

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
April 24, 2012

1. The meeting was called to order at 7:00 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** City Clerk Natalie Butler led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Council Members Yoder, Hansen, Taylor-Vodden, Cobb & Mayor Holvik
Absent: None

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the April 24, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Consent Agenda:**

Mayor Holvik requested that item (c) be removed from the Consent Agenda and voted on separately. It was **moved** by Council Member Hansen and **seconded** by Council Member Yoder to approve Consent Agenda Items (a) and (b). The motion passed unanimously. It was **moved** by Council Member Yoder and **seconded** by Council Member Cobb to approve Consent Agenda item (c). Motion passed with 4 Ayes and Council Member Holvik abstaining. The following items were passed/adopted:

- a) Approval of General Check Register (24403-24483)
- b) Approval of Payroll & Direct Deposit Check Registers (31809-31829 & Z03395-Z03427).
- c) Approval of the March 27, 2012, Regular City Council Meeting Minutes.

6. **Public Hearings:**

- a) Unmet Transit Needs Public Hearing:

John Linhart, Executive Director of the Glenn County Transportation Commission, presented this item to the Council. Mr. Linhart explained that 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, he explained that 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.

Mr. Linhart briefly outlined the previous year's statistics for ridership on Glenn Ride and presented the Council with graphs showing comparisons of ridership between 2007 and 2012.

Mayor Holvik opened the Public Hearing at 7:07 p.m. Rebecca "Sam" Evans, Administrator for Eskaton Kennedy Manor, spoke during the public hearing stating that when the City Circulator busses discontinued their routes in Willows, her residents were stranded and had no means in which to travel throughout the City. She stated that she fears now that with the new Super Wal-Mart having been constructed, that the residents may be placing themselves at risk by walking or taking motorized chairs over the overpass to the new Super Center and this could be very dangerous. Council Member Yoder, who sits on the Glenn County Transportation Commission, agreed that it is unfortunate that the Circulator busses no longer run, but that decision was strictly due to financial issues and there was simply no money in the budget to keep the Circulators in operation. Mr. Lindhart took note of Ms. Evans' comments and Mayor Holvik closed the public hearing at 7:11 p.m.

7. Presentations and Proclamations:

- a) Mayor Holvik presented a Poppy Days Proclamation to Barb LaDoucer of the American Legion Auxiliary.
- b) Mayor Holvik presented a Proclamation to Police Officer Kelly Trent declaring May 13 – May 19 as "National Police Week" with special recognition of May 6 & 7 as "California Peace Officer Memorial Ceremonies" and May 15, 2012 as "National Peace Officers Memorial Day".

8. Public Comment:

Rose Marie Thrailkill gave an update on various upcoming events in the community. She also stated that the new annual Business Directory is now complete and will be mailed to each person in the City.

Officer Kelly Trent announced that there would be a Peace Officers & Firefighter Memorial Service on May 2 at 7:00 p.m. held at the Willows First Baptist Church and she invited everybody to attend the event if they are able to do so.

9. Ordinances: None

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

The City Manager stated that there is scheduled to be a Butte College Community Forum Meeting at City Hall on May 7 at 2:00 p.m. and he thought it would be beneficial if some Council Members could have a presence to encourage Butte College to offer training courses in the City of Willows. He also stated that if any of the Council Members have an interest in participating in the Lamb Derby Parade to let the City Clerk know.

11. New Business:

- a) Resolution of intention to levy and collect annual assessments and preliminarily approve the Engineer's Report for Fiscal Year 2012/2013 for the City of Willows Landscaping and Lighting District, confirm the date and time of the required public information meeting and confirm the time of the required public protest hearing:

Prior to City Engineer John Wanger presenting this item to the Council, the City Manager indicated that he would recuse himself from this item due to the fact that he is a property owner in the Landscaping and Lighting District, and he exited the Council Chambers.

The Engineer explained that 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 (1972 Act). The Act requires that the City undertake certain proceeding for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings with the following actions:

- 1) Adopt a resolution appointing the Engineer of Work and directing the preparation of the annual Engineer's Report.
- 2) Approve the Engineer's Report, declare the City Council's intent to levy assessments and set dates for a public information meeting and a public hearing.
- 3) Conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year.

The first action was completed by the Council on February 14, 2012. This report and resolution accomplishes the second part of the proceedings for FY 2012-13.

Attached to the staff report is the Preliminary Annual Engineer's Report as prepared by Coastland Civil Engineering. The City Council should review the report and let staff know if there are any desired changes to be made to the report. In brief, the report outlines changes and summarizes the cost projected for FY 2012-13 and provides the proposed overall assessments. For FY 2012-13, a new zone is proposed, Zone B, titled Wal Mart. The Wal Mart parcel is proposed for annexation into Zone B. This zone is to be created to recover the City costs associated with the five street lights and half of the signal costs associated with the signal at W. Wood Street and North Airport Road. There will be no landscaping costs incurred by the City for this Development, as Wal Mart will be responsible for maintaining the minor portion of landscaping within the public right-of-way. This new Zone will have a maximum annual assessment, and allow cost of living adjustments annually, in order to keep up with inflation.

The maximum annual assessment for Zone A is posed for increase by the allowable annual CPI (year 2011) of +2.6%. This raises the maximum annual assessment to \$416.73. While the estimated maximum annual assessment will increase, the actual amount that will be levied and collected during FY 2012-13 will be reduced from \$358.00 in FY 2011-12 to \$210.32. This reduced assessment is due to the engineering services cost being spread over the two Zones.

The Zone B assessment is proposed to be \$4,453.90 for FY 2012-13 with a maximum annual assessment of \$5,920.00. The FY 2012-13 annual assessments will provide projected revenue of \$11,604.78 to cover the estimated expenses.

During FY 2008-09, the Council implemented a minimum reserve balance of 10% to 20% for Zone A. It is noted that the projected Assessment District reserve balance at the end of FY 2012-13 is slightly above that target. If it is found that an excess reserve balance does exist at the end of FY 2012-13, the assessments may be reduced the following year. This same desired minimum reserve balance is proposed for Zone B.

The preliminary Engineer's Report is for Council's information and comment. The next step in the process is to hold a public information meeting (required by the Streets and Highways Code when annexation of new parcels occurs), and a public protest hearing (also required by the Streets and Highways Code for this type of an assessment district). To comply with Proposition 218, ballots will be mailed to all parcels proposed for annexation to allow the owners to vote on the proposed assessment. The Public information meeting, which is not a council meeting, is held to answer questions that owner's may have regarding their proposed new assessment. At the public protest hearing, any person within the assessment district can provide comments for the Council's consideration. Ballots received are opened and tallied, and the Council determines if there is a majority protest to the annexation. At the close of the hearing, if the Council finds the report acceptable, the Council should 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 the inclusion on the tax rolls. The County needs to have all information transmitted and correct no later than August 10th of each year.

It was then **moved** by Council Member Hansen and **seconded** by Council Member Yoder to adopt a Resolution of intention to levy and collect annual assessments and preliminarily approve the Engineer's Report for Fiscal Year 2012/2013 for the City of Willows Landscaping and Lighting District, confirm the date and time of the required public information meeting for May 15 at 1:00 p.m. and confirm the date and time of the required public protest hearing for June 12 at 7:00 p.m. The motion unanimously passed.

- b) Consider adoption of a Resolution declaring weeds, rubbish, refuse and dirt public nuisances, approve the weed and rubbish abatement schedule for the 2012 fire season as presented and consider a one-year extension of the Weed Abatement Contract from 2011:

Each year the Willows Fire Department abates weeds, rubbish, refuse and dirt from different lots and alleyways throughout the City. In order to commence this process it is required for the City Council to adopt the Resolution before them this evening declaring weeds, rubbish, refuse and dirt as public nuisances and setting the date of May 22, 2012, as the date to conduct a protest hearing. Additionally staff is requesting that the Council approve a one-year extension to the 2011 weed abatement contract that was awarded to Dale Myers, with a CPI increase of 2.6% as was stipulated in the 2011 contract. It was **moved** by Council Member Yoder and **seconded** by Council Member Taylor-Vodden to approve a Resolution declaring public nuisances, to approve

the proposed Weed and Rubbish Abatement Schedule for the 2012 fire season. The motion unanimously passed. Additionally, it was by unanimous consensus of the Council to extend the 2011 Weed Abatement Contract for an additional year with a CPI increase of 2.6 as per the terms of the contract.

- c) Directional signage to be placed within the Wal-Mart Super Center directing consumers to the Historic Downtown Commercial District:

During the past few years, in cooperation with City Management direction, the downtown merchants – primarily spearheaded by the Chamber of Commerce – have worked with Wal Mart Representatives on development of appropriate methods to resolve some specific project Conditions of Approval in conjunction with the approval of the Wal Mart Super Center construction. These specific Conditions involve measures to mitigate anticipated economic impacts to the merchants located in the downtown commercial core. One of the agreed upon conditions specified the placement of a Bulletin Board within the Super Center to identify other local downtown merchants conducting business in the Central Commercial zoning district. Discussions with the Chamber and local merchants concerning the utilization, location, maintenance and control of printed materials to be placed on the bulletin board ultimately stalled when an acceptable accommodation was not identified by the parties involved.

Approximately a year ago a request was made for City Management to assist in resolving the deadlock over the use of a bulletin board style message center at the Super Center once the remodel was completed. Staff worked with both the downtown local merchants and Wal Mart consultants on the development and design of permanent style signage that might resolve the overall intent of the Conditions, by identifying the location of the Central Commercial zone and services available in that location. After several exchanges involving photos of downtown businesses and potential marketing announcements, the project has evolved to the final draft stage. The signage adequately identifies the Downtown Commercial Core, highlights the type of merchants and services available, details an accurate directional map to the downtown area and displays all of this in an attractive manner on a sign that will be 4 feet by 6 feet. Staff is seeking Council approval to finalize the design and installation of this directional and informational signage in lieu of the Conditions of Approval stating the placement of a bulletin board.

Staff is recommends that the Council discuss and approve the proposed directional signage to be placed within the Wal Mart Super Center which is intended to direct consumers to alternative shopping opportunities in the Historic Downtown Commercial Core.

Council discussion ensued and the majority of the Council indicated that they liked the sign and its attractiveness and it would likely be durable to stand the test of time, although some expressed disappointment that the sign fell short of the original concept of what was intended to be a billboard or marquis-style board. Council Member Taylor-Vodden stated that she had spoken to a downtown merchant and the merchant expressed some concerns about the “generic” nature of the sign. She also stated she would like to see some higher resolution pictures and also pictures that were more representative of the downtown commercial core and not basic generic pictures. She stated that she would like to have an opportunity to to revise portions of the sign before the Council gives their final approval of the design. She stated that if the Council would

allow her some additional time to talk to more of the downtown merchants and get their input, she would coordinate the effort to make some revisions to the sign and bring it back before the Council at a later time for final approval. It was the consensus of the Council to allow Council Member Taylor-Vodden additional time to make some revisions to the sign and to bring it back for final approval at a future meeting.

Rose Marie Thrailkill stated that she felt betrayed by Wal Mart because this proposed sign is not what they initially agreed upon – it was for the installation of a bulletin board. She also inquired about what happened to the third Condition of Approval. The City Manager stated that the third Condition was for Wal Mart to provide training to downtown merchants on how to compete with Wal Mart, however, since Wal Mart has already been in business for many years in Willows and the downtown merchants have had to compete with them for some time now, they offered to make a cash contribution to the Chamber of Commerce in lieu of them actually conducting the training. Council Member Holvik and Yoder stated that they believed a cash contribution would be best and most beneficial and that way the Chamber could hire the Consultant of their choice to perform the training to downtown merchants.

Brian Bonner, Chair of the Willows Economic Development Committee (WEDC), stated that he applauds any efforts on the part of the City to improve signage. He also stated that the WEDC would be having a meeting tomorrow evening and he would like an opportunity for the WEDC to give their input on this sign. Council Member Taylor-Vodden stated that she was not sure if she would be available to attend the meeting, but if she is available she would attend.

12. Council Member Reports:

Council Member Hansen reported that he attended the most recent Transportation meeting and one of the topics of discussion was possibly advertising businesses on the busses. He also stated that ridership for Glenn Ride went up 4%. Last, he reported that on May 19, the Shriners will be holding a free medical screening clinic to all children up to age 18 at the Glenn Medical Center.

Council Member Holvik stated that he didn't realize until just recently that the City offered a program for the removal of feral cats. He has been told by some citizens who have trapped stray cats on their property that when they called Glenn County Animal Control to remove the cat, they were told that it would cost \$25.00 for the removal. He wondered why Animal Control is charging for stray cat removal if the City offers this program. Chief Spears indicated that he would follow up with the Sheriff's Office and Glenn County Animal Control to clarify this issue and he will make sure Animal Control informs the citizens that they will remove the cats free of charge. This service is offered up to a maximum of \$500 per fiscal year.

13. Executive Session: Pursuant to California Government Code Sections 54950 et seq., the City Council held a Closed Session. More specific information regarding this closed session is indicated below:

a) CONFERENCE WITH LABOR NEGOTIATOR(S) pursuant to Section 54957.6

Agency Negotiators: City Manager Steve Holsinger

Employee Organization(s): Finance Director Tim Sailsbery
Willows Employees Association
Willows Public Safety Association
Unrepresented Employees (All City Employees not
represented by WEA or WPSA)

The Council entered into Closed Session at 8:17 p.m.

14. Report Out from Executive Session:

The Council reconvened into Open Session at 9:19 p.m. with Council providing direction to staff.

15. Adjournment: Mayor Holvik adjourned the meeting at 9:19 p.m.

Dated: April 24, 2012

NATALIE BUTLER

City Clerk

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