Member Holvik and **seconded** by Council Member Hansen that the Ordinance next in line be read by title only. The motion was unanimously passed. It was then **moved** by Council Member Holvik and **seconded** by Council Member Hansen to pass first reading of an Ordinance entitled “An Ordinance of the City Council of the City of Willows Adopting the Willows Municipal Code”. The motion was unanimously passed.

b) Consider reading by title only and passage of first reading of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADOPTING A FLOODPLAIN MANAGEMENT ORDINANCE AND REPEALING ORDINANCE NO 614-87”.

The City Manager presented this item to the Council explaining that recently city staff met with representatives of the State Water Resources Agency and Federal Emergency Management Agency during a Community Assistance Visit (CAV) to review and determine city compliance with the National Flood Insurance Program (NFIP) requirements. During the visit it was determined there were specific deficiencies which exist and the city would need to take corrective action as required by NFIP. As part of one of the corrective actions which needs to be taken by the City, a Floodplain Management Ordinance must be adopted. A model ordinance was provided by the State Water Resources Agency and City staff edited the necessary items to bring Willows into compliance. The City Attorney has reviewed the Ordinance and staff is now recommending adoption of the Ordinance and repealing the prior 1987 Flood Plain Management Ordinance.

Staff and Council discussion ensued and it was **moved** by Council Member Holvik and **seconded** by Council Member Hansen that the Ordinance next in line be read by title only. The motion was unanimously passed. It was then **moved** by Council Member Holvik and **seconded** by Council Member Baker to pass first reading of an Ordinance entitled “An Ordinance of the City Council of the City of Willows Adopting a Floodplain Management Ordinance and repealing Ordinance No. 614-87”. The motion was unanimously passed.

9. Public Hearings:

a) Unmet Transit Needs:

Peggy White, Program Manager for the Glenn County Transportation Commission, presented this item to the Council, indicating that the Transportation Development Act (TDA) Statutes and Administrative Code of Regulations require specific actions on the part of local transportation planning agencies. As part of the regulations, Ms. White explained that annually the County holds a public hearing to receive input from citizens and City Councils regarding unmet transit needs. Specifically an “Unmet Transit Need” is found to exist when there is a reasonable need for an identifiable group within the community that has no dependable and/or affordable access to employment, medical, commercial public, or social services. Because transit needs fluctuate with variables such as unemployment, population, demographics, land use and circulation patterns, it is necessary to re-evaluate the needs annually.

Mrs. White briefly outlined the previous year’s statistics for ridership on Glenn Ride and Glenn Trans (dial-a-ride) and had presented the Council with some graphs showing comparisons of ridership between 2004 and 2009.

Mayor Towne opened the Public Hearing at 7:30 p.m. One citizen of the community, Doug Ross, spoke at the hearing and made a recommendation that the County could possibly store bottled water on the buses in the event of an emergency or if the bus breaks down. He shared a personal experience that he had while riding a bus during the summer in very hot weather and the bus broke down and there was no water on the bus, making for an uncomfortable situation. Mrs. White took note of his suggestion, stating that she will mention this suggestion to Paratransit, and the Public Hearing was closed at 7:32 p.m.

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

- a) Lamb Derby Parade:

Council discussion ensued about the possibility of the City Council participating in this year's Lamb Derby Parade on May 9. It was determined that due to various conflicts of the Council Members on this date, that the Council would not be able to participate in this year's parade.

11. New Business:

- a) Consider authorization of allocating Community Discretionary funds to Sycamore West Apartments as Façade Improvement Incentive for rehabilitation completed on-site:

Council discussion ensued about the major improvements which have been recently made to Sycamore West apartments and they commended the new owners, Ron Mort and Kay French, for all of the upgrades that they have made to the complex. In an effort for the City to offer incentive for continued improvements, City Staff is asking the Council to authorize an amount not to exceed \$5000 to assist with the financing of the improvements. Specifically the project which staff is recommending the City to help fund is for a landscape plan which will cost approximately \$16,000. The Council was presented with a copy of the landscape plan and commented that it looks like a nice plan and would be yet another amenity to help to transform the complex into something which would enhance the general look of the City. It was noted that the funds would come from the Community Discretionary Fund (Fund #330), rather than from the general fund. Once discussions ceased, it was **moved** by Council Member Holvik and **seconded** by Council Member Hansen to appropriate an amount not to exceed \$5000 from Fund #330 to Sycamore West Apartments for Façade Improvements completed by the owners. The motion was unanimously passed.

- b) Consider adopting a Resolution declaring weeds, rubbish, refuse and dirt public nuisances and approve the Weed and Rubbish Abatement Schedule for the 2009 fire season and authorize staff to solicit bids for the 2009 fire season and authorize staff to solicit bids for an Abatement Contractor:

Fire Chief Wayne Peabody presented this item to the Council explaining that yearly the City abates weeds and rubbish from lots and alleys around the City. Chief Peabody indicated that the initial survey of the City has been completed by Fire Captain Skip Sykes and CSO Jose Cano and he has distributed to the Council a list of properties whose owners will be sent the Notice of Abatement cards. A Resolution has been prepared for Council's adoption that declares weeds, rubbish, refuse and dirt a public nuisance and sets a date for a public hearing of protest. Additionally, a Weed and Rubbish Abatement schedule has been prepared for the 2009 fire season and he is asking that Council approve Staff to begin the bid process to seek an Abatement Contractor. Council Member Holvik inquired about the definition of "dirt". Chief Peabody stated that "dirt" as referred to in this Resolution would mean piles of dirt which are found in alleyways which are blocking ingress or egress to emergency vehicles, as well as dirt which may be blocking drains for water run-off or dirt that is housing vermin. After brief Council discussion it was **moved** by Council Member Holvik and **seconded** by Council member Hansen to adopt a Resolution declaring weeds, rubbish, refuse and dirt public nuisances and to approve the Weed and Rubbish Abatement Schedule for the 2008 fire season. The motion was unanimously passed.

- c) Establishment of a date and time for a special meeting to discuss the 2009/10 Budget and provide staff with direction as to reports desired at said meeting:

Mayor Towne asked the Council for their availability to hold a special meeting to discuss the upcoming Fiscal Year's budget. Finance Director Tim Sailsbery suggested May 15 or May 29. Council Members stated that they had conflicts on those dates and ultimately set the date of Tuesday, May 19 from 3:00 – 5:00 to conduct the special meeting. It was stated that if a consensus is reached at the May 19 meeting, there is a possibility that we could set a Public Hearing to adopt the Budget on June 9, or it may have to be held over to June 23 if it was

determined that there would be a need for an additional meeting to take place prior to adoption of the final budget.

Finance Director Tim Sailsbery requested that each Council Member meet with him individually to discuss various items pertaining to the budget prior to the special meeting on May 19, so he has adequate time in which to prepare any reports for the meeting.

d) Sewer Collection System Replacement Financing:

The City Manager and the Finance Director jointly presented this item to the Council explaining that previously Council had authorized staff to utilize Sewer Enterprise-Capital funds to prepare design and cost analysis documents regarding the sewer collection system in an effort to be prepared when or if Federal or State funding became available for infrastructure projects. That work has progressed to the level where the City may seek such funds. As it stands currently, it appears that infrastructure funds under the various economic revitalization programs will likely be in the form of low or no interest loans as it pertains to sewer collection renovation and replacement programs. City Staff is currently working with the State Water Resources Control Board to secure up to \$1.8 Million in zero interest, 20 year financing for sewer collection pipe replacement in the City. This is projected to provide for the replacement of 5500 lineal feet of sewer pipe within the City.

The Public Works Director and City Engineer have worked to submit the initial application and have received notice to proceed to the next step in the process, which is to prepare documents for credit review by SWRCB. Several of the steps to be completed involve the use of our City Attorney as well as outside Bond Counsel to provide opinions regarding the legality of the funding source as well as the City's ability to meet its existing as well as new debt obligations. As such, expenditures will be necessary to get through the next step in the process.

If the City were to take on this additional debt, assuming 0% interest, the annual debt service would be \$94,250 per year. However, the revenue structure established at the time of the USDA financing includes approximately \$225,00 per year in funds for sewer line replacement. It is assumed that less than this would be required if a large project is done all at once and that a portion of this funding would be used as the debt repayment component. Also of note is that the City is nearing the end of a Wastewater Treatment Plant Renovation from 1995, where \$38,000 per year debt payments will end in fiscal year 2013/2014. Based on this it is Staff's desire to have the council confirm conceptual willingness to accept \$1.85 million in debt for sewer line renovation and expenditure of Sewer Enterprise Capital Funds to carry out the loan application process. The Council will have an opportunity to either accept or decline the loan at a later date, as there will be a resolution process prior to final loan approval and project funding. One final note is that Staff continues to follow the progress of various information sources pertaining to economic recovery funds, and should grant funds become available during the process, will seek this funding as a priority over loan funding.

Brief discussion ensued among the Council and Staff and it was then **moved** by Council Member Hansen and **seconded** by Council Member Baker to allow staff to proceed with the loan application process for Clean Water State Revolving Fund (CWSRF) and the expenditure of Sewer Enterprise-Capital (318.7210.400) funds to cover costs associated with the loan application process and authorize the City Manager, Public Works Director, and/or Finance Director to act on the City's behalf in the financing process. The motion was unanimously passed.

e) Consider adoption of a Resolution to preliminarily approve the annual Lighting and Landscaping Engineer's Report for FY 2009/2010 and set the date of the required public protest hearing to be held:

The City Manager initially introduced this item to the Council, stating that he would be recusing himself from any discussion on this item stating a Conflict of Interest, as he is a parcel owner in the Birch Street Village Subdivision. Mr. Holsinger excused himself from the meeting at this time. The Finance Director then presented this item to the Council stating that in 2005 the Willows Landscaping and Lighting Assessment District was initially formed to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village Subdivision (Zone A), in accordance with the Landscaping and Lighting Act of 1972. According to the act the City must undertake certain proceedings for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings in order to first, adopt a Resolution appointing the Engineer of Work and directing

preparation of the annual Engineer's Report, second, approve the Engineer's Report, declare the City's intent to levy assessments, and set a date for a public hearing, and finally, to conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year.

Mr. Sailsbery stated that the first action was completed by the Council at their meeting on March 10, 2009, and that tonight's action item is the second part of the proceedings for FY 2009-10. Council has received a copy of the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering. Staff is asking that Council inform them if there are any desired changes which they wish to be made to the report. In brief, the report outlines costs from FY 2008/09, summarizes the cost projected for FY 2009/10 and provides the proposed overall assessments. In order to keep up with inflation, the estimated maximum annual assessment is proposed for increase by the allowable annual CPI (year 2008) of 3.1%. This raises the maximum annual assessment to \$397.78. While the estimated maximum annual assessment will increase, the actual amount that will be levied and collected during FY 2009/10 will stay the same as levied and collected in the previous fiscal year at \$385.82. This assessment will provide projected revenue of \$13,117.88. coupled with a contribution of \$1877.25 from the Assessment District reserves, this will cover the total estimated expenses of \$14,995.13.

During FY 2008/09, the Council implemented a minimum reserve balance of 10 to 20%. It is noted that the remaining Assessment District reserve balance at the end of FY 2009/10 does fall within this range.

Mr. Sailsbery wanted to point out that the names and addresses of each of the property owners as shown on the report given to the Council were obtained from the latest Assessor's Tax Assessment Roll and may not be one hundred percent accurate as to the names of the current property owner(s). He noted that the Assessor's Rolls are not always immediately updated with respect to the actual property owners when there is a change of title, however, he pointed out that the assessments are attached to the Assessor's Parcel Number rather than to the owner(s) of the property, as ownerships often change and Parcel Numbers remain the same. Therefore, he added, this is the reason why City Manager Steve Holsinger's name is not on the list of property owners which was provided to the Council because there has not been a recent update to the title of his particular property. He also pointed out that there are probably additional owners which may be incorrect as well, however, as earlier noted; the assessments follow the APN, not the listed owner of the property.

With that, Mr. Sailsbery asked that the Council consider adopting the Resolution before them and to set the required public protest hearing for June 9, 2009, as outlined in the Resolution. Brief discussion ensued among Council and Staff and it was **moved** by Council Member Holvik and **seconded** by Council Member Baker to approve a Resolution of Intention to levy and collect annual assessments, preliminarily approving the Engineer's Report for FY 2009/10 for the City of Willows Landscaping and Lighting Assessment District Zone A – Birch Street village, and setting the time and date of the Public Hearing and to set the date of the public protest hearing for June 9, 2009. The motion was unanimously passed.

12. Council Member Reports:

Council Member Hansen reminded everybody that the Sacramento Valley Shrine Club will be sponsoring their ninth annual Shriner's Hospital Medical Screening Clinic from 9:00 a.m. to 1:00 p.m. on May 16 at Glenn Medical Center. The screenings are free of charge and are open to all children under 18 years of age that have any problems with bones, joints, muscles, burns, or other medical conditions.

Council Member Baker asked if staff could possibly look into whether the League of California Cities' Conferences are ever available by web-cast or on a DVD. She indicated that it would be much more cost effective to be able to watch a video of the conferences rather than to spend the time and money to travel to the conferences, especially since most California Cities are currently experiencing financial difficulties.

Mayor Towne reminded everybody that the Joint Cities & County Meeting is scheduled to be held on May 21 at the Old Hwy 99 Steakhouse (formerly "Pat-n-Larry's Steakhouse") with Willows acting as host.

13. Executive Session: None

14. Adjournment: The meeting was adjourned at 8:22 p.m.

Dated: April 28, 2009

NATALIE BUTLER

City Clerk