

CITY COUNCIL

Jeff Cobb, Vice Mayor  
Larry Domenighini, Council Member  
Gary Hansen, Council Member  
Lawrence Mello, Council Member  
Terry Taylor-Vodden, Council Member

CITY MANAGER  
Steve Holsinger

CITY CLERK  
Natalie Butler



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**CITY COUNCIL REGULAR MEETING AGENDA**

**Tuesday, December 11, 2012**

**7:00 p.m.**

1. Call to Order Willows City Council Regular Meeting - 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review: (Requested Changes by Council or Staff).
  - a) Consider acceptance, by motion, of City Council December 11, 2012, Agenda.
5. Presentations & Proclamations:
  - a) City Clerk Natalie Butler will administer the Oath of Office to Willows Police Department Chaplain Ted Johnson.
6. Public Comment / Written Communications: Persons wishing to speak on a matter not on the agenda may be heard at this time; however, no action will be taken unless placed on a future agenda. (*Public Comment is generally restricted to three minutes*).
7. Consent Agenda: Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
  - a) Consider approval of General Check Register.
  - b) Consider approval of Payroll & Direct Deposit Check Registers.
  - c) Consider approval of the Minutes of the Willows City Council Regular Meeting held September 28, 2012.
  - d) Consider approval of the Minutes of the Willows City Council Regular Meeting held October 9, 2012.
  - e) Consider approval of the Minutes of the Willows City Council Regular Meeting held October 23, 2012.
  - f) Consider approval of the Minutes of the Willows City Council Regular Meeting held November 13, 2012.

8. **Public Hearings:** *(Persons wishing to speak on a Public Hearing item are asked to approach the microphone to address the Council and limit comments to three minutes. It is also requested that you please state your name for the record).*
- a) Conduct a public hearing and upon conclusion, consider adoption of a Resolution authorizing the summary vacation of the portion of West Willow Street (between Enright Avenue and Villa Avenue) and a portion of the public alleyway between West Willows Street and Wood Street and authorize the City Clerk to record the document with the County Recorder's office.
9. **Ordinances:** None
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**
11. **New Business:**
- a) Consider adoption of a Resolution to suspend all downtown timed parking zones on Sycamore and Butte Streets except as otherwise specifically designated within the Resolution for exemption for a one-year period.
- b) Consider appointments to various committees, commissions, and/or panels for 2013.
- c) Receive nominations, and by motion, appoint a Mayor and a Vice Mayor for 2013.
12. **Council Member Reports:**
13. **Executive Session:** None
14. **Adjournment:**

**CERTIFICATION:** Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before December 6, 2012.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at [www.cityofwillows.org](http://www.cityofwillows.org).

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**MINUTES OF THE WILLOWS CITY COUNCIL SPECIAL MEETING HELD**  
**September 28, 2012**

1. The meeting was called to order at 3:30 p.m. by Vice Mayor Cobb.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Council Members Taylor-Vodden, Hansen, & Vice Mayor Cobb

Absent: Council Member Yoder & Mayor Holvik

4. **Public Comment:** Prior to opening up public comment, Vice Mayor Cobb announced that he would like to set some guidelines for the meeting that will help keep order and speed up the process. He explained that this is not a typical City Council meeting, but rather a Special Meeting of the City Council. That said, the Council is required to abide by certain regulations. So there is no confusion, he explained the parameters of public comment with regard to agenda items. These items are specific to the renewal or non-renewal of Police Chief Spears' contract. This item is not about the budget as a whole. While the intention of this agenda item is to determine whether or not there is a fiscal savings to the City by not renewing the Chief's contract, the Council is not soliciting feedback at this meeting on ways to reduce the City's overall budget. For example, he stated that it would be inappropriate during public comment at this special meeting to suggest the Council fire the City Manager or to close the Library or to let the City Planner go as a means of saving money. Personal attacks against city staff or Council Members are also inappropriate. If the people present cannot comply with the Vice Mayor's request, they will be asked to sit down. There should be no shouting or conversations while seated in the audience, as that is not proper decorum. It is already difficult enough for people in the back rows to hear the meeting. He realized that people may have pre-written statements that they would like to read, but he reiterated that this is not a typical "regular" Council meeting wherein members of the public can only comment on items that are NOT on the agenda, versus this "special" Council meeting, where the public is allowed to speak only specifically to the items that ARE on the agenda. He gave some examples of appropriate public comments that would be relevant to this specific topic as being something along the lines of "the city should retain the Chief because he is a good Chief and he does a good job" or "he has proven to be a good leader" or "the city would be better off spending the extra money to retain the Chief and not have a zero deficit budget". Upon concluding his comments, Vice Mayor Cobb then opened up the public comment portion of the meeting.

- 5.a) Council will consider adoption of a Resolution to cure and correct any alleged violation that may have occurred during the regularly scheduled August 28, 2012, meeting in conjunction with item 11 (a) on that meeting's agenda which was "Council will consider providing written notice of non-renewal in conformity with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief", by rescinding direction provided to staff at the August 28, 2012, meeting:

Rose Marie Thraikill addressed Vice Mayor Cobb and she questioned the back-up report for this item because it indicated that there may or may not have been a violation of the Brown Act, however the Government Code section that is listed in the report is the cure and correct section and it does not state what the violation was. Vice Mayor Cobb referred this question to the City Manager to address. The City Manager stated that the City received a written notice which challenged the actions that took place at the August 28 Council Meeting, indicating that there could have been a Brown Act violation that occurred. Within that same letter there was a request made to retract that action. Rather than to debate the merits of whether or not an actual violation ever occurred, the Brown Act simply allows a legislative body to correct any perceived violations that may have occurred and move forward. On the advice of legal counsel, staff believes that is the best course of action for the City Council to adopt a Resolution to cure and correct any action, formally rescind the action that was taken on August 28, and then reconsider the item.

Ms. Thraikill then stated that as she understands it, the Council then believes that the public does not deserve to know what the specific violation was. The City Manager then reiterated that he does not know that there ever actually was a violation. Ms. Thraikill then argued that people must assume that there was at least one violation because the City received the notice from the lawyer. She stated that what the public wants to know is specifically what the violation was. The City Manager stated that he did not know. Vice Mayor Cobb then stated that he believed the City Manager has answered Ms. Thraikill's question and he added that the Council doesn't know what the violation is, but they are taking preemptive action and moving forward with the cure and correct.

Sergeant Carl Walters, President of the Willows Public Safety Association, read a letter reiterating the WPSA's opposition to any decision not to renew the Police Chief's contract.

Todd Miller wanted clarification about the Brown Act violation that Chief Spears' attorney accused the Council of. He questioned the Council that they claim they have no idea what that violation was, but just based on the vagueness of that, the Council still went ahead and scheduled a special meeting to correct the violation? The Vice Mayor stated that this is not a question and answer period. He stated that this is the opportunity for the public to comment on the record. Mr. Miller, by his comments, clearly portrayed his support of retaining the Police Chief.

Mike Donnelly inquired how many days Chief Spears has left on his contract. The Vice Mayor stated that he didn't have that information, but that it would depend on whether he was to be elected to a seat on the Willows City Council on November 6. Vice Mayor Cobb stated that the expiration date of the Chief's contract is December 31, unless he won the election in November, and then it would be earlier.

Keith Parrish not only spoke in support of the retention of Chief Spears, but he also reminded the Council that at the meeting on August 28 when the Council initially voted to not renew the Chief's contract, there was a fellow tea party member at that meeting that pointed out to the Council at that time that they believed there was a Brown Act violation and the person was gavelled down. He stated that if the Council had paid attention to that assertion at that time, this meeting could have been avoided entirely.

Dennis James asked for clarification of the items on the agenda and if the Council will be taking another vote to consider the renewal or non-renewal of the Police Chief's contract. Vice Mayor Cobb explained that the first item on the agenda is to take action to cure and correct the action taken at the meeting on August 28, which will then make that action null and void. The next step would be for the Council to reconsider whether or not to vote to provide the Police Chief with notice of non-renewal of his contract. Mr. James asked if the Council has already predetermined their vote, to which the Vice Mayor responded that they absolutely did not.

Vern Roberts stated that he was the individual that approached the City Council at the August 28 meeting about the possible Brown Act violation. He suggested that the City's Attorney being present at today's meeting probably would have been a good idea, because it is his understanding of the Brown Act that without specifics, the Council cannot correct and cure.

Bud Brackensick stated that he is at this meeting in support of Chief Spears, as were many people at the August 28 meeting. Even with the outpouring of support for the Police Chief, the Council still chose to do what they did, and he questioned why the people should think it should be any different this time.

Patsy Carter stated that she wishes the Council would reconsider their decision to not renew the Chief's contract. She stated that the Chief is an honorable man and a good role model for our youth. She feels it is the Council's responsibility to see to it that the citizens in the community are safe and she asked that the Chief be retained.

Lisa Hill spoke in favor of retaining the Police Chief because she believes he has done a good job implementing positive programs for the City's youth and he does a lot for the community. Since the newspaper announcement came out that the Council voted not to renew the Chief's contract on August 28, she says crime has gone up because people now know that they can commit crimes and that they won't be arrested because there is nobody to do that job.

Lynn Donnelly spoke in favor of keeping the Police Chief for all of the same reasons that everybody else had stated. She said the Council said that people can't discuss the budget during this meeting, and that people are not allowed to offer the Council a plan or ideas for a plan, even though the Council has stated that they don't have a plan. Vice Mayor Cobb responded, confirming to Mrs. Donnelly that the Council is committed in keeping public comments specific to only those items that are listed on this meeting's agenda. He reminded her that this is a special meeting and not a regular City Council Meeting. Mrs. Donnelly acknowledged the Vice Mayor's comments. Mrs. Donnelly then referred to the minutes of the August 28 meeting when people spoke in favor of retaining the Police Chief. She referred to Council Member Hansen's comment that he made during that meeting when he stated that it would be fiscally irresponsible not to seize the cost savings opportunity to not renew the Chief's contract. She stated that she agreed that it would be fiscally irresponsible of the Council not to try to seize cost savings opportunities, but she feels it is more irresponsible for the Council to not look at a position that she claims pays out a lot more money in salary each year than the Chief's does. She continued, stating "speaking of the City Manager"..., claiming to be standing on her First Amendment rights, whereupon Vice Mayor Cobb asked that Mrs. Donnelly sit down, as she was deviating from the agenda item being discussed. Mrs. Donnelly continued speaking, ignoring the request

of the Vice Mayor. Vice Mayor Cobb then declared that the Council would be taking a five minute recess. The Councilors then exited the Council Chambers.

Vice Mayor Cobb called the meeting back to order at 4:00 p.m. and once again reminded the audience of proper meeting decorum. He stated that the Council understands the emotions that are involved with this subject and they are very aware of how serious this situation is. He reminded the audience that at the beginning of this meeting he announced that the meeting would be conducted with decorum and a professional setting. He stated that if the meeting can't be conducted with decorum, that he will clear the room and continue the meeting without the public. He stated that he does not want that to happen and that he wanted to hear what people have to say, and having said that, he re-opened the Public Comment.

John Hursey stated that he has concerns over the fact that every comment he has heard at the meetings, everything he has read in the papers and has heard in the community has been in support of retaining Chief Spears. He questioned where is the priority of the majority of the residents of Willows?

Stephanie Southam asked if the Council has ever actually publicly acknowledged the Police Chief for all of the things he has done for the City. She stated that she feels that the Chief really deserves more credit than he is being given. She stated that she has lost all respect for our city leaders and as a result of the decision made at the August 28 meeting it has come to her attention that at least one family in this community is planning on packing up and leaving. She stated that she is not sure if she wants to live in a City where there is no unity between the City Officials, Law Enforcement and members of the public. She said that the public needs to be heard. People need to pull together, listen to each other and make a decision. The Council should listen to suggestions and don't just wash them away like they don't matter. She stated that she believes Chief Spears is the greatest asset to the community and she believes that the Council sees him as disposable.

Jeff Williams stated that he didn't see the agenda for tonight's meeting posted on the City's website. He stated he credited the City Clerk for her emailing the agendas for this meeting to the agenda distribution list, but that he didn't receive it until yesterday in the late afternoon. The City Clerk acknowledged that she is responsible for posting agendas on the website and it was strictly an oversight that the agenda was not posted there. The City Manager then explained that perhaps due to the brief window of opportunity that staff had yesterday in order to get the agenda prepared, put together, and published 24 hours in advance of the meeting as required by State law, he acknowledged that there could have been a step missed in not posting the agenda on the website. He stated that it was an oversight. The agenda is required to be posted at City Hall, noticed to the newspapers, and distributed to persons that specifically request a copy so he believes all of the legal requirements were met to announce the meeting. Mr. Williams explained that he didn't want to cast blame, but he was just curious why it hadn't been placed on the website.

Forrest Sprague voiced his support of retaining Police Chief William Spears. He also stated for clarity purposes, that the agenda for today's meeting stated "Pursuant to Government Code 54956, the agenda for this meeting was properly posted...etc." He stated that the Government

Code Section cited specifically does say that the agenda will be posted on the internet website if the local agency has one, which Willows does.

A gentleman, who did not state his name, addressed the Council and stated that he would like to be the first person, hopefully in a series of additional people, to say "please retain Chief Spears". Another gentleman, who also did not state his name, stated that he believes in his heart that everyone on the Council knows that this is a travesty. A woman, who did not state her name, asked the Council to please retain the Chief. Another unidentified woman also asked the Council to please retain the Chief. Another gentleman who did not state his name, but who Vice Mayor Cobb addressed as 'Mr. Brackensick', stated to the Council that he knows this has been a tough time for all Council Members and the decision that was made to not renew the Chief's contract at the last meeting was unanimous. He stated that the Council has seen the public and listened to the public on two occasions. He stated that he didn't think the three Council Members present at tonight's meeting have any ulterior motives or agendas. He stated he does believe they are getting some bad guidance, and he just wishes that they would listen to what the people who put them on the Council want. Sometimes what the people want, may not be the best fiscally, but if this is how the Council is going to chop dollars and cause a lot of unrest, he doesn't believe it is worth it, and he encouraged them to reconsider their last vote and retain the Chief.

Karen Roberts stated that she would like to see the Chief retained. She stated she believes the Council is not speaking as the voice or the public that elected them and that they do not respect what the public has to say. She stated that the public no longer has trust in the Council.

Rose Marie Thraillkill stated that she is asking that this meeting be cancelled because it is being held in violation of the Brown Act pursuant to Government Code 54956, in that the agenda was not posted on the Agency's website.

Monty Carter stated that he is in favor of retaining the Chief.

Council Member Cobb then closed the Public Comment portion and he then asked what the pleasure of the Council was. It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to adopt a Resolution to cure and correct any alleged violations of the "Ralph M. Brown" Act during the regularly scheduled Council Meeting held August 28, 2012 and rescind actions taken to provide notice of non-renewal in conjunction with the terms of the employment agreement with William R. Spears, Police Chief. The motion passed unanimously.

**5.b) Council will consider providing written notice of non-renewal in conformity with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief.**

Before moving on, Vice Mayor Cobb stated he would like to give Chief Spears the opportunity to make a statement. Chief Spears stated that he was once again humbled by the people who have come out in support of him as the Chief. He wanted to point out to the Council that by their eliminating him from the Department, they are not only removing a Chief with forty years of law enforcement service and experience, but they are also removing a member of the patrol force, as

he has gone out on many calls for service along with his Officers. As he pointed out during the August 28, 2012, meeting, he stated that other than the 15 percent wage deferment discussion, no other discussions ever took place with him regarding any other concessions or any other actions that could be taken. He didn't feel it was his position to have to go to the City and offer money back. He stated that there was no discussion, no negotiation, and as of the August 28 meeting, no renewal of his contract. He stated that even now, he is still open to negotiating a new contract to continue to serve as the City's Police Chief. He stated that at the meeting held on August 28, he made a comment to City Attorney, Gary Krup, and asked him if the Council decided not to renew his current contract, would the contract still be open for new negotiations. The Attorney stated that he didn't see why not. At the very end of that meeting, and after talking to the City Manager, the City Attorney told Chief Spears that there may be a distinct possibility that a new contract could be negotiated. Chief Spears asked Vice Mayor Cobb if the Council chooses tonight not to renew his contract, is the Council open to negotiations? The Vice Mayor stated that would not happen because he believes it was the Council's decision the last time to not renew the contract, which pretty much ended the negotiation period. He stated that whatever decision that is made by the Council tonight would be final. Council Members Taylor-Vodden and Hansen agreed, stating that this was strictly a fiscal decision in order to begin to try to protect City reserves. The non-renewal of the contract would be a significant cost savings to the City. The decision made tonight will be made strictly based on the City's fiscal situation, and not because there is anything personal against the Chief, who they have had cordial and friendly relations with. Additional discussion ensued between the members of the Council and Chief Spears, and once all discussion ceased it was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to direct staff to provide written notice of non-renewal in accordance with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief. The motion unanimously passed.

13. **Adjournment:** Vice Mayor Cobb adjourned the meeting at 7:55 p.m.

Dated: September 28, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**October 9, 2012**

1. The meeting was called to order at 7:02 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** City Clerk Natalie Butler led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Council Members Cobb, Taylor-Vodden, Hansen & Mayor Holvik

Absent: Council Member Yoder

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the October 9, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

Todd Miller presented the Mayor with a formal written complaint against the City Manager alleging that the City Manager lied during the special meeting of the City Council held on September 28, 2012. The letter stated that if the Mayor is not willing to conduct an investigation into his complaint, he will turn the complaint over to the Glenn County Grand Jury to investigate his allegation.

Rose Marie Thraillkill gave an update on upcoming Chamber of Commerce and community events and activities.

Vern Roberts read a letter on behalf of Dennis and Alice James who couldn't be present at tonight's meeting. The letter was a request of the people of Willows to not hold the spouses of the City's elected officials accountable for the decisions that the Council is making concerning Chief Spears and/or City Manager Steve Holsinger and they asked that people take their vote to the ballot box.

Keith Parrish informed the Council that he will be attempting to contact somebody to come to Willows in the near future to talk about the new "fire tax" that was recently passed by the state legislature. He stated he will update the Council when he confirms a date, time and place that the informational meeting will take place.

Susan Parisio presented a survey of 43 Willows City Council meetings that took place from January 2011 through August 2012. Ms. Parisio stated that in 77 percent of the meetings there wasn't a single dissenting vote. She wondered how a group of people could all agree with one-another 77 percent of the time. She stated that the people in the community are not happy with the decisions that are being made by the Council and that is why they have been voicing their opinions.

Bud Brackensick stated that he read a recent article about Mayor Holvik in the newspaper and in that article the Mayor talked about how many years have gone by without any staffing level increases to the Fire Department as opposed to the Police Department. Although he doesn't dispute that, he stated that the Police Department doesn't have as many volunteers assisting them as the Fire Department does.

Gail Green stated that she has been coming the Council Meetings recently because she is interested that the Council is trying to get rid of the Police Chief, which she believes is far more important than a City Manager. She stated that she also read the Mayor's article in the newspaper and he mentioned that "a few concerned citizens" have been attending the meetings. She stated that when she attends the meetings there have been times when there are quite a few people in attendance and other meetings where there are only a handful of people. With the recent issues going on, the Chamber has been full and overflowing, so there are more than a "few" concerned citizens. She also stated that if the Council agrees 77 percent of the time, that tells her that the Council is getting together somewhere outside of the Chamber and making their decisions prior to the meetings. She said the Council proved that to her when they voted not to renew the contract for Chief Spears.

Jeff Williams stated that it was brought to his attention by a member of city staff that at one of the staff meetings the City Manager made a comment along the lines of "for those of you that backed me, thank you very much, and for the rest of you, you can get the hell out". Mr. Williams asked the Council if they knew that to be a factual statement. Mayor Holvik stated that he has not heard it as a fact but he has heard of it a couple of times. Mr. Williams asked if the Council could ask the City Manager if he made that statement and the Mayor indicated that he does not believe that would be appropriate.

Todd Miller then asked the Council didn't they think to inquire whether a statement like that was made by the City Manager? He stated that it is going around the community that this this is a statement that might have been made, and doesn't the Council think they might want to put an end to it? He asked the Council if they don't follow through with these types of things? He stated that the Council just allows the City Manager to run amuck and said it is no wonder the Council has the problems they have and that the citizens are so irritated with them.

Mayor Holvik then asked the City Manager if he remembers making such a statement. The City Manager stated he doesn't recall specifically making that comment. He stated that he did make a comment similar to that nature. He typically tries to refrain from using profanity, particularly during staff meetings. Staff meetings are held among a group of individuals that he holds with very high esteem. He thinks they are all very qualified and professional individuals that are the leadership core of the organization, and they all accept the freedom to speak freely among themselves. There is an understanding, although unwritten, that the communications that take place in the staff room should remain within the staff room. He has no qualms at the fact that there has been a reported comment made by him. There was a comment that he made of a very similar nature, but he just doesn't recall what the specific statement was.

Mike Donnelly asked Council Member Taylor-Vodden whether she ever made the statement that the Police Officer should have shown professional courtesy when the City Manger's wife was

pulled over and arrested, and that the Officer should not have placed her under arrest. Council Member Taylor-Vodden stated that she did not make that statement. She stated that is aware that Mr. [Forrest] Sprague has put out a statement that has quoted her as having made that statement. Mr. Sprague came to meet with her right after she was appointed to the Council to lobby very hard for his project that he was working on at the time and she agreed to meet with him at her office. What she and Mr. Sprague discussed was that she has lived here her whole life and in the past she knew many people that used to go to the old Blue Gum restaurant for lunch, and there was an old joke that some people may need an escort back to their offices after their lunch. There was an idea at that time that if somebody wanted to target someone, it was very well known where people go and where social occasions were happening. Since that time the rules have tightened up, as they well should. But in the past there had been some times when people were sent on their way rather than be arrested in some situations, going back some fifty years or more. That was the topic of the conversation she and Mr. Sprague were having, and she mentioned that it's too bad that things have gotten to the point where everything is so black and white. Mr. Donnelly stated that he has lived in Willows for nearly thirty years and he has seen "the good old boys club". Council Member Taylor-Vodden stated that she thought Mr. Donnelly, during a previous Council Meeting that he attended, spoke very movingly about Chief Spears regarding an incident where he was stopped and the Chief stepped in and gave him a little help and took some extra care and ultimately assisted in making sure that things worked out. Mr. Donnelly also asked about the \$80,000 that the City spent a few years ago to hire an unlicensed contractor from outside of the area to perform the City's Weed Abatement program. Mayor Holvik stated that 95 percent of that money was recovered. The Mayor further explained that in any given year the city never recovers the full amount spent for weed abatement, no matter who the Contractor is.

Keith Parrish stated that he has recently attended several City Council Meetings and he has left many of the meetings feeling as though many of the decisions made at the meetings were actually decided in advance. He stated that he believes there have been several Brown Act Violations. He stated that he finds himself in conflict, because although he likes the individual Council Members personally, as a team, he believes they have dropped the ball. He believes the Council has lost focus on the tasks in front of them and they have spent more time in the recent past trying to defend their poor decisions, than they have spent on issues of great importance. He asked those Council Members who are running for re-election to end their campaigns. He stated that the City Council is broken and it's time to get more eyes on the City's problems. He stated that the Tea Party has started a campaign against re-electing the incumbents in November and are looking into an effort to recall certain members after the election if the Council doesn't change their ways.

Patsy Carter said she admires the Council for being able to listen to the people and face all of the negativity that is out there, but she said she feels there are areas where the Council could be conservative in their decisions. She said that she is a member of the Tea Party and there is a movement out there that is seriously considering recalling the Council Members because they believe the Council is not doing their job in representing the people. Mrs. Carter concluded her comments by asked the people in the meeting to show the Council why they were present. Several people in the audience then held up signs that read "Holsinger Must Go" and "It ain't Mayberry without Andy".

Rose Marie Thrailkill stated that she and the other 40 plus people who have been attending the Council meetings recently are a special interest group, in that they are interested in the welfare of the community. Having been a former Council Member, she understands the difficult decisions that have to be made by the Council and she knows they too are interested in the welfare of the community. She said she doesn't think the Council understands the magnitude of how wide-spread this is. She stated that when she goes to the drug store or the grocery store, people are constantly approaching her and asking her questions about what is going on with the City and it does not look good. She stated that she really feels for the Council, but she believes the thing they need to realize is that no members of their special interest groups believes that [the non-renewal of Chief Spears' contract] was a budget issue.

John Hursey was concerned with some things that are happening. He stated that during the last Special Meeting of the Council, there were very fine lines in what the audience could speak about, but he didn't understand why it was acceptable for Council Members Hansen and Taylor-Vodden to go into lengthy explanations of how their financial background makes them qualified to make a decision on getting rid of Chief Spears. He thinks the Council made a poor decision in getting rid of Chief Spears, but he hopes to see the Council make the same decision when it comes to the City Manager.

Stephanie Southam asked the Council that when members of the public come before them to share their views, opinions and ideas, she wonders what the Council does with that. The public gives their opinions and she sees the Council writing things down, but she is curious how they take these opinions and views into consideration or if it is more of a formality because the Brown Act requires that the public be allowed to speak. She stated that she is respectfully asking this because she is just curious if people are just wasting their time speaking. Mayor Holvik stated that the Council took an oath to do what they think is best, and in order to do that the Council needs the input of the Citizens. He said that they do listen to the comments but they can't always vote the way that every citizen wants them to because there are 6000 citizens and they are not all going to like every decision that the Council makes. Mrs. Southam then asked if there was anything that anybody could have said pertaining to the non-renewal of the Police Chief's contract that would have steered the Council's decisions, because it seems apparent to her that the decision was already made in each of the Council Member's minds and she is just wondering if there was anything anybody could have possibly said to have changed their minds. Mayor Holvik pointed out that in a few months, the Council will be starting the budget process for the next fiscal year and they will be holding a mid-year budget review for the current fiscal year. He stated that these are open meetings that anybody can attend and give their opinions about the budget and voice what the community wants. At the mid-year budget review, the Council may need to make some adjustments and/or cuts, good or bad, at that time in order to try to achieve their ultimate goal of a balanced budget. He suggests that people attend these meetings and get involved. Mrs. Southam then asked if when the Council members arrive to the meetings, and they know what is on the agenda, can the Mayor honestly tell her that the Council has already made their decision? Mayor Holvik responded no, that the Council has not already made a decision prior to the meetings. Council Member Hansen then added that he takes a lot of notes during the meeting while he is listening to people speak and he likes hearing the public and their ideas. He takes all public comments very seriously. Mrs. Southam then asked that if the Council

take notes and listens to the public, why, at the August 28 meeting when the Council heard some 40 plus people speak in favor or renewing the Chief's contract, did the Council hold no discussion and immediately vote to not renew the contract? Council Member Taylor-Vodden stated that for her it was strictly a budgetary decision. She recognizes that this is an emotional issue for people. Beyond it being strictly a budgetary decision on her part, she simply can't answer to the emotional side of the issue. She also stated that as far as anything being said to have changed her decision, if somebody could have come to her three months ago and stated that they had a guaranteed way to constructively come up with \$200,000 in revenue to be used specifically for Public Safety, it may have caused her to vote differently.

Mike Donnelly stated that at the meeting on August 28, the Council would not allow anybody to discuss the budget. Mayor Holvik stated that was correct, and that is why he is trying to clarify what Council Member Taylor-Vodden was saying. She was talking about three to four months prior to August if somebody had come forward and offered to get a tax initiative going. Mr. Donnelly asked if that was brought up during any of those meetings. Mayor Holvik stated that it was brought up and that the City conducted a survey to possibly place a sales tax measure on the ballot. The Council heard rumblings from the people about a tax measure and were told they wouldn't support it because there were also a number of other State tax initiatives which would be appearing on the ballot. The Council discussed this and the feedback that they got indicated that a sales tax measure very likely would not be supported by the voters this year. Mr. Donnelly stated that he would like to know how the Council can sit and listen to every single person in the building - with the exception of one person - tell them they were wrong for letting the Police Chief go, and then not even discuss it amongst themselves before they voted affirmatively to not renew the contract. He believes that is absolutely ridiculous, especially if the Council can't even tell the Citizens anything that the City Manager has done for the City except cost it money. Mayor Holvik stated that the Council would be discussing the City Manager's performance later in this meeting.

Gloria Baldwin stated that after having listened to several of the past meetings, she said it reminded her of a classroom where she hears a lot of excuses and mistruths. She feels a lack of integrity and a lot of negative stuff is going on with this Council. She stated that if she was a member of this current Council, she would bow out gracefully and allow other people to take their places, because she believes this is a broken situation. She stated that she believes the City needs a Chief of Police to protect the City.

Trudi DeVoss stated that she appreciates everybody's opinions and believes they are valid and she hopes that everybody comes out on the night of October 18 to watch Candidate's Night, and to be sure to vote on November 6. She stated that if people want change, November 6 is where they will make a difference.

Gail Green stated that the Council generally holds the Budget meetings during the day when everybody works. She asked if the Council could consider holding the meetings in the evening when more people could attend. She also asked why Chief Spears was never notified ahead of time before the agenda was distributed for the August 28 meeting, that his contract renewal would be up for discussion during that meeting. Mayor Holvik stated that he would like to look into changing the times of the budget meetings and try to spread them out so more people can

attend. He also stated that in hind-sight, he knows he should have spoken to Chief Spears ahead of time regarding his contract review being placed on the agenda for possible non-renewal.

Todd Miller stated that tonight has been cleansing for him, in that the Mayor has admitted that he was discourteous, Council Member Taylor-Vodden has admitted that professional courtesy should be given to drunk drivers, and the City Manager has admitted that he said something inappropriate in a staff meeting.

Angela Parisio stated that when she heard Mr. Jeff Williams ask the City Manager about how he treats his staff in the Staff Meetings, the City Manager commented that he tries not to use profanity in the Staff Meetings. She stated that she finds that very unprofessional and she stated that as a Manager or a Supervisor, you should never use profanity or be disrespectful to your staff. She also commented about Council Member Taylor-Vodden's comments about drinking and driving and how [the Police Officers] used to drive people home back in the day. She stated she remembers that is how it was, but that was a long time ago and it is no longer like that anymore and it hasn't been that way for a long time. Council Member Taylor-Vodden explained that she was just putting into context her private conversation that took place between her and Mr. Sprague, and that conversation was not about the particular situation of the City Manager's wife's DUI arrest. She further stated that for Mr. Sprague's assertion that she said that she thought that is what should have happened in that particular situation is unkind and untrue. Ms. Parisio then stated that she believes that the budget meetings need to be held in the evenings and not during the day. She also stated that speaking on behalf of both herself and her mother Barbara Parisio, as lifetime Willows residents and active registered voters, they want to express their extreme disappointment in the current City Council. They are both requesting that the City Manager's contract be terminated at this time Mayor Holvik stated that it would be appropriate for Ms. Parisio to talk about the City Manager's contract at the time that item comes up for discussion later in the meeting.

John Hursey stated that there was a violation of the Brown Act [at the August 28 meeting], so the Council subsequently held a special meeting [on September 28] in order to cure and correct the violation. During that cure and correct, nobody seemed to know what was being cured and corrected, so there was an allegation that there was a violation of the Brown Act again. His concern is that if the Council violated the Brown Act again, how can the City move forward on the non-renewal of Chief Spears' contract. The Mayor stated that it has not been determined that any Brown Act Violation had occurred. He explained that the lawyers are currently talking about whether there was a violation, but as it stands right now, the actions taken by the Council at the September 28 meeting are still in force and lawful.

Bud Brackensick stated that when the Council began budget discussions, the way he figures it is that the Council was offered about \$110,000 by the Unions to continue to defer their wages. Then the Council voted to not renew the Police Chief's contract, which in his opinion will not be a savings because it is a requirement to have a Police Chief so the City will need to pay somebody to replace him. He said the math just doesn't add up and it doesn't make any sense.

Monty Carter asked the Council if it would be feasible to have a Chief of Police also serve as the City Manager, perhaps on a part-time basis. Mayor Holvik stated that is something that has been done in other cities.

Julie Price asked for clarification on where it is stated on the agenda that the public will have an opportunity to speak about the City Manager's evaluation. Mayor Holvik pointed out that it was located under item 13 on the agenda where Council will be discussing the City Manager's evaluation.

Hearing no further comments from the public, the Mayor moved onto the next item on the agenda.

7. **Consent Agenda:**

It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to approve the Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (25145-25228).
- b) Approval of Payroll & Direct Deposit Check Registers (Z03778-Z03808 & 32113-32156).
- c) Approval of the Minutes of the September 11, 2012 City Council Regular Meeting.
- d) Approval of the minutes of the September 25, 2012 City Council Regular Meeting.
- e) Adoption of a Resolution authorizing the City Manager to sign a notice of completion for the 2012 Slurry Seal Project.

8. **Public Hearings:** None

9. **Ordinances:** None

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

Council Member Hansen said that he was recently approached by a Representative of the Human Resource Agency about possibly having the Center for Nutrition and activity Promotion come to a future Council Meeting and conduct a 15 to 20 minute presentation about a new program launched by the National League of Cities Institute for Youth, Education & Families to help local elected officials address the policy and environmental factors that impact childhood obesity. He presented the Mayor with some written materials about the program.

Recreation Director Carol Lemenager personally invited each of the individual Council Members to come out from 9:00 a.m. – 2:30 p.m. during the next five Saturdays to watch the youth soccer games.

Police Chief Spears announced that the 2012 Toys for Tots and Cans 2 Cops programs will be starting up in the very near future.

11. **New Business:** None

12. **Council Member Reports:**

Council Member Hansen reported that he will be attending next week's Transportation Transit Commission meeting.

Council Member Taylor-Vodden reported that on September 26 she attended a meeting with 3Core to discuss Economic Development.

Hearing no additional Council Member Reports, Mayor Holvik called for a short recess at 8:21 p.m. The meeting reconvened at 8:35 p.m.

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:

**PERFORMANCE EVALUATION** – Pursuant to Government Code § 54957 (b) (1).

**TITLE:** City Manager

*Pursuant to Government Code Section 54954.3 the public will have an opportunity to directly address the legislative body on the below item prior to the Council convening into Closed Session. Public Comments are generally restricted to three minutes.*

Prior to allowing public comments and discussions on this closed session item, Mayor Holvik first outlined the evaluation process. He stated that after hearing numerous comments about the Council not listening to the voters, he thought he would try something different this year for the City Manager's evaluation process, as he believes it deserves input from voters and better representation by City employees. The Council will be evaluating the City Manager's performance since his last performance review on September 7, 2011. This is not a termination action, unless the review indicates some level, such as dereliction of duty, missed goals and objectives outlined during his last evaluation, or violation of any other contractual obligations. If so, then a proper notice of action will be scheduled for the future. This process is designed to be thorough, fair, and will be conducted confidentially as required by law. Due to the nature of what the Council is trying to accomplish, the Mayor does not anticipate this evaluation being completed this evening. The Mayor stated that the public is invited to participate in this process. Since the City Manager and the City Council only have jurisdiction within the City of Willows, in order to participate in this process, one must be a citizen and a registered voter in the City of Willows. Those who are interested and wish to participate in this process must submit their name and contact information to the City by the close of business on October 22, 2012. At the Council Meeting on October 23, the Council Members will draw random citizen names – two per Council Member – to be interviewed for the City Manager evaluation process. At the same Council Meeting, each Council Member will draw two random names of employees, or direct Business Associates of the City Manager, and they will also be contacted to schedule an evaluation meeting of the City Manager.

The City Manager's employment contract agreement will be reviewed, and as always, is subject to amendment upon mutual agreement between the two parties. At the conclusion of this evaluation process, thorough public disclosure will be made, including all information and materials that are not considered confidential record under State Law. The Council Members will take all information that is gathered by the members of the public and the employees that are interviewed and get together after tabulation of the results, and formalize their evaluation of the City Manager. At that point the Council will report out the results of that action. With that, Mayor Holvik opened up public comments pursuant to this item, prior to the Council entering into Executive Session. He stated that he will be restricting the comments to three minutes.

Keith Parrish stated that he no longer wants the City Manager in the City's employ.

Mayor Holvik then stated that he noticed many of the people in the audience had signs and he asked them to please hold them up so the Council could see them. Those in possession of signs held them up and they read "Holsinger Must Go" and "It ain't Mayberry without Andy".

Vern Roberts presented the City Clerk with a list of ninety-some names/signatures of people that signed a document that stated "We the below signed, hereby express that we are unsatisfied with the performance of Mr. Stephen Holsinger as our City Manager. We further understand that City is in fiscal crisis and feel his position should be cut immediately as a cost savings measure. We therefore direct the City Council to immediately take all steps in the release of Mr. Holsinger from his contract and terminate his employment immediately".

Susan Parisio wondered how many people present at the meeting were in support of keeping the City Manager. She stated that she doesn't want a show of hands because that wouldn't go well. She stated that when people are involved in anything to do with politics, every person who is an elected politician knows that one person who wrote a letter, or one person who shows up at assembly to protest, that any person that takes the time to actually show up or put their signature on a piece of paper or pen a letter, represents a lot of other people who feel the same way. She wonders how many people who showed up at tonight's meeting are not supportive of keeping a City Manager at all, even if it weren't Mr. Holsinger. She believes that there are a number of people present that just don't see the need for a City Manager at all, period. She stated that she is one of those people and that she doesn't see that there is much of a City to manage. There are a lot of competent people that can do it without a Manager at the helm. She wonders even if the City Manager passes his performance review with flying colors, which he very well might - because she doesn't fully understand exactly what is all involved - is this town going to continue to function, is this City going to grow, and is this going to happen with as much animosity as there seems to be here? She stated that there is a lot of frustration on everybody's part, and for a lot of different reasons. She said to look at the percentages, and to look at all of people present that are holding up a sign to keep the City Manager, or to keep Mr. Holsinger, because she doesn't see it.

Gail Green stated every department in the City has a department head, and that the five City Council Members have been elected to take care of the City Council and she doesn't see any need to have a City Manager here because the City has the five City Council Members. It looks like what happened here is the City Manager manages the Council. The Council doesn't manage

him, which has been very evident in the things that have been transpiring lately. She believes the City could do without a City Manager and save that money, and that the department heads, if they have problems, could come to the Council and the Council could solve their problems because they are already here and could do away with the City Manager.

Mike Donnelly stated that the Mayor danced around an earlier question that he was asked about whether a Chief of Police could also be a City Manager and the Mayor had stated it had been done in other cities before. Mr. Donnelly stated that in fact, it has been done in many cities. He stated that the City Manager doesn't have any respect from anybody that he has talked to in this City, and he would like to know what the City Manager has done to bring money into this City, instead of having money go out.

Mayor Holvik responded that the City Manager is not rated on how many dollars he brings in to the City, but he is rated on his effort to bring businesses in and to work with them. Mr. Donnelly asked what new businesses have come in and Mayor Holvik indicated there haven't been any. Council Member Cobb disagreed and stated that there have been new businesses that have come into the City.

Patsy Carter inquired about the City Manager's compensation & benefit package and how much he earns. The City Manager responded that he makes somewhere around \$90K in wages annually, plus his benefits. City Finance Director Tim Sailsbery clarified that the City Manager makes somewhere in the range of approximately \$130K - \$140K annually in salary and benefits combined. Mrs. Carter stated that is quite a bit more than the \$86K that the City was trying to save with the [non-renewal of the contract of the Police] Chief. Mayor Holvik stated that the \$86K in savings was only for a six-month period and not annually. Mrs. Carter then asked what is the criteria for the City Manager's performance. Mayor Holvik shared that the criteria is as follows:

- Assisting the Council in their policy making role, including providing information and providing advice.
- Internal administration, which includes financial management, personnel management and getting the job done.
- External relations, citizen relations and inter-governmental relations. Personal characteristics around communications and management style, and the like.

Forrest Sprague presented the City Clerk with a letter and he went on to say that he was recently going over some old files and came across a newspaper article from four and a half years ago where he was quoted as having said that the City Manager was not a good fit for the City of Willows. Regarding tonight's evaluation of the City Manager, since he was hired, Mr. Sprague stated that the Council has heard many complaints of when Mr. Holsinger has ruled over the public and other City employees with his bully-like tactics of humiliation, intimidation and threats. Recently, and in clear contrast, the Council has listened to multiple accolades of how [Police] Chief Spears has managed his operations by positive example and with integrity. Nevertheless, the City Council has decided to terminate Chief Spears. Mayor Holvik interjected, stating that the Council did not terminate Chief Spears, but rather, did not renew his contract. Mr. Sprague continued, stating that he believes that the Council's excuse for not renewing Chief

Spears' contract is intellectually dishonest. If the City has a Police force, State Law requires that they have a Police Chief, however, a City is not required to have a City Manager; yet the law does allow a Police Chief to fill the City Manager's position at the same time. Mr. Sprague believes that certainly that option would be much more cost effective and beneficial to the City than terminating Chief Spears.

Mr. Sprague stated that about a decade ago, the Orland City Council fired their ineffective, high-handed City Manager and elevated their Police Chief to the top Executive position. Soon, budgets were balanced, employee morale was restored, and the public's confidence in their local government was increased. Therefore, Mr. Sprague stated that many hope that tonight will be the very last evaluation of this City Manager by this City Council. He stated that many at this meeting tonight will finally hope that the Council will admit that Mr. Holsinger is not now, that he has never been, nor will he ever be a good fit for the City of Willows. Many hope tonight that the Council will terminate the City Manager, that they will soon renew the employment contract of Chief Spears, and that they will consider installing Chief Spears as the City Manager too.

Mr. Sprague concluded his comments by stating that what the Council is proposing to do with having citizen input, as opposed to just having people coming before the Council at the meetings to express their sincere opinions, is a good idea. He stated that he would like to give kudos to whoever came up with that idea. He likes the idea of having a panel that includes City employees and members of the public – and not just the five Council Members - to take a look at the City Manager's performance. Mr. Sprague stated that there are two faces to the City Manager – those that the Council sees, and those that the public sees - and the Council needs to hear from all of those people. Mr. Sprague inquired whose idea this was. Mayor Holvik stated that Mr. Sprague would not like to hear the answer to that question, but the answer is that it was the City Manager's idea.

Jeff Williams stated that earlier in the meeting he asked about a comment that the City Manager was alleged to have made during a [staff] meeting and that the City Manager danced around the answer. He stated that he believed that there were two employees present at tonight's meeting that were at that particular meeting and could verify what exactly the City Manager did say and that he would like to hear from them as to what the exact comment was. Mayor Holvik stated that it would be more appropriate to wait until the Council Members interview the employees and that he doesn't want to put any employee on the spot to answer that question. Mr. Williams stated that it seems to him that the City Manager, by his own earlier admission, creates a hostile work environment. He claims to have had personal issues himself with the City Manager, where he asserts that the City Manager has belittled him and has made implied threats, and he wanted that to be known to the Council.

Joe Hinton stated that in regards to the Police picking on [the City Manger], as has been referred to in the past, he believes that the Police were very lenient with the City Manager that day, because they could have arrested the City Manager right along with his wife, but the Police chose not to. [Council Member] Jim Yoder took him home when the California Highway Patrol took [the City Manager's wife] to have her booked. Mr. Hinton claims that this is just one example where [the City Manager] has had a break and then comes out and tries to sabotage the Police Department. This is just one of the incidences of the City Manager and some of the things

he has done, and his attitude is the main thing, and Mr. Hinton believes that is enough to get the City Manager fired.

John Hursey stated that he fully endorses the idea to do away with the City Manager position and to allow the Police Chief to perform double-duties of being the Police Chief and the City Manager and he believes that would be a wise decision for the community.

Angela Parisio stated that on behalf of herself and her mother, Barbara Parisio, she wanted to finish what she started to say earlier in the meeting on their behalf. She stated that they are both life-long Willows residents and active voters, and would like to express their extreme disappointment in the current City Council and their choices. She stated that she likes them all as individuals and she knows it has to be a tough job, but when the Council decided not to renew Chief Spear's contract, she was very much against that, as was her mother. They are both requesting that the Mayor answer why the Council had just renewed the City Manager's position right before the Council decided not to renew Chief Spears' contract. Ms. Parisio stated that when this topic came up at a prior meeting, the Mayor had stated that the City Manager's contract was "open-ended" and "at-will" and that any time it could be cancelled, for any reason, and not just for evaluation purposes. Mayor Holvik concurred that is, in fact, true. Ms. Parisio then stated that she and her mother believe that terminating the City Manager's contract would be the appropriate action at this time. She stated that it has become apparent that Mr. Holsinger creates conflict within the community and is just not a team player and doesn't fit in. Ms. Parisio stated that she has not had any major conflicts with the City Manager directly, but she has just heard, and there is so much. She stated that each person at the meeting tonight represents many.

Mayor Holvik stated that he doesn't believe that people fully understand the analysis that the Council has done with respect to looking at both the contracts of the Police Chief and the City Manager. Chief Spears' contract has a specific renewal date, whereas the City Manager has an open-ended contract. Therefore, when he realized that the Chief's contract renewal date was approaching at the end of December, the Council was put in a position where they needed to act quickly to review the contract and consider it if there would be a cost savings to the City if the contract was not automatically renewed for an additional two years. There was only a small window of opportunity for the Council to do this because of legal noticing requirements. It was determined that there would be a savings of approximately \$86K in fiscal year 2012/2013 if the contract was not renewed. This savings covers a six month period from January 2013 – June 30, 2013.

The City Manager's contract is not time-specific and the Council could terminate the contract at any time. The same holds true for Chief Spears' contract in that Council could also terminate his contract for any reason and without cause and at any time outside of the "window" of the renewal or non-renewal of the contract, but to do so would have cost the City approximately \$75K pursuant to the terms of the contract. With the City Manager's contract, there is no "window" in which to renew or not renew the contract, so one of the things the Council looked at is the cost associated with not renewing the City Manager's contract, and that cost to the City would be over \$100K. So, the Council had a choice to save \$86K or to spend \$100K, and the Council believes they made the responsible choice at the time in order to save money by choosing to save the \$86K. Now the Council will perform the City Manager's evaluation and see where that falls and see where the City's budget would come in at the end of the fiscal year.

It was never a matter of the Police Chief's contract versus the City Managers contract, because they are not equal. He stated that there was never an opportune time to close the contract of the City Manager without their being a financial sacrifice to the City or finding wrongdoing.

Ms. Parisio then stated that right now then, the City is in the position of finding wrongdoing on the part of the City Manager or it will cost the City \$100K, but it will cost the City \$140K each year to keep the City Manager. Ms