

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

1. The meeting was called to order at 7:03 p.m. by Mayor Hansen.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance.
3. **ROLL CALL:**
Present: Yoder, Cobb, Hobbs, Holvik & Hansen
Absent: None
4. **Agenda Review:**
 - a. It was **moved** by Council Member Yoder and **seconded** by Council Member Cobb to accept the City Council March 8, 2011, Agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Oral and Written Communications/Public Comment:**

Karen Roberts reported to the Council that Joanne Dukatz recently had an idea for a project to install lights at the Willow Walk Mall. Mrs. Dukatz contacted Grant Stapleton and asked him to install the lights. Mr. Stapleton installed two solar lights on two existing light poles and on one pole he placed an American Flag and on the other pole, a California flag. Mrs. Roberts said that the Ladies VFW Auxiliary collected money to offset the costs, but Mr. Stapleton would not accept any money. Mrs. Roberts said she believed it would be appropriate to thank Mr. Stapleton for his generosity and for his being a Good Citizen.

Rose Marie Thrailkill updated the Council on past and upcoming Chamber of Commerce and Community Events. She stated that on July 4 the Veterans will be hosting an arm wrestling tournament. She also reported that the Chamber of Commerce expressed an interest in hosting a "State of the City" Luncheon with Chamber Members and City Department Heads in order for City Staff to give a brief rundown of the activities of the various Departments and to get an idea of how the City is doing financially. She hopes to hold the meeting at some time in May at the Old Hwy 99 Steakhouse and will give the Council more information as the details are worked out. Finally, she distributed the brand new updated Chamber of Commerce Business Directory to all of the Council Members and to City Staff.

Rick Thomas addressed the Council stating that he found it curious that the City Attorney wasn't asked to be present at tonight's meeting since there are two items on the Agenda that deal with the laws of the City and potential changes to the City's Municipal Code. He stated that this was merely an observation, and that the real purpose in his addressing the Council tonight was to request that item 7 (d), which is an item to potentially pass second reading and adopt an Ordinance to change the City's Weed Abatement procedures, be pulled from the Consent Agenda for additional discussion. He believes there should be more of an opportunity for the Public to be able to speak on this topic.

7. Consent Agenda:

Rick Thomas requested under item 6 that item 7 (d) be removed for further discussion.

It was then **moved** by Council Member Yoder and **seconded** by Council Member Hobbs that Consent Agenda items 7 (a), (b), (c), (e) and (f) be approved as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (22796-22856).
- b) Approval of Payroll & Direct Deposit Check Registers (Z02334-Z02369 & 31118-31139).
- c) Approval of the February 22, 2011, City Council Meeting Minutes.
- e) Adoption of a Resolution to authorize the City Manager to Sign a Notice of Completion for the Sewer Main Replacement Project.
- f) Authorize the Fire Chief to accept the 2010 Regional Assistance to Firefighter Grant EMW-2010-FR-00051.

Discussion ensued regarding Consent Agenda item 7 (d). During the discussion the Council heard comments, concerns and questions raised by Forrest Sprague, Rick Thomas, Barry Duncan, Doug Ross and Jeff Williams. The discussion focused on the Ordinance that is being proposed for Council adoption to repeal certain sections of the City's Municipal Code and adopting by reference the State of California Codes as they pertain to Weed and Rubbish Abatement. Once discussions ceased and all concerns were addressed and questions answered, it was **moved** by Council Member Yoder and **seconded** by Council Member Cobb to approve item 7 (d) of the Consent Agenda as presented. The motion unanimously passed and the following item was adopted:

7 (d) Passage of second reading by title only and final adoption of "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"

8. Public Hearings: None

9. Ordinances:

- a. Action taken under item 7 (d).
- b. Consider first reading by title only and passage of an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING SECTION(S) 2.05.100 – 2.05.200 AND AMENDING TITLE II SECTION 2.05.090 OF Chapter 2.05.OF THE CITY OF WILLOWS MUNICIPAL CODE".

The City Manager presented this item stating that during the City Council meeting held on February 8 there was an item placed on the agenda for the Council to provide clarification and direction regarding Willows Municipal Code Section 2.05.130. During that discussion, the Council felt that it was necessary to amend Section 2.05.130 to be more consistent with what the majority of other cities in the State are practicing as it relates to who is ultimately responsible for placement of items on the agenda. Council directed staff to begin to craft a revision to this Section of the Municipal Code and to bring back an Ordinance amendment for the Council to consider for adoption. Staff has since created an Ordinance amending this Section, along with a few other amendments to the Section that were no longer applicable and/or out of compliance with State Laws and this Ordinance is going before the Council tonight for consideration of passage of first reading. With that, he asked that the Council consider passage of first reading of the Ordinance.

Brief Council discussion ensued and then Mayor Hansen invited comments from the Public on this item. Forrest Sprague, Rick Thomas, Vern Roberts, Barry Duncan and Jeff Williams all shared their comments with the Council, with their main focus of concern being that they feel that if this Ordinance is to pass there will no longer be an opportunity for members of the public to place items on the agenda and that the Council is taking away the public's Constitutional right to be heard. The Council reassured them that this is not the intent of the Ordinance and that any member of the public is allowed to voice their opinion during any City Council Meeting, however, as it pertains to members of the public having the right to actually have an item placed on the agenda, this will be a process in which the individual or group requesting an item to be placed on the agenda would first have to make a request (preferably in writing) to the City Manager and the City Manager along with the Mayor would determine if it is an item that needs to be placed on the agenda for discussion and/or action or if it is an item that could be handled at the staff level rather than at the Council level. The Council also stated that they are always available and willing to listen to the concerns of the Public both during and outside of City Council meetings and the Public should not feel intimidated to approach any member of the City Council if they have a concern. If the Council Member determines that their concern should be placed on the agenda, the Council Member will bring this to the attention of the Mayor and/or the City Manager and ask that it be placed on an agenda for discussion and/or possible action. The Council stressed that this Ordinance is in no way a means of hindering the Public's right to speak or to continue to have a voice in the Community, but it is simply the first step of cleaning up some of the City Codes that are out-dated and/or no longer applicable. Upon ceasing all discussions, it was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to read by title only the Ordinance next in line. The motion unanimously passed. It was then **moved** by Council Member Holvik and **seconded** by Council Member Holvik that the Ordinance next in line entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING SECTION(S) 2.05.100 – 2.05.200 AND AMENDING TITLE II SECTION 2.05.090 OF Chapter 2.05. OF THE CITY OF WILLOWS MUNICIPAL CODE" pass first reading. The motion unanimously passed.

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

11. **New Business:**

- a. Consider entering into an amended water use agreement with Glenn Colusa Irrigation District for recycled water reuse of effluent water from the City of Willows Wastewater Treatment Facility:

In January 2005 the City of Willows entered into an agreement with Glenn Colusa Irrigation District to accept treated water from the Wastewater Treatment Facility. This agreement for beneficial reuse allowed for the City to receive grant funding from the State of California. Under the old agreement, only one site could receive these waters to satisfy the State's requirements and therefore violate the terms of the funding and would result in the forfeiture of \$680,000 dollars. However, this past year, flows in the GCID lateral 26-2 has caused issues with the facilities testing requirements mandated by the State. These issues resulted in plant staff diverting waters to another recognized discharge site thereby eliminating the issues with testing, but voiding our compliance with the funding requirements.

An annual report of water delivered to GCID is compiled by the Public Works Director and sent to the State Water Resources control Board for their approval. The new amended agreement recognizes both discharge points that will comply and demonstrate to the State Water Resources Control Board that both sites meet the recycled water criteria. With that, Public Works Director Greg Tyhurst stated that he would be happy to answer any questions. There were no questions by the Council and it was **moved** by Council Member Yoder and **seconded** by Council Member Hobbs to enter into an amended water use agreement with Glenn Colusa Irrigation District for recycled water reuse of effluent water from the City of Willows Wastewater Treatment Facility. The motion unanimously passed.

- b. Consider authorizing the Public Works Director to proceed with obtaining a licensed roofing contractor to make emergency repairs to the Civic Center roof and repair all interior damage using discretionary funding identified by the Finance Director.

The Civic Center roof has outlived its useful life span specified by the roofing materials supplier which had a ten year warranty. The roof was installed in 196 and is essentially five years beyond the warranty period and despite the efforts of the public works staff to patch leaks, it has become a costly and losing battle. The latest leaks are now beginning to affect the safety of the Library systems servers which are quite costly to replace if they become damaged. Additionally the wood structure beneath is now showing signs of rotting, as well as ceiling tile and sheetrock damage in several parts of the building.

The Public Works Director has received a few estimates for the roof replacement that ranged in the area between \$65,000 and \$125,000 to replace the roof membrane and/or place a new coating on top of the existing roof. In addition to the cost of the roof replacement, \$5000 more will be needed to replace and repair the water damage on the inside of the building.

Council discussion ensued and although this is a severe financial hardship at this particular time, all were in agreement that the roof needs to be replaced or it will continue to deteriorate, possibly causing more damage to the interior of the building and equipment in the Library.

It was **moved** by Council Member Holvik and **seconded** by Council Member Yoder to authorize the Public Works Director to proceed with obtaining a licensed roofing contractor to perform the necessary repairs to the Civic Center roof and repair all interior damage using discretionary funding as identified by the Finance Director. The motion unanimously passed.

12. Council Member Reports:

Council Member Holvik reported that he recently attended an award ceremony lunch at the Waste Water Treatment Plant to celebrate the achievement of the City receiving the Waste Water Treatment Plant of the Year award for two consecutive years. He also stated that he recently attended a LAFCO meeting.

Council Member Cobb, referring to tonight's earlier discussions regarding the Weed Abatement Ordinance, stated that he would just like to assure everybody that he is very confident that the revisions and amendments that are being made to the Weed Abatement process will help improve the process of this year's annual weed abatement season and in subsequent future abatement seasons.

13. Executive Session: None

14. Adjournment: Mayor Hansen adjourned the meeting at 8:33 p.m.

Dated: March 8, 2011

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider