

**MINUTES OF THE WILLOWS CITY COUNCIL**  
**REGULAR MEETING HELD April 12, 2016**

1. Mayor Hansen called the meeting to order at 7:02 p.m.
2. **PLEDGE OF ALLEGIANCE:** Council Member Mello led the Pledge of Allegiance.
3. **ROLL CALL:**  

<u>Present:</u>	Council Members Domenighini, Mello, Williams, & Mayor Hansen.
<u>Absent:</u>	Vice Mayor Yoder
4. **Presentations & Proclamations:**
  - a) Mayor Hansen presented a Proclamation declaring the Month of April as “Sexual Assault Awareness Month” with special recognition of April 27, 2016 as “Denim Day California”.
  - b) Mayor Hansen presented a Proclamation declaring the month of May as “Poppy Month”.
5. **Public Comment/Written Communications:**
  - Cliff Larimer, Contributing Editor for the Sacramento Valley Mirror, stated that he is standing in for Doug Ross, who is the Contributing Editor that generally covers the City Council Meetings. He stated that Doug was ill and he would be covering the City Council meetings for him during his absence. He announced that on Saturday, May 2, there would be an Open House at the Willows Museum from 1:00 p.m. to 4:00 p.m. and he encouraged everybody to attend to view the various items and displays at the Museum.
  - City resident Mark Fowler expressed his concern to the Council over the lack of lighting on the overpass going across I-5 to Wal-Mart, which he understands is a Cal-Trans issue to resolve.
6. **Consent Agenda:**

M/S –**Williams/Domenighini** to approve the Consent Agenda as presented. All Ayes and the motion unanimously passed 4/0 and the following items were approved/adopted:

  - a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30675-30675; 33330-33384; Z07158-Z07193; 26029-36082).
  - b) Approval of the Minutes of the Willows City Council Meeting held on February 23, 2016.
  - c) Approval of the Minutes of the Willows City Council Meeting held on March 8, 2016.
  - d) Declare two Police Department vehicles as surplus and allow staff to sell or dispose of said vehicles.

**7. Public Hearings:**

- a) 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 amending Title 8 Chapter 8.25 of the Willows Municipal Code to regulate smoking and secondhand smoke”.

This ordinance is being introduced to address the concerns raised by the Willows High School chapter of Students Working Against Tobacco (“SWAT”), in which they gave the City Council a comprehensive presentation regarding the dangers and nuisances of tobacco use in the City’s parks and recreation areas. Members of SWAT provided information pertaining to the prevalence of tobacco use in our parks, the dangers to not only the users but others around the user, and the nuisance of litter left behind by tobacco users.

As a result, at the City Council meeting held on March 22, 2016, the Council was provided a copy of the City of Orland’s tobacco regulation ordinance which passed in 2012, with an update to the ordinance in 2014 to include e-cigarettes in the ordinance. At that same City Council meeting the Council directed staff to create a similar ordinance for introduction at tonight’s City Council Meeting. City Staff, along with the City Attorney, have performed modifications to the current City of Willows Ordinance addressing this topic (Ordinance Number 637-93). The ordinance before the Council tonight will replace that ordinance which was adopted in 1993.

Mayor Hansen opened the public hearing at 7:20 p.m.

The following people spoke in favor of the ordinance and thanked the Council for their consideration of its adoption:

Willows High School Students and/or SWAT members Isabella Mercado, Natalie Gonzalez, Kailey Cushman, Val Lor, & Tina Lor; Friday Night Live Coordinator Kristin Cushman; Orland Resident Sharon Lazorko.

Mayor Hansen closed the public hearing at 7:28 p.m. **M/S – Mello/Domenighini** to read by title only the ordinance next in line. The motion unanimously passed 4/0 on a roll call vote, with Vice Mayor Yoder absent. **M/S – Mello/Domenighini** to pass first reading of an ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING TITLE 8 CHAPTER 8.25 OF THE WILLOWS MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE. The motion unanimously passed 4/0 on a roll call vote, with Vice Mayor Yoder absent.

**8. Ordinances: Action taken under item 7 (a).**

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

- a) Council Member Williams stated that he would like to see the public help out with reporting city street light outages to PG&E. He stated that all a person needs to do is to obtain the pole number from the pole and call PG&E at 800-743-5000 and report the outage.

**10. New Business:**

- a) Review and accept the Annual Housing Element Progress Report as required by Government Code Section 65400:

The preparation of a General Plan Annual Progress Report (APR) per Government Code Section 65400, reports the efforts within the Housing Element that remove governmental constraints to the maintenance, improvement, and development of housing, and the status of implementation of these programs. Additionally the APR includes the Regional Housing Needs Allocation (RHNA) numbers and where the City stands with meeting these numbers. The current RHNA planning period covers from January 1, 2014 to June 30, 2019.

The 2014-2019 Housing Element was adopted by the City Council on January 13, 2015. The Element was forwarded to the State Department of Housing and Community Development (HCD) for final review and approval. The Element was certified as adequate by HCD on April 16, 2015. The City now has an adopted and certified updated Housing Element which outlines the City's plan to meet the Regional Housing Needs Allocation for the anticipated future housing needs for all income groups.

The City adopted its General Plan in 1981 and has not updated the General Plan since, other than a major revision to the Land Use Element in 1987 with the annexation of land, and some revisions to the Element and Land Use Map in 2000, and updated Housing Elements in 2005 and 2010.

The current Housing Element outlines the City's plan to meet the Regional Housing Needs Allocation for the anticipated future housing needs for all income groups. RHNA figures are prepared by the regional council of governments (Glenn County for Willows) based upon information provided by the State Department of HCD. .

The annual report outlines the progress that the City of Willows has made in meeting the current Housing Element of the City's General Plan according to the programs listed within the Element.

Accomplishments achieved in 2015 include issuing a final Certificate of Occupancy to a 49-unit senior housing complex that had been constructed during the reporting period. This new housing assists the City with meeting their RHNA numbers of providing housing to extremely low income groups.

Amendments to the Zoning Ordinance to comply with two program goals have been completed in 2015. One of these amendments added to the zoning ordinance the allowance of transitional and supportive housing in all zones allowing residential uses and which do not require any conditions other than those conditions identified for residential uses in those zones. To date no requests for transitional or supportive housing has been received by the City of Willows.

This General Plan Report is not a project, but a reporting document, and does not create or alter policy and therefore is not subject to the California Environment Quality Act (CEQA) per Section 15306

Staff is recommending that the City Council accepts the Annual Housing Element Progress Report and directs Staff to forward the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

**M/S – Domenighini/Williams** to accept the report and for Staff to forward the Report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development as required by Government Code 65400. The motion unanimously passed 4/0 with Vice Mayor Yoder absent.

- b) Accept the Preliminary Annual Engineer's Report and adopt a Resolution of Intention to levy and collect assessments and confirm May 24, 2016 as the date to conduct the public protest hearing for the City of Willows Landscaping and Lighting Assessment District:

The Willows Landscaping and Lighting Assessment District (District) was initially formed by the City in 2005 to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village subdivision – Zone A – in accordance with the Landscaping and Lighting Act of 1972.

The Act requires that the City undertake certain proceedings for any fiscal year in which assessments are to be levied and collected. These proceedings are accomplished at three separate Council meetings. The first action to adopt a Resolution appointing the Engineer of Work and directing preparation of the annual Engineer's Report was completed by the

Council on March 8, 2016. The preliminary report and resolution before the Council this evening is the second part of the proceedings for fiscal year 2016-2017.

The Council should review the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering and recommend any desired changes to be made to the report. The report outlines changes and summarizes the costs projected for FY 2016-17 and provides the proposed overall assessments. In order to keep up with inflation, the estimated maximum annual assessments in both zones is proposed for increase by the allowable annual CPI (year 2015) of +2.6%. This raises the maximum annual assessment for Zone A to \$461.34 and the maximum annual assessment for Zone B to \$6553.66. The estimated maximum annual assessment will increase for both zones. The actual amount that will be levied and collected during FY 2016-17 for Zone A will stay the same as FY 2015-16 at \$143.00 per parcel. Excess reserves are available and are being used to eliminate the need to increase this year's assessment and to bring the reserves in line with the City reserve policy.

The actual amount that will be levied and collected during FY 2016-17 for Zone B will be increased approximately \$650.08 from FY 2015-16 to \$5955.96. This increased assessment is due to increased utility costs and a resulting higher ratio of assessment engineering costs.

During FY 2008-09 the Council implemented a minimum reserve balance of 10-20%. It is noted that the projected Zone A Assessment District reserve balance at the end of FY 2016-17 is within that target range. Due to unexpectedly high utility costs in Zone B during FY 2015-16 the ending reserve balance is projected to be near zero. The increased budget for Zone B should improve the reserve balance over the next few years.

The preliminary Engineer's Report is for Council's review and comment. The third and final step in this process is to hold a public protest hearing wherein any person within the assessment districts can provide comments for the Council's consideration. At the close of that hearing, if the Council finds the report acceptable, the Council will adopt a resolution authorizing the annexation and levying of assessments per the Engineer's Report. The Final Engineer's Report should be approved by the City no later than the end of June of each year so that the information can be transmitted to the County for inclusion on the tax rolls. The County needs to have all information transmitted and correct no later than August 10<sup>th</sup> of each year.

Staff recommends that the Council accepts the report, adopts the resolution of Intent to Levy and sets a date to conduct the hearing, preferably on May 24<sup>th</sup>. **M/S – Domenighini/Williams** to accept the preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering, adopt the Resolution of Intention to levy and collect

assessments and confirm May 24, 2016 as the date to conduct the required public protest hearing. With a roll-call vote, the motion unanimously passed 4/0 with Vice Mayor Yoder absent.

- c) Adoption of a Resolution accepting the public street right-of-way easement for Harvest Drive; the public street right-of-way easement for the temporary cul-de-sac constructed for Harvest Drive; and Emergency Vehicle Access Easement; and parcel for storm drain detention pond purposes within the Basin Street Commercial Development and direct the City Clerk to record all grant deeds:

In June 2015, the City submitted a grant application to the Federal Economic Development Administration for funding certain infrastructure improvements associated with the Basin Street Commercial project in the southerly portion of the City. The impetus of filing the grant related to job creation within the City with the development of new businesses in the proposed development.

On October 19, 2015, the City received official notification of award of the grant in the amount of \$2,500,000. The overall total project amount is estimated at \$3,571,429 (the federal grant covers 70% of the overall cost - \$2,500,00.) The improvements will include installation of water, sewer, storm drain and street improvements associated with Phase 1 of the Basin Street Commercial Project.

Part of the requirements of the EDA federal funding is that the City must own the rights-of-way and/or easements needed to construct all of the improvements associated with the project prior to the submittal of the construction documents. Forms have to be filed with EDA when the construction documents are submitted for checking that certify that the City owns the rights-of-way and easements. Accordingly, it is necessary to accept the rights-of-way and easements at this time.

The documents necessary to be accepted at this time include:

- The dedication of a public street right-of-way easement associated with Harvest Drive (the main road into the development that connects to Tehama Street.)
- The dedication of a public street right-of-way easement for construction of a temporary cul-de-sac at the westerly end of Harvest Drive (Harvest Drive will be ultimately extended to the west once future phases of the development are constructed and the temporary cul-de-sac will be removed and the street extended.)
- The dedication of an emergency vehicle access (EVA) easement that extends from Harvest Drive to the southerly property line of the development (as required by the conditions of approval for the Basin Street Commercial Development project.)

- The dedication of a parcel of land intended for construction of a detention pond to service the overall development with respect to storm drain/flooding issues. (It should be noted that maintenance of the detention pond will be the City's responsibility but will be fully funded by fees collected through the Landscape and Lighting Special Assessment District zone that will be set up for this property once the subdivision is recorded.)

Staff and Attorneys have checked the deeds and easements for technical and legal accuracy and found them to be acceptable. If the Council accepts the easements and deeds, the documents will be recorded and the City will hold title to the lands and/or easement described in the grant deed documents. It is Staff's recommendation that Council adopt the Resolution before them. **M/S – Mello/Williams** to adopt a Resolution accepting a public street right-of-way easement for a portion of Harvest Drive; A public street right-of-way easement for the temporary cul-de-sac for Harvest Drive; and an emergency vehicle access easement; and the grant of a parcel of land for detention pond purposes – All a part of the Basin Street South Willows Commercial Project – and directing the City Clerk to record all grant deeds. With a roll-call vote, the motion unanimously passed 4/0 with Vice Mayor Yoder being absent.

- d) Resolution declaring weeds, rubbish refuse and dirt public nuisances and approve the Weed Abatement schedule for the 2016 fire season:

Each year the Willows Fire Department abates weeds, rubbish, refuse and dirt from different lots and alleyways. In order to commence this process, it is necessary for the City Council to adopt the Resolution before them. This Resolution declares that weeds, rubbish, refuse and dirt are a public nuisance and sets a date for a hearing to listen to citizen protests. **M/S – Domenighini/Williams** to adopt a Resolution declaring public nuisances and to set the date of the protest hearing for May 24, 2016. With a roll-call vote, the motion unanimously passed 4/0, with Vice Mayor Yoder being absent.

- e) Appointment to a vacant seat on the Willows Planning Commission:

On August 25, 2015, the Council was informed that the terms of Planning Commissioners Candis Woods, Robert Griffith and Kerri Warren were due to expire on December 31, 2015. The Council directed staff to advertise for these three seats on the Planning Commission and Mayor Hansen and Vice Mayor Yoder volunteered to serve on a subcommittee to review applications, conduct interviews of applicants and ultimately make their recommendations to the full Council who to appoint to fill these seats.

The City received only two applications from current Commissioners Robert Griffith and Candis Woods. Mayor Hansen and Vice Mayor Yoder elected to waive interviews for these two candidates, as they had already been serving on the board and have been doing very

well in their capacities as Commissioners. The Mayor and Vice Mayor recommended to the Council at the December 8, 2015, meeting to reappoint Commissioners Woods and Griffith to the Commission, and the full Council agreed to their reappointments. Additionally the Council directed staff to continue to recruit for the one remaining vacant seat on the Commission.

Most recently, Mr. Walter Michael turned in an application and a letter of interest to be appointed to the vacant seat on the Planning Commission. On April 4, 2016, Mayor Hansen & Vice Mayor Yoder interviewed Mr. Michael and they directed staff to place an item on tonight's agenda in which they are recommending that the Council appoint Mr. Michael to the vacant Planning Commission seat. **M/S – Domenighini/Mello** to appoint Walter Michael to the Planning Commission. The motion unanimously passed 4/0, with Vice Mayor Yoder being absent.

**11. Council Member Reports:**

- Council Member Williams reported that he, Council Member Mello, Planning Commissioner Griffith and Interim City Manager Wayne Peabody met with members of the Willows Chamber and Business Owners to discuss Community Events Signage and they will be meeting again on April 21. He also recently attended a Community Leaders Breakfast in Chico hosted by Assemblyman Jim Gallagher and Senator Jim Nielsen. Topics of discussion were State water issues and minimum wage increases, among others.
- Council Member Mello had no reports, but stated that he hoped that the Valley Mirror's Contributing Editor, Doug Ross, gets back into good health soon. He also stated that Susan Meeker is now gone from the Glenn County Transcript and that he is really going to miss her fair and honest reporting and editorials and she would always shed a positive light in the community. Lastly, he stated that he hopes that the KVB Waste to Energy project on Hwy 32 moves forward.
- Council Member Domenighini reported that LAFCO met this morning. He also reported that this Thursday there will be a Library Board Meeting at the Bayliss Library.
- Mayor Hansen thanked Fire Chief/Interim City Manager Wayne Peabody and Fire Captain Skip Sykes for their extraordinary efforts in extinguishing yesterday's early morning structure fire at the Manhattan Apartments.

**12. Executive Session: None**

**13. Adjournment: Mayor Hansen adjourned the meeting at 8:04 p.m.**

Dated: April 12, 2016

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider