

CITY COUNCIL

Gary Hansen, Mayor
Vincent Holvik, Vice Mayor
Jeff Cobb, Council Member
Sandie Hobbs, Council Member
Jim Yoder, Council Member

CITY MANAGER
Steve Holsinger

CITY CLERK
Natalie Butler



201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL MEETING AGENDA

Tuesday, February 22, 2011

7:00 p.m.

1. **Call to Order Willows City Council Regular Meeting 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Review: (Requested Changes by Council or Staff)**
 - a.) Consider acceptance, by motion, of City Council February 22, 2011, Agenda.
5. **Presentations & Proclamations:**
 - a) John Dobson of Southwest Water Company will present the City with the Wastewater Treatment Plant of the Year award.
 - b) Chief Spears will be presenting awards for Officer of the Year, V.I.P. of the Year, Explorer of the year and other Department Commendations.
6. **Oral and Written Communications/Public Comment:** Persons wishing to speak on a matter not on the agenda may be heard at this time, however, no action will be taken unless placed on a future agenda. *(Public Comment is generally restricted to three minutes).*
7. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
 - a) Consider approval of General Check Register.
 - b) Consider approval of Payroll & Direct Deposit Check Registers.
 - c) Consider approval of the Minutes of the Regular Willows City Council Meeting held February 8, 2011.
 - d) Consider approval of the Minutes of the Special Mid Year Budget Review Meeting held February 14, 2011.
 - e) Consider approval of Appropriation and Transfers of \$84,000 from the General Fund, \$22,000 from the Sewer Enterprise Fund and \$37,650 from the Redevelopment Agency Fund.
 - f) Consider approval of the City of Willows Treasurer's Report Schedule of Cash and Investments as of December 31, 2010.

8. **Public Hearings:** *(Persons wishing to speak on a Public Hearing item are asked to approach the microphone to address the Council and limit comments to three minutes. It is also requested that you please state your name for the record)*
 - a) Conduct a Public Hearing and upon receiving public input, 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 REPEALING SECTION(S) 8.05.130 – 8.05.180 AND AMENDING ARTICLE III, SECTION 8.05.120 OF TITLE 8; HEALTH AND SAFETY OF THE WILLOWS MUNICIPAL CODE, AND ESTABLISHING AND ADOPTING BY REFERENCE ARTICLE 2 ENTITLED "ALTERNATIVE PROCEDURES " OF CHAPTER 13 ENTITLED "WEED AND RUBBISH ABATEMENT" OF TITLE IV DIVISION 3, PART 2, OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA”**
9. **Ordinances:** Action taken under item 8 (a).
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**
 - a.) Set date and time for a Special Budget Meeting to begin discussions on the 2011/12 Budget. Recommended dates are either the week of March 21 or the week of March 28.
11. **New Business:** None
12. **Council Member Reports:**
13. **Executive Session:** None
14. **Adjournment:**

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before February 17, 2011.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

MINUTES OF THE WILLOWS CITY COUNCIL MEETING HELD February 8, 2011

1. The meeting was called to order at 7:00 p.m. by Mayor Hansen.
2. **PLEDGE OF ALLEGIANCE:** Council Member Holvik led the Pledge of Allegiance.
3. City Council, City Staff, and all persons present at the meeting observed a Moment of Silence for the recent passings of former Council Members Dr. Peter Towne and Dr. Bill Wesley Brown.

4. **ROLL CALL:**

Present: Yoder, Cobb, Hobbs, Holvik & Hansen

Absent: None

5. **Agenda Review:**

- a) It was **moved** by Council Member Yoder and **seconded** by Council Member Holvik to accept the City Council February 8, 2011, Agenda as presented. The motion unanimously passed.

6. **Presentations & Proclamations:** None

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

Jeff Williams addressed the Council to express that he was ashamed of the City Manager and his actions at the last Council meeting and he believe that the Mayor should have put a stop to it before it got to be such a lengthy process. He stated that the next day he visited Forrest Sprague's office to apologize that he did not stand up at the time of the meeting and express his opinion.

8. **Consent Agenda:**

It was **moved** by Council Member Yoder and **seconded** by Council Member Hobbs that the Consent Agenda be approved as presented. The motion unanimously passed and the following items approved/adopted:

- a) Approval of General Check Register (22685-22767).
- b) Approval of Payroll & Direct Deposit Check Registers (Z02259-Z02293 & 31072-31094).
- c) Approval of the January 25, 2011, City Council Meeting Minutes.
- d) Adoption of a Resolution appointing Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscape and Lighting Assessment District and direct the preparation of the annual Engineer's Report for FY 2011-12.

- e) Adoption of a Resolution to authorize the Chief of Police to apply for and if successful, to accept a grant from the California Department of Alcohol Beverage Control.

9. **Public Hearings:** None

10. **Ordinances:** None

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

12. **New Business:**

- a) Consider adoption of new Rules of Conduct for the Willows Public Library:

Library Director Jody Meza presented this items to the Council stating recently, as well as in the past, there have been a number of incidents in the Library related to situations covered by the proposed Rules of Conduct placed before the Council for approval tonight. The lack of a formal policy addressing these matters sometimes makes it difficult for staff to efficiently maintain order. The rules of conduct being put before the Council for approval will give staff the guidelines so that they can enforce library rules equitably and will help to ensure that patrons have access for a safe and orderly facility. The Willows Library Board of Trustees approved these rules of conduct at their meeting held on November 10, 2010, and Ms. Meza is respectfully asking that Council do the same by way of a motion. It was then **moved** by Council Member Holvik and **seconded** by Council Member Cobb to adopt the new Rules of Conduct for the Willows Public Library. The motion unanimously passed.

- b) City Council to provide clarification of Willows Municipal Code Section 2.05.130 & provide, as necessary, appropriate direction to Staff:

The City Manager briefly introduced this item, stating that staff does not have any comments on this item, as it was not a staff item and didn't call for any recommendation by the staff. This item was a request by a Citizen's group to have an item placed on the agenda in order that Council could provide clarification of Willows Municipal Code (WMC) Section 2.05.130. The City Manager said he believed it would be appropriate for Council to provide clarification as it was requested.

Mayor Hansen called upon any members of the public who would like to speak on this matter to please do so. Forrest Sprague, Policy Analyst for the Citizens for Economic Stability (CES) submitted a letter dated February 2, 2011, to the City Clerk seeking clarification of WMC 2.05.130 which states:

"Any person, group or agency having any reports, communications or other matters to be presented at a council meeting shall notify the City Clerk of the fact in writing before 5:00 p.m. of the fifth day (Sunday included) preceding the day of such meeting. Upon receipt of notice of such matters the City Clerk shall prepare a list of same for presentation in the form of an agenda to be used in the direction of the order of business at such meeting."

Specifically, Mr. Sprague was seeking public discussion and possible Council action with regard to the following aspects of this topic:

1. How large must a group be to have items placed on the Council agenda?
2. From the City, who has the authority to determine if a matter is suitable to be listed on the Agenda for discussion and possible action?
3. The statute, case law or municipal code that limits a person to three minutes of comments and/or discussion on a matter.

Mr. Sprague addressed the Council stating that the CES was seeking clarity on the process of adding items to the agenda for discussion and to have a better understanding of the City's protocol, as there was apparently some confusion when CES requested an item be placed on the January 25, 2011, Council agenda as an action item and it was instead placed under Oral & Written Communications/Public Comment, which was not the intent of the CES. At that point he stated that he would be willing to answer any questions of the Council.

The City Council and Mr. Sprague then engaged in a quite lengthy discussion on these items, and the ultimate findings / direction given by consensus of the Council as it pertained to the various topics discussed was as follows:

It was noted that a survey was recently conducted by the City Clerk regarding how many other Cities allow for any member the public to place items on the agenda. Thirty one cities responded, and of those 31 responding, 25 Cities do not allow any public placement of agenda items, 5 Cities conditionally allow for placement, and most are essentially placed under Public Comment/Written Communication only, and 1 city allows it by request, but is too is only considered a Public/Written comment item without action. Essentially 83 % of responding Cities do not allow the public to place items on the agenda. Because of this, the Council felt that WMC 2.05.130 should be amended to be more consistent with what the majority of other cities are practicing with regard to this topic. Council then requested that staff begin crafting a revision to this particular section of the Municipal Code and to bring back a draft for the Council to review at a future meeting. However, until such time as the code is amended, in the interim the policy outlined by the Council for the Public to follow in order to request an item or items to be placed on the City Council Agenda will be that the request be made in writing and be directed to the City Manager, who, along with the Mayor and perhaps another Council Member and the City Attorney (if necessary) will determine whether it should be agendized for a meeting or if there was some alternative method to address the item(s)/concern(s). Therefore, the City Manager and Mayor have the initial discretionary review, and if the two decide that it is necessary, a second Council Member and/or Attorney may be contacted for their opinion and a decision will be made as to whether or not to agendize the item and where it would be most appropriately placed on the agenda.

As for clarification of how large a group must be to have items placed on the agenda, the Council consensus was that until such time as the code is amended, any person or persons have the right to request an item to be placed on the agenda.

As for clarification on case law regarding limiting the amount of time the public is allowed to speak, it was the determination of the Council that this is generally determined at the discretion of the Mayor and is done on a case-by-case basis depending on circumstances such as the size of the agenda, the size of the audience, the number of public hearings or other items on the agenda, the particular topic, how many speakers plan to speak on a particular topic, etc. Historically, the City Council has rarely imposed a three minute cut-off time for speakers. The only time a few Council Members could recall that the three-minute rule was enforced was when the Wal-Mart Project was going before the City Council and there were a lot of people who wished to speak. Although State Government Code 54954.3 (b) does allow regulations limiting the total amount of time allocated for public testimony for individual speakers, as stated above, this is rarely enforced by the Council. The agenda specifically says "Oral Communications are *generally* restricted to three minutes" and therefore this is merely a guideline and not necessarily a rule.

Finally, it was pointed out by the Council that any person who wishes to speak at a meeting is not only afforded the right and the opportunity to do so under State Law, but they are encouraged to do so by the Council. Generally the only time the Mayor would ask a person to cease from speaking is if their points become redundant, repetitive, or are irrelevant to the topic being discussed

13. Referred Matters Pending:

- a) City Council will review and consider final approval/adoption of the City's Vision Statement or provide, as necessary, appropriate direction to Staff. City Council will review the "Economic Development Work Plan for the City of Willows" and the "Relationship and Communication Work Plan for the City of Willows" which were drafted as a result of the SWOT Analysis & Council will provide, as necessary, appropriate direction to Staff.

The City Manager stated that this is an item that was put on tonight's agenda at the request of the City Council in order to do a few things. First, Council will consider adoption of the City's Vision Statement which was drafted as a result of a series of Strengths, Weaknesses, Opportunities, and Threats (SWOT) workshops that were held during the summer and fall of 2010. The second, is to review the "Economic Development Work Plan" and the "Relationship and Communication Work Plan" for the City that were also drafted as a result of those same workshops.

Each Council Member took an opportunity to speak, and some of the points raised relating to the Economic Development Work Plan and the Relationship and Communication Work Plan were that there was a lot of really good suggestions for activities and tasks, however, concerns were raised about so many of the activities and tasks being deemed high priority. This concern was raised because it would be nearly impossible for the City to meet all expectations at one time. A few suggestions were made as a result of these concerns. One suggestion was that there be another SWOT Meeting to re-prioritize the items with more specific timeframes and realistic expectations. Another suggestion was that the Council simply pick two or three of the priorities that they would like to see enacted. It was noted that the City shouldn't be held accountable for all items on the lists and that other groups or agencies could work on some of the items, and that

some items might actually just fix themselves. Mayor Hansen then indicated that his high priority tonight is to at least adopt the proposed Vision Statement. It was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik to adopt the City's Vision statement as presented. The motion unanimously passed. The Vision Statement reads as follows:

Willows-

- * Where we celebrate our heritage of agriculture and outdoor recreation
- * Where we foster economic growth and value innovation
- * Where you will find all of this nestled in a safe and charming hometown environment

The discussion then returned to the Economic Development and Relationship and Communication Work plans. Mr. Rick Thomas addressed the Council stating that he agrees that there is a lot to get done, but he believes that one of the immediate priorities of the City should be to develop an Economic Development Committee as soon as possible in order to retain existing jobs and businesses and to assist with getting new businesses started by creating incentives, etc. He strongly encouraged the Council to appoint a GWIL member, a member of the Chamber of Commerce and three other at-will members of the community. He also spoke about the importance of getting Directional Signs in place in order to get the people from coming off the freeway directed to the downtown district.

Ms. Rose Marie Thraikill then addressed the Council, and while she agrees with Mr. Thomas, she stated that she would like to see one more SWOT meeting take place to review the Work Plans one last time and perhaps people will even volunteer to do some of the items on the list or volunteer to serve on the Economic Development Committee.

Mr. Forrest Sprague addressed the Council commending the Council that this analysis has moved forward as far as it has. He also pointed out the SWOT facilitator's statement of findings where it was the recommendation of the SWOT committee to see the City Government identify an entity or committee to act as an Economic Development Planning body for the City, and he, like Mr. Thomas, believes this should be something the City should consider a top priority. He stated that he sits on a smaller, albeit low-profile, committee in Orland, wherein the committee asks him questions about their code and he advises them what they can and can't do. He stated that tomorrow he would copy the City with about one year's worth of newspaper articles that identify some of the major steps the City has taken toward working on a Public/Private partnership with the Orland Business Community and getting feedback on what the City can do to help promote Economic Development. He then stated that he believes that the Vision Statement that the Council adopted was not very specific and is more of a description of Willows. In his opinion, a Vision Statement is like Burger King. Burger King's Vision Statement is to "sell more hamburgers than anybody". Even though the statements express a general characterization of the City, he suggests that the only one of the three statements that really comes close to a Vision Statement is the statement "Where we foster economic growth and value innovation." Council Member Hobbs and Holvik thought that Mr. Sprague may be confusing the Vision Statement with a Mission Statement, which would be more in-depth as to the mission of the City.

Further discussion ensued regarding the two Work Plans presented. All Council Members were in agreement that they would need to look at the plans more closely before making any decisions, and also that they would need to conduct more research on the creation of an

Economic Development Committee. Mayor Hansen asked if City Staff could contact Orland to see how their committee works. Rick Thomas stated that he would gather all of the information from Orland and give it to the City Clerk to disseminate. It was the Consensus of the Council to bring this item back at the March 22 Meeting, whereupon, Council will provide more specific direction to Staff.

14. Council Member Reports:

Council Member Yoder stated that he is planning to attend the upcoming Transportation and Transit Meeting.

Council Member Hobbs stated that she really liked the direction of tonight's meeting and there was a lot of good dialogue and even though not everybody agrees with one another on certain topics, it was nice for people to respectfully agree to disagree.

Council Member Holvik announced that there is a League of California Cities Meeting coming up on March 25 in Anderson if anybody is interested in attending. The City Manager stated that he would get a copy of the League's training calendar to all of the Council Members in the near future.

15. Executive Session: None

16. Adjournment: Mayor Hansen adjourned the meeting at 8:38 p.m.

Dated: February 8, 2010

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

**MINUTES OF THE WILLOWS CITY COUNCIL SPECIAL MID-YEAR
BUDGET MEETING HELD February 14, 2011**

The City Council of the City Of Willows met in Special Workshop session on Monday, February 14, 2011, in the Council Chambers of the Civic Center. The meeting was called to order at 11:03 a.m. by Mayor Gary Hansen.

PLEDGE OF ALLEGIANCE: Council Member Cobb led the Pledge of Allegiance at the opening of the session.

PRESENT: Cobb, Hobbs, Holvik, Yoder & Hansen

ABSENT: None

1. 2010/2011 Mid Year Budget Review- Finance Director Tim Sailsbery briefed the Council on the status of the General Fund for the first six months of 2010/2011 in comparison to the prior year and to the adopted budget. Sailsbery noted that activity for the first six months for 2010/2011 resulted in an operating deficit of \$163.4K compared to \$221.9K deficit for the prior year, and that projections for the balance of the year show that the City will likely exceed the budgeted deficit of \$243.5K and the actual deficit will be closer to \$282.4K.

Discussion ensued regarding various General Fund revenue sources, including an unexpected decline in sales tax revenue from original projections, as well as TOT revenue exceeding original expectations.

General Fund expenditure activity was then discussed, including the effect of the weed abatement program on expenditure levels.

Items for budgetary transfer appropriation and transfer were introduced. Council directed staff to bring the items back for approval at a future regularly scheduled Council meeting.

2. Revenue Enhancement Items - Staff and Council discussed a number of items to potentially enhance revenues, among them, a possible Sales Tax Audit and/or a TOT Audit. After some discussion it was the consensus of the Council to direct staff to pursue Sales Tax Audit services but not to pursue TOT audit services.
3. Consider Adoption of a Resolution of Appropriation Not To Exceed \$35,000 for CDBG Over the Counter Economic Development Grant Application Processing - City Manager Holsinger and Marc Nemenic, Executive Director, 3Core, briefed the Council on the potential for CDBG funds to be utilized in a

loan program for a business retention program within the RDA boundaries (Sunshine Market re-build). Council was further briefed that this project must go through a significant loan review process and is subject to approval by State CDBG representatives, and that the funds requested would be utilized in processing the loan application.

/M/ Yoder /S/ Hobbs to adopt the resolution of appropriation. Item passed unanimously.

Overview of Sewer Enterprise Fund Activity- Parks and Public Works Director Tyhurst briefed the Council on a number of activities regarding Sewer Collection and Treatment. Tyhurst provided a status update on the solar array installation project, noting that preliminary stages of installation have begun but will be weather dependent.

Financing a larger scale sewer line replacement project vs. utilizing annual receipts to replace on a smaller scale was discussed. Council was briefed on the status of said financing.

In house vs. contract operations of the treatment facility was discussed. Council directed staff to study the cost of in house operations further before returning with a recommendation.

A rate study to compare revenues to ongoing operations and providing capital for renovation and expansion was discussed.

ITEMS TO BE ADDED BY CITY COUNCIL OR ADMINISTRATIVE STAFF FOR DISCUSSION PURPOSES ONLY:

Council members expressed their desire to work toward balanced budget for 2011/2012 and potential implications to wage, benefits, and staffing levels.

ADJOURNMENT: The meeting was adjourned at 2:14 p.m.

Dated: February 14, 2011

TIM SAILSBERY

Finance Director

AGENDA ITEM

TO: Steve Holsinger, City Manager
FROM: Tim Salsbery, Finance Director
SUBJECT: Appropriation Request-Mid Year Review

RECOMMENDATION

Approve, by motion, the appropriations and transfers as noted in Exhibit 1 and 2

SITUATION (or BACKGROUND):

At the mid year budget review, held on February 14, staff presented several items to Council for requested appropriation and transfer. Those items are noted on Exhibits 1 and 2. Council, by consensus, instructed staff to return to a regularly scheduled City Council meeting to vote on the items noted.

FINANCIAL CONSIDERATIONS:

General Fund- \$84,000
Sewer Enterprise Fund- \$22,000
Redevelopment Agency Fund- \$37,650

NOTIFICATION

N/A.

ALTERNATE ACTIONS

1. Approve appropriations and provide direction to staff.
2. Request additional information from staff.
3. Reject items.

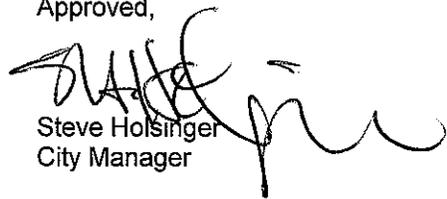
RECOMMENDATION

Approve, by motion, the appropriations and transfers as noted in Exhibit 1 and 2

Respectfully submitted,


Tim Salsbery
Finance Director

Approved,


Steve Holsinger
City Manager

Attachments:

- Exhibit 1 Items for Appropriation-General Fund
 - Exhibit 2 Items for Appropriation- Other Funds
-

City of Willows
 Items for Appropriation/Transfer Request
 FY 2010/11

EXHIBIT 1

General Fund

		Appropriation Request
Weed Abatement- Weed abatement activity in the 2010/11 abatement season was significantly more extensive than in prior years	301.4130.150	\$ 68,000
Health Insurance- Health insurance rates increased at a higher rate than originally projected	301.4007.VAR	\$ 11,000
Water Utilities- Rate increase was not included in original projections	301.4081.VAR	\$ 5,000
Library- Transfer line item expenditures from wage/benefit categories to contract services based upon the change to contract management and provide for additional children's' librarian	301.4130.120	\$ 46,455.00
	301.4004.120	\$ 7,410.00
	301.4030.120	\$ 16,353.00
	301.4001.120	\$ (39,000.00)
	301.4006.120	\$ (12,018.00)
	301.4007.120	\$ (14,800.00)
	301.4008.120	\$ (2,400.00)
	301.4110.120	\$ (2,000.00)

City of Willows
Items for Appropriation/Transfer Request
FY 2010/11

EXHIBIT 2

Enterprise and Special Revenue Funds

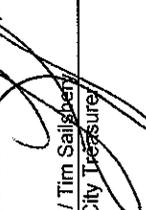
		<u>Appropriation Request</u>
Sewer Enterprise Fund- Engineering consultation services associated with challenges to wastewater discharge permit and legal costs associated with loan application for sewer line replacement project	318.4120.180	\$ 22,000
Redevelopment Agency- Costs associated with pre-application and application for CDBG loan funds for business preservation within RDA boundaries	331.4120.075	\$ 35,000
Redevelopment Agency- Provide for 250 of seasonal, part-time wages for public works staff to attend to maintenance of RDA area.	331.var.138	\$ 2,650

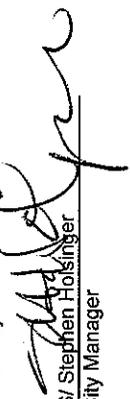
City of Willows
 Treasurer's Report
 Schedule of Cash and Investments
 As of December 31, 2010

Pursuant to Government Code Section 53646, listed below is a schedule of Cash and Investments held by the City of Willows.

Par	Description of Security/ Financial Institution	Coupon Rate	Maturity Date	Adjusted Cost Basis	Weighted Average Yield To Maturity	Current Market (Over 12 Mos.)
N/A	General Checking Account/ Bank of America	N/A	N/A	\$ 102,770.30	N/A	\$ 102,770.30
N/A	Local Agency Investment Fund/ Office of the Treasurer, State of California	0.46%	Var.	\$ 1,844,374.04	Var.	\$ 1,847,069.27
N/A	Program Income Money Market Account/ Umpqua Bank	0.30%	N/A	\$ 375,878.74	N/A	\$ 375,878.74
\$ 1,312,000.00	Negotiable Certificates of Deposit Edward Jones Investments-Custodian	1.70-4.65%	12/10/2011- 9/29/2015	\$ 1,312,000.00	2.98%	\$ 1,333,392.81
\$ 300,000.00	Negotiable Certificates of Deposit Stifel Nicolaus-Custodian	2.00-3.55%	5/6/2014- 8/20/2015	\$ 300,000.00	2.60%	\$ 305,977.00
\$ 100,000.00	State of CA Agency Note CA State Public Works Board Stifel Nicolaus-Custodian	3.50%	10/1/2013	\$ 98,850.24	3.50%	\$ 102,682.00
\$ 105,000.00	US Government Agency Term Notes Federal National Mortgage Assn. Edward Jones-Custodian	3.00%	9/29/2015	\$ 105,949.95	3.00%	\$ 107,132.55
\$ 150,000.00	US Government Agency Term Notes Federal Home Loan Bank (\$250,000) Stifel Nicolaus-Custodian	5.07%	1/27/2011-	\$ 150,005.00	5.07%	\$ 150,468.00
Total						\$ 4,325,370.67

I certify that this report reflects all Government Agency cash and pooled investments and is in conformity with the Investment Policy of the City of Willows as stated in the annual investment policy approved by the City Council. A copy of the investment policy is available at the Office of the Finance Director/City Treasurer. The Investment Program herein provides sufficient cash flow liquidity to meet the estimated expenditures for the next 180 days.

Submitted:  /S/ Tim Saigber
 City Treasurer

Approved:  /S/ Stephen Holsinger
 City Manager

AGENDA ITEM

February 22, 2011

TO: Honorable Mayor Hansen and Members of City Council

FROM: Steve Holsinger, City Manager

SUBJECT: Adopt an Ordinance repealing sections 8.05.130 – 8.05.180 and amending Article III, section, 8.05.120 of the Willows Municipal Code; thereby establishing regulation of "Weed and Rubbish Abatement" in accordance with State Law.

RECOMMENDATION

Consider reading by title only and passage of the first reading of an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING SECTION(S) 8.05.130 – 8.05.180 AND AMENDING ARTICLE III, SECTION 8.05.120 OF TITLE 8; HEALTH AND SAFETY OF THE WILLOWS MUNICIPAL CODE, AND ESTABLISHING AND ADOPTING BY REFERENCE ARTICLE 2 ENTITLED "ALTERNATIVE PROCEDURES " OF CHAPTER 13 ENTITLED "WEED AND RUBBISH ABATEMENT" OF TITLE IV DIVISION 3, PART 2, OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA** and directing return for second reading and adoption at the appropriate future meeting.

SUMMARY

During discussion this past December, the City Council appointed a sub-committee to commence review of the weed abatement process and to subsequently recommend appropriate changes and/or modifications to the city's weed abatement process to the City Council prior to the commencement of weed abatement procedures during 2011.

The sub-committee recently convened to address two key components of the weed abatement process; Willows Municipal Code sections defining the Weed Abatement Process and the "contract" utilized during the weed abatement process. Prior to the first meeting the City Attorney reviewed the current Willows' code sections relative to weed abatement; the code's specific compliance with State Statutes relative to weed abatement and a specific circumstance involving change of property ownership, by a Bona Fide Purchaser, prior to the lien attachment assessed during the 2010 weed abatement process.

As a result of the aforementioned reviews, the City Attorney recommended revisions to the Willows Municipal Code Sections 8.05.120 et seq. and Chapter 8.10. Furthermore, a specific recommendation was made to adopt an ordinance similar to the reference identified in the Chico Municipal Code. The sub-committee directed staff to make immediate revisions to the Willows Municipal Code Sections 8.05, Article III Weeds and Rubbish Removal. The ordinance is being introduced for first reading and staff is recommending passage and return for final adoption at the next regular city council meeting.

FINANCIAL CONSIDERATIONS

None

NOTIFICATION

Public Hearing Notice in Sacramento Valley Mirror February 12, 2011

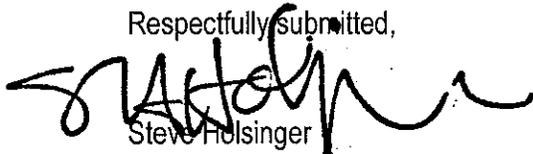
ALTERNATE ACTIONS

None recommended

RECOMMENDATION

Consider reading by title only and passage of the first reading of an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING SECTION(S) 8.05.130 – 8.05.180 AND AMENDING ARTICLE III, SECTION 8.05.120 OF TITLE 8; HEALTH AND SAFETY OF THE WILLOWS MUNICIPAL CODE, AND ESTABLISHING AND ADOPTING BY REFERENCE ARTICLE 2 ENTITLED "ALTERNATIVE PROCEDURES " OF CHAPTER 13 ENTITLED "WEED AND RUBBISH ABATEMENT" OF TITLE IV DIVISION 3, PART 2, OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA** and directing return for second reading and adoption at the appropriate future meeting.

Respectfully submitted,



Steve Hulsinger
City Manager

Attachments: Draft Ordinance
Government Code Section(s) 39560 - 39588

ORDINANCE NO _____ 2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING SECTION(S) 8.05.130 – 8.05.180 AND AMENDING ARTICLE III, SECTION 8.05.120 OF TITLE 8; HEALTH AND SAFETY OF THE WILLOWS MUNICIPAL CODE, AND ESTABLISHING AND ADOPTING BY REFERENCE ARTICLE 2 ENTITLED "ALTERNATIVE PROCEDURES " OF CHAPTER 13 ENTITLED "WEED AND RUBBISH ABATEMENT" OF TITLE IV DIVISION 3, PART 2, OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOWS:

SECTION 1. Chapter 8.05 of the Willows Municipal Code is hereby amended to read as follows: **Section(s): 8.05.120**

8.05.120 - Provisions adopted by reference. For the purpose of providing regulations covering the control of weeds as defined by Section 39561.5 of the Government Code of the state of California, growing upon or existing in front of properties within the City of Willows, there is hereby adopted by reference and incorporated herein as part of this code, Article 2 entitled "Alternative Procedures" of Chapter 13 entitled "Weed and Rubbish Abatement" of Title IV, Division 3, Part 2, of the Government Code of the state of California, as the same now exists or as hereafter amended, except wherein the provisions thereof are specifically changed or amended by the provisions of this title; establishing and adopting by reference California Government Code 39560 - 39588

SECTION 2: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 3: The City of Willows City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these "Weed and Rubbish Abatement" services or the collection thereof.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. *Effective Date.* This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 6. *Certification.* The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 22nd day of February 2011 and passed and adopted at a regular meeting thereof, held on _____ day of _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Natalie Butler, City Clerk

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 39560-39588

39560. (a) "Superintendent" means street superintendent, his assistants and deputies, or other public officer designated by the legislative body to perform the duties imposed by this article upon the superintendent.

(b) "Weeds" means weeds which when mature bear wingy or downy seeds, which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous.

(c) "Street" includes public street, alley, lane, court or other place.

(d) "In front of which the nuisance exists" includes to the rear of or abutting the property upon which the nuisance exists.

39561. The legislative body may declare by resolution as public nuisances, and abate:

(a) All weeds growing upon the streets, sidewalks, or private property in the city.

(b) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the city.

39561.5. "Weeds," as used in this article, includes any of the following:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

39562. The resolution shall:

(a) Refer to the street by its commonly known name.

(b) Describe the property upon which or in front of which the nuisance exists by giving its lot and block number according to the official or city assessment map.

39562.1. At the time it adopts the resolution as provided for by Sections 39561 and 39562, the legislative body may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances.

Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of this article, provided, that upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further hearings

need be held and it shall be sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the city authorities, in which case the cost of such removal shall be assessed upon the parcel and lands from which or in front of which such weeds are removed and that upon confirmation such cost will constitute a lien upon such parcel or lands until paid.

39562.2. In any case where cities are authorized to abate weeds pursuant to the provisions of this chapter and where the legislative body finds and declares that weeds on specified parcels of property are seasonal and recurrent nuisances as provided in Section 39562.1, the legislative body may provide for the preventive abatement of such seasonal and recurrent nuisance as provided in this section.

The notice required by Section 39562.1 shall, in addition to containing all other required matters, state that the efficient and economical control of such seasonal and recurrent nuisance requires preventive chemical control of such weeds, weed seeds and weed seedlings and that the city may require preventive chemical control of such nuisance.

In the event the city is once required to abate such nuisance the city may, in addition, before and during the next following germinating season of such weeds, provide for the preventive abatement of such nuisance by using chemical control of such weeds.

39563. Any number of streets, sidewalks, or parcels of private property may be included in one resolution.

39564. After passage of the resolution, the superintendent shall cause notices to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post:

(a) One notice to each separately owned parcel of property of not over fifty feet frontage.

(b) Not more than two notices to any such parcel of one hundred feet frontage or less.

(c) Notices at not more than one hundred feet apart if the frontage of such a parcel is greater than one hundred feet.

39565. The heading of the notices shall be "Notice to destroy weeds and remove rubbish, refuse, and dirt" in letters not less than one inch in height.

39566. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND

DIRT

Notice is hereby given that on the ____ day of ____, 19__, the (name of the legislative body) passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse, and dirt were upon or in front of property on this street, in ____, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse, and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the city clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the (name of the legislative body) of (city or town) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of ____,
19_____.

Street Superintendent
(City of _____)

39567. The notices shall be posted at least five days prior to the time for hearing objections by the legislative body.

39567.1. As an alternative to posting notice of the resolution and notice of the meeting when objections will be heard, the legislative body may direct the city clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The city clerk shall cause such written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the legislative body.

In cities where the county assessor performs the functions of city assessor, the county assessor, at the request of the city clerk, shall within 10 days thereafter mail to the city clerk a list of the names and addresses of all of the persons owning property described in the resolution. The address of the owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The city shall reimburse the county for the actual cost of furnishing such list and the cost shall be a part of the costs of abatement.

The notices mailed by the city clerk shall be mailed at least five days prior to the time for hearing objections by the legislative body.

The notices mailed by the city clerk shall be substantially in the form provided by Section 39566, except, that notices shall be signed by the city clerk and the heading of the notice need not comply with Section 39565.

39568. At the time stated in the notices, the legislative body shall hear and consider all objections to the proposed removal of weeds, rubbish, refuse, and dirt. It may continue the hearing from time to time.

39569. By motion or resolution at the conclusion of the hearing the legislative body shall allow or overrule any objections. At that time the legislative body acquires jurisdiction to proceed and perform the work of removal.

39570. The decision of the legislative body is final.

39571. If objections have not been made or after the legislative body has disposed of those made, it shall order the superintendent to abate the nuisance by having the weeds, rubbish, refuse, and dirt removed. The order shall be made by motion or resolution.

39572. The superintendent may enter upon private property to abate the nuisance.

39573. Before the superintendent arrives, any property owner may remove the weeds, rubbish, refuse, and dirt at his own expense. Nevertheless, in any case in which an order to abate is issued, the legislative body by motion or resolution may further order that a special assessment and lien be imposed pursuant to Section 39577. In that case the assessment and lien shall be limited to the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.

39574. The superintendent shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done by him. He shall submit to the legislative body for confirmation an itemized written report showing such cost.

39575. A copy of the report shall be posted for at least three days prior to its submission to the legislative body on or near the chamber door of the legislative body, with a notice of the time of submission.

39576. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The legislative body shall then confirm the report by motion or resolution.

39576.5. Abatement of the nuisance may in the discretion of the legislative body be performed by contract awarded by the legislative body on the basis of competitive bids let to the lowest responsible bidder pursuant to Sections 37903, 37904, 37905 and 37931 to 37935 inclusive of this code. In such event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by Section 39574.

39577. The cost of abatement in front of or upon each parcel of land and the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs, constitutes a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the county recorder of the county in which the property is situated, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes as imposed by Section 39578 would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

39578. Except as provided in Section 39577, after confirmation of the report, a copy shall be given to the county auditor, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

39579. Except as provided in Section 39577, if the county assessor and the tax collector assess property and collect taxes for the city, a certified copy of the report shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

39580. The county auditor shall enter each assessment on the county tax roll opposite the parcel of land.

39581. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

The legislative body may determine that, in lieu of collecting the

entire assessment at the time and in the manner of ordinary municipal taxes, such assessments of fifty dollars (\$50) or more may be made in annual installments, in any event not to exceed five, and collected one installment at a time at the times and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 6 percent per annum.

39582. As an alternative method the county tax collector in his discretion may collect the assessments without reference to the general taxes by issuing separate bills and receipts for the assessments.

39583. Laws relating to the levy, collection, and enforcement of county taxes apply to such special assessment taxes.

39584. The superintendent may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report and until 10 days before a copy is given to the county auditor, or, where a certified copy is filed with the county auditor, until August 1st following the confirmation of the report.

39585. The legislative body may order refunded all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the clerk of the legislative body on or before November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax or by the person's guardian, conservator, executor, or administrator.

39586. If the legislative body finds that property damage was caused by the negligence of a city officer or employee in connection with the abatement of a nuisance pursuant to this article, a claim for such damages may be paid from the city general fund. Claims therefor are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of this code.

39587. The proceedings provided by this article are an alternative to any procedure established by ordinance pursuant to Article 1 (commencing with Section 39500).

39588. The lien of said assessment shall have the priority of the taxes with which it is collected.