

MINUTES OF THE WILLOWS CITY COUNCIL MEETING HELD October 26, 2010

1. The meeting was called to order at 7:03 p.m. by Vice Mayor Hansen.
2. **PLEDGE OF ALLEGIANCE:** Council Member Holvik led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Holvik, Towne, Yoder & Hansen
Absent: Baker

4. **Agenda Review:** City Manager Steve Holsinger informed the Council that Police Chief Bill Spears would be making two presentations under agenda item #5. Council Member Towne also indicated that he will be adding an item to discuss Glenn Ride under agenda item #10. It was then **moved** by Council Member Yoder and **seconded** by Council Member Towne to accept the October 26, 2010, Agenda as amended. The motion was unanimously passed.

5. **Presentations & Proclamations:**

Chief Spears presented a Certificate of Appreciation to Rick Reynolds, owner of the Old Hwy 99 Steakhouse, for offering his restaurant to host the “Tip-A-Cop/Tip-A-VIP” event held recently by the Police Department to raise money for the Police K-9 Program fund.

Chief Spears presented a Certificate of Appreciation to Rose Marie Thrailkill for her monetary donation to the Willows Police Department from monies raised from her candy sales at the “Tip-A-Cop/Tip-A-VIP” event. This money will also go toward the Police K-9 Program fund.

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

- a) A letter was received on October 14, 2010, from the Citizens for Economic Stability (CES) requesting an Ordinance amendment to Municipal Code Section 2.05.130 and the creation of a new Ordinance to add Municipal Code Section 2.35.030. Rick Thomas, spokesperson for the CES, addressed the Council to explain the reason behind the request, which was basically to have the agendas for each Council meeting distributed on the seventh day preceding regular meetings in order for the public to complete any research on the subject matters and prepare for any presentation(s) to the Council. Mr. Thomas also requested that the City post the entire agenda packet on the City’s website, and not just the agenda face as has been past practice. Staff was seeking direction from the Council regarding this request. Council discussion ensued and ultimately it was the consensus of the Council to not change the current procedures as it pertains to agenda distribution, as the distribution of the agendas is in compliance with the Brown Act. As far as posting the entire agenda packet on the City’s website, the Council liked this idea and they directed staff to begin to post the entire packet on the website from this point forward.
- b) Rose Marie Thrailkill gave a reminder of the upcoming Chamber of Commerce and Willows Fire Department Steak and Lobster feed on Saturday, October 30.
- c) Rick Reynolds, owner of the Old Hwy 99 Steakhouse, announced that there will be a Halloween Party at the Steakhouse on Saturday, October 30.

7. Consent Agenda:

Prior to acting on the Consent Agenda, Rick Thomas asked that item 7(e), which was a Resolution appointing the Finance Director as the City Manager pro-tempore in accordance with Municipal Code Section 2.10.050, be pulled for further discussion and clarification. It was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik to approve the Consent Agenda, minus item 7(e). The motion unanimously passed.

The City Manager addressed Mr. Thomas' questions regarding the Resolution to appoint the Finance Director as City Manager Pro-tempore. Municipal Code 2.10.050 states that the City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as a manager pro-tempore during any temporary absence or disability of the City Manager. Although the Finance Director in the past has assumed this role during absences of the City Manager, nothing has ever been formalized pursuant to the code to actually give him that authority. This Resolution is simply formalizing this and it was prepared at the direction of the City Council who stated that they wanted this formalized by way of Resolution. Mr. Thomas thanked the Council and City Manager for clarifying this. It was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik to approve Consent Agenda item 7(e). The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (22293-22337).
- b) Approval of Payroll & Direct Deposit Check Registers (Z01970-Z02008 & 30924-30940).
- c) Approval of the City of Willows Statement of Investment Policy.
- d) Approval of City of Willows Treasurer's Report Schedule of Cash and Investments as of September 30, 2010.
- e) Adoption of a Resolution appointing the Finance Director as the City Manager pro-tempore in accordance with Municipal Code Section 2.10.050.

8. Public Hearings:

- a) Consider adoption of a Resolution approving a rate increase for solid waste collection services to be effective December 1, 2010:

The City Manager presented this item to the Council stating that Waste Management has recently requested consideration of a rate adjustment for residential and commercial solid waste services provided within the City. Provisions approved in November 2006, as part of the Franchise Agreement Renewal, included consideration for annual rate increases to be calculated based upon several factors as defined in Article I, Sections 1, 2 & 3. In accordance with the aforementioned provisions, Waste Management may seek recovery of increased costs associated with any future CPI, Tipping Fee or Fuel Cost Adjustment impacts requiring increases during the same annual adjustment period.

This year Waste Management has requested a rate adjustment of 2.3% for residential and commercial customers to become effective December 1, 2010. The purpose of this rate increase is to provide an adjustment due to increases in the CPI and recovery of costs in conjunction with Fuel Cost Adjustment fees. The CPI change from August 2009 through August 2010 is equal to 1.639 index points or an equivalent 0.75% increase to Urban Consumers in the Western States

Index area. This percentage is applied to base rate of the prior year solid waste rates in Willows. This result becomes the CPI portion of the rate adjustment for the subsequent year. The CPI adjustment for the 2010-2011 year is 0.75% for all Willows solid waste customers. This adjustment request also allows Waste Management to calculate costs associated with Fuel Adjustment Costs over the preceding year. Those calculations actually result in an overall increase in Fuel Expense Adjustments of 1.48% due.

The Franchise Agreement also provides for recovery of expenses and costs associated with contingent fees charged to the Contractor, such as Tipping Fees established by Glenn County in association with costs for solid waste disposal at the County landfill. Last year Glenn County raised its tipping fees by 133% to \$70 per ton. This year the County has not changed the tipping fee for fiscal year 2010 and therefore there is no adjustment necessary for this expense.

The requested rate adjustment of 2.3% for residential and commercial customers results in a \$0.39 per month increase on average and an annual cost increase of approximately \$4.68 per customer.

The City Manager pointed out that the District Manager of Waste Management, Matt Frier, was present at the meeting to answer any questions that the Council may have. With that, the City Manager requested that the Public Hearing be opened.

Vice Mayor Hansen opened the Public Hearing at 7:48 p.m. Rick Reynolds spoke in opposition of the fee increase, stating that last year's large increase caused many people that he knows to discontinue their service altogether. Hearing no further comments, Vice Mayor Hansen closed the public hearing at 7:51. p.m.

Council discussion ensued and it was **moved** by Council Member Yoder and **seconded** by Council Member Towne to approve a Resolution adopting refuse collection rates, approving amendment to Residential and Commercial Rate Schedules as provided within the provisions of the Franchise Agreement approved November 28, 2006. The motion passed 3-1-1, with Council Member Holvik voting Nay and Mayor Baker Absent.

b) Conduct a Public Hearing and 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, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF CHAPTER 15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA BUILDING STANDARDS CODES AND APPROVE THE LOCAL FINDINGS AS SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN PLACE TO REMAIN UNCHANGED”**.

Building Official Clay Dawley introduced this item to the Council explaining that every three years the California Building Standards Codes are published by the California Building Standards Commission. The California Building Standards Commission has published the 2010 California Building Standards Codes by amending Title 24 of the California Code of Regulations, effective January 1, 2011. Prior to January 1, 2011, the California Building Standards Codes must be adopted by cities by incorporation by reference. However, if certain findings are made pertaining to local climatic, geological or topographical conditions, cities may establish more restrictive building standards than those set forth in the California Building Standards Codes. Mr. Dawley is requesting that a Public Hearing be conducted to solicit public

comments and that Council consider reading by title only and passage of first reading of the Ordinance which is being presented.

Vice Mayor Hansen opened the Public Hearing at 8:00 p.m. and hearing no comments, subsequently closed the Public Hearing at 8:00 p.m.

