

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

April 23, 2013

1. Mayor Cobb called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Fire Chief Wayne Peabody led the Pledge of Allegiance. Mayor Cobb then asked that all present remain standing to observe a moment of silence for the recent passing of two fallen heroes, Fire Captain Doug Lederer and Fire Chief Reggie Michaud.
3. **ROLL CALL:**

Present: Domenighini, Mello, Spears & Mayor Cobb
Absent: Taylor-Vodden
4. **Agenda Review:** It was **moved** by Council Member Domenighini and **seconded** by Council Member Mello to approve the April 23, 2013 agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:**
 - a) Mayor Cobb presented Police Officer Kelly Kuwata with a Proclamation declaring May 12 – May 18 as “National Police Week” with special recognition of May 5 & 6 as “California Peace Officer Memorial Ceremonies” and May 15 as “National Peace Officers Memorial Day”. Officer Kuwata then announced that the 6th annual Police Officers and Fire Fighters Memorial would be held on May 8 at 6:00 p.m. at the First Baptist Church and she encouraged all to attend.

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

Mardy Thomas, representative of the Glenn County Transportation Commission, made the Council aware that the County has received funding through the Blueprint Grant to build up the information infrastructure for the County’s Geographic Information System (GIS). A few weeks ago he passed this information along to the City’s Planner. What the County has tried to do is to put a line between what is County and what is City property and get it all integrated into one so they can actually have a map that can show the City and County zoning together in one. You can now find the particular zoning for a specific parcel simply by entering the address or the Assessor’s Parcel Number. The project is still in the developmental phase but it is on the County website if anybody wants to view it. He asked that if anybody had any comments about the map, to forward their comments onto him and he would appreciate any feedback.

7. **Consent Agenda:**

Council Member Domenighini had a question on item 7(e) which the City Manager clarified. Council Member Spears had a question on item 7 (d) which Police Chief Dahl clarified. It was **moved** by Council Member Mello and **seconded** by Council Member Domenighini to approve

the Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Registers (25901-25966).
- b) Approval of Payroll & Direct Deposit Check Registers (Z04202-Z04232 & 32486-32517.)
- c) Approval of a transfer of funds from the Summer Library Fund to a newly created Children's Services Trust Fund (Fund 202).
- d) Approve appropriation of \$10,755 in conjunction with acceptance of AB-109 funds allocated by the State Legislature for FY 2012/13
- e) Approve an assignment of Contract Services to Severn Trent Environmental Services, Inc., to assume/continue operations and maintenance at the Willows Waste Water Treatment Facility located on South Tehama Street.

8. Public Hearings:

- a) Unmet Transit Needs:

The Transportation Development Act (TDA) Statutes and Administrative Code of Regulations require specific actions on the part of local transportation planning agencies. As part of the regulations, annually the County holds a public hearing to receive input from citizens and City Councils regarding unmet transit needs. Specifically an "Unmet Transit Need" is found to exist when there is a reasonable need for an identifiable group within the community that has no dependable and/or affordable access to employment, medical, commercial public, or social services. Because transit needs fluctuate with variables such as unemployment, population, demographics, land use and circulation patterns, it is necessary to re-evaluate the needs annually.

Mayor Cobb opened the Public Hearing at 7:18 p.m. and hearing no comments from the public, closed the Public Hearing at 7:19 p.m.

9. Ordinances: None

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

The City Manager reminded the Council of the County and Cities Joint meeting that is scheduled to be held in Orland the following evening. He also informed the Council that memorial services for Chief Reggie Michaud would be held the following day and that City Hall would be closed between 9:30 and 11:00 a.m. in order that all staff members may be able to attend the service.

Council Member Domenighini asked whether the Council would receive any back-up information in advance of the budget meeting scheduled for April 29 or if it was simply going to be a presentation given by the Finance Director. The Finance Director stated that the agenda and all back-up materials would be distributed to the Council in advance and in accordance with the Brown Act.

Council Member Spears stated that during a previous meeting the procedural question regarding agenda preparation was brought up and he wondered where the City was at in seeking an opinion on how items can be placed on an agenda. The City Manager stated that he did send the question off to the Attorney for review and the review turned out to be more complicated than anticipated. The Attorney was unable to identify any clear provision in State Law and there isn't any case law that sets a precedent. The Attorney was going to do some additional review and write a letter on what he feels would be appropriate for an amendment to the City's Municipal Code in the way of an Ordinance. He stated that he last heard from the Attorney about two weeks ago and that he will follow up with the Attorney again to see where this stands.

Council Member Spears then stated that the City Manager sent out to all of the Council Members data that he received about a complaint process and he wondered where that issue stands currently. He doesn't know if the Council should move forward with this item by placing it on a future agenda for review and guidance. He thinks the intent was for the Council to eventually take some action on this but he just wasn't sure what. Mayor Cobb's thought was that it was brought up previously for discussion purposes to determine whether the Council had a desire to do anything with it and his recollection was that the document was rather lengthy at roughly 18 pages. The City Manager clarified that there were actually three sets of documents that were given to the Council to review. Originally he circulated a complaint form that he drafted back in 2008 or 2009. In response to his original draft, a Council Member submitted a one-page form for consideration which he passed on to the other members of the Council and subsequently a second Council Member submitted an additional proposal that was quite a lengthy document that he also provided to each of the Members of the Council. Since his circulating these three documents, no additional comments have come back to him from the Council in the way of suggestions for edits or combining the documents or what direction the Council Members want to move in. As he recalls, the previous discussion was that he would provide the information to the Council and that each of the members of the Council would provide their comments back to him and then he would revise and redistribute an edited edition in a policy format. To date he hasn't received anything from the Council in the way of comments to incorporate any changes to prepare a draft for distribution so he is still just waiting to hear back from the Council Members. Council Member Domenighini stated that he didn't have any comments on the documents and that he looks forward to the discussion at a future Council meeting. Council Member Mello stated that the simpler the form, the better. The less the public has to read, the easier it will be for them to use the complaint/comment/suggestion system. He believes the form should be kept simple and should be made at a tenth grade level so people can understand. Council Member Spears' suggestion is just to keep the issue alive and moving forward. The Council has a lot on their plate right now with upcoming budget and some other issues, so he would suggest not to discard it from a future Council Meeting, but to put it off until the Council passes the budget. This way the Council can take a little more time and concentration on the topic and not have a lot of other distractors. The consensus of the Council is to put this item on the back burner for now and they can revisit this topic once the upcoming Fiscal Year's budget has been adopted.

Council Member Mello stated that he believes now is a good time for the City Council and the Staff to review the City's conduct policy that they use during City Council meetings. The City has a conduct policy for individuals making public comments, and there is also a conduct policy for individuals that attend City Council meetings. As a City Council Member or as a Staff Member, they need to refresh and review the City's conduct and ethic policy. He believes that

the Council and Staff has forgotten this. The League of California Cities states that everybody shall refrain from use of verbal attacks, making disparaging and embarrassing remarks, making personal charges, showing abusive language, and not to bring embarrassment or disgrace upon the City. Council and Staff, at a minimum, should show respect and fairness, lead by example, and show good ethical conduct and standards. After having said that, Council Member Mello stated that Council Member Domenighini is doing a good job and he also apologized to Mayor Cobb for interrupting him at a previous Council Meeting.

Council Member Mello stated that his next topic of discussion is a sensitive subject. He stated that at the last meeting Council Member Spears brought up his concerns about the City's Public Safety MOU with the Willows Police Department and the Sheriff's Department and the Orland Police Department. Council Member Spears' concern was that the MOU needed to be reviewed by the City Attorney and to ensure that the Municipal Code was followed. During that same meeting, Council Member Domenighini also expressed his concern that if there was a shortfall in Police staffing in the future, would there be an MOU in place to cover the shortage. He stated that he agrees with Council Members Spears and Domenighini and staff for their actions. However, as a member of the City Council, a member of the Willows Public Safety subcommittee and a Willows resident, he will follow up on this matter with extensive research and then bring it back to Council for discussion, and a vote for it to be placed on a future agenda if needed. He concluded his comments that everyone can agree that Public Safety is a concern and it is a very important topic currently and for the future.

Mayor Cobb stated that he appreciates Council Member Mello's comments, but Council has already reached a consensus at a previous meeting to not place this item on a future agenda and one of the reasons the Council did that is because the Council has gone over this topic several times. Mayor Cobb stated that the Council will not be bringing this topic back up again.

Council Member Mello stated that he is concerned about Council Member Domenighini's question whether the City currently has something in place in case something were to happen in the future. Mayor Cobb stated that the City does have something in place in case something were to happen which required other agencies to assist the Police Department.

Council Member Spears stated that he understands Mayor Cobb's position on the fact that the matter was brought forth for consensus on whether to put it on a future agenda for discussion. He stated the Mayor might recall that Council Member Mello abstained from action and he made the comment that he did not feel adequately knowledgeable enough about the circumstances of whether or not to take it forward; In other words, Council Member Mello qualified his abstention, and now for the Mayor to bar him from the ability to come back at a future date and state that he now has an opinion on the topic, he believes that removes Council Member Mello's value as to his opinion and his ability to have his input to council. If it had been an actual vote and he would have voted either in the affirmative or the negative, even if additional information came to light that would cause the subject matter to come back up again with additional information, it is the duty of the public servant or the elected official to bring the matter forth again. But simply to say that the Council discussed a matter once and therefore they will never discuss it again, he believes is out of order from the standpoint that this is a public forum for the Council to bring those ideas forward. Council Member Spears stated that he agrees with Mayor Cobb, in that the Council does not want to banter around the same subject meeting after meeting

after meeting, however, after his having heard what Council Member Mello said, and the fact that Council Member Mello qualified his abstention, Council Member Spears believes this topic warrants additional discussion. Mayor Cobb then asked Council Member Mello why he did abstain when they voted on this item. Council Member Mello stated that he would rather speak in private about his reason. It is a mixed issue and he stated that he is not going to state his reason in a public forum because his reason brings in other issues such as personnel issues, and he would rather not say at this point.

11. New Business:

a) Annual Weed and Rubbish Abatement:

Each year the Fire Department abates weeds, rubbish, refuse and dirt from different lots and alleyways throughout the City. In order to commence this process, it is necessary for the City Council to adopt a Resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the proposed Abatement Schedule for the 2013 fire season and approve an extension of the Weed Abatement Contractor of 2012. **Motion** by Council Member Domenighini, **second** by Council Member Spears to adopt a Resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the Weed and Rubbish Schedule for the 2013 fire season and approve the extension of the Weed Abatement Contractor of 2012. The motion unanimously passed.

b) Fire Department apparatus bay door project:

Following the City Council Meeting on March 12, guidelines were followed for the Fire Department to put out to bid the apparatus bay door project. Four bids were received and three of the bids were found to be non-responsive in that no electrical work was included in the bids. After reviewing the final bid, The Door Mart has met or exceeded the minimum bid requirement. The total estimated cost of the project is \$38,251.23 (\$37,652.23 bid for the project and \$600.00 for labor compliance and oversight services). The original allocation for the project is \$38,000, resulting in a difference of \$251.23. After reviewing the final bid and meeting with the Finance Director it was found more beneficial to request a budget transfer in the amount of \$500 to complete the apparatus door openers within the scope of work rather than completing at a later time. The \$500 represents the \$251.23 shortage plus a contingency of \$241.77. **Motion** by Council Member Domenighini, **second** by Council Member Spears to award the apparatus bay door project to The Door Mart and to transfer \$500.00 from Fire department budget from account 301.4150.150 to account 301.7241.400. The motion unanimously passed.

12. Council Member Reports:

Council Member Domenighini reported that he attended last week's Library Board meeting in Elk Creek and next month's meeting will be held at the Bayliss Library. He stated that the Friends of the Library still has raffle tickets available with the raffle proceeds to go toward the Children's Summer Reading Program.

Council Member Spears reported that he and Council Member Domenighini attended the Transit and Transportation Meeting last week.

Council Member Mello announced that the Lamb Derby is coming up on May 11 and there will be a 3 mile walk and a 3 mile run. He stated that he would challenge anybody that is his age - 59 years old - that if they beat him in the race, he will buy them a steak dinner at the Old Hwy 99 Steakhouse. If anybody 50 to 69 years old beats him in the race, he will wash their car. He then inquired whether the City received a \$300 check as a donation toward the banner poles. The City Manager stated that the City did receive a \$300 check in the mail for the banner poles, however, the intent is to return the check since the Council has never authorized staff to accept funding in the way of donations or anything else in support of banner poles. No project has ever been authorized or approved by the Council therefore staff has no place for accounting for that money.

Mayor Cobb reminded everybody that May 12 – May 18th is National Police Week. He also stated that Chief Reggie Michaud’s funeral service is tomorrow morning at 10:00 a.m.

13. Adjournment: Mayor Cobb adjourned the meeting at 7:47 p.m.

Dated: April 23, 2013

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider