

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