Council discussion ensued and Council Member Holvik inquired whether the City could incorporate a clause into the Municipal Code that states something to the effect of “The City will comply with the most current State codes”, in order to avoid having to make Ordinance amendments every three years to adopt the new codes. The City Manager stated that he would look into this, but due to the fact that the City must adopt the codes prior to January 1, 2011, and we are in a tight window to do so, he suggested that for purposes of getting the codes adopted prior to the date established by State Law, that the Council go ahead and move forward with passage of the Ordinance as it is presented this evening.

It was then **moved** by Council Member Holvik and **seconded** by Council Member Yoder to read by title only the Ordinance next in line. The motion was unanimously passed. It was then **moved** by Council Member Holvik and **seconded** by Council Member Yoder that the Ordinance entitled “An Ordinance of the City Council of the City of Willows, repealing, replacing, and/or amending certain sections of Chapter 15 of the City of Willows Municipal Code, to adopt by reference and amend certain portions of the 2010 California Building Standards Codes and approve the local findings as set forth in the codes with the remaining sections currently in place to remain unchanged” pass first reading. The motion was unanimously passed.

c) Conduct a Public Hearing and 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, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF CHAPTER 15.15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA FIRE CODES AND APPROVE THE LOCAL FINDINGS AS SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN PLACE TO REMAIN UNCHANGED”**.

Fire Chief Wayne Peabody introduced this item to the Council, explaining that just like the California Building Codes, the California Fire Codes are also published every three years by the California Building Standards Commission and must also be adopted by cities by incorporation by reference. Similar to the Building Codes, cities may also establish more restrictive Fire Standards than those set forth in the California Fire Codes if certain findings are made pertaining to local climatic, geological or topographical conditions. Chief Peabody requested that the Public Hearing be opened to solicit public comment and that the Council consider reading by title only and passage of first reading of this Ordinance.

Vice Mayor Hansen opened the Public Hearing at 8:05 p.m. Rae Ann Titus, Doug Ross and Jeff Williams all spoke during the Public Hearing with questions regarding some of the language in the State Fire Code, specifically related to Weed and Nuisance abatements. Chief Peabody addressed the questions stating that the City is required to adopt the State Fire Code and can not make changes to that Code, however, as earlier stated, the City can establish other Fire Standards than those set forth in the California Fire Code, but the City Codes have to be more restrictive and can not be less restrictive than the California Fire Code. Additionally, the Staff and Council pointed out that the City’s Weed Abatement program is an issue unto itself and that they will be

looking at some alternatives and making some changes to how the City's Weed Abatement program has been operated in the past. At this time, Staff is simply asking for the Council to adopt the Fire Code by reference as required by State Law. Vice Mayor Hansen closed the Public Hearing at 8:33 p.m. Additional discussion ensued among the Council Members and Staff and it was then **moved** by Council Member Yoder and **seconded** by Council Member Holvik that the Ordinance next in line be read by title only. The motion was unanimously passed. It was **moved** by Council Member Yoder and **seconded** by Council Member Holvik that an Ordinance entitled "An Ordinance of the City Council of the City of Willows, repealing, replacing, and/or amending certain sections of chapter 15.15 of the City of Willows Municipal Code, to adopt by reference and amend certain portions of the 2010 California Fire Codes and approve the local findings as set forth in the codes with the remaining sections currently in place to remain unchanged" pass first reading. The motion was unanimously passed.

9. **Ordinances:** Action taken under items 8(b) and 8(c).

10. **Items introduced by City Council or Administrative Staff for discussion purposes only (Including Economic Development Updates, if any):**

Council Member Towne asked that Staff contact somebody at the Glenn County Public Works Department to request that they send a representative to attend the next City Council Meeting in order to give the Council and update on the status of the Glenn Ride Collector System and when they will be removing the A-Frame signs from red-zones and in front of residences, churches, etc. He is concerned that since these signs are located on the City Streets they are posing a threat to motorists and pedestrians and thus are a potential liability to the City in the event that somebody gets injured. The City Manager indicated that he would contact the County and ask that the Public Works Director attend the next meeting to give the City an update.

11. **New Business:** None

12. **Council Member Reports:** None

13. **Executive Session:** None

14. **Adjournment:** Vice Mayor Hansen adjourned the meeting at 8:59 p.m.

Dated: October 26, 2010

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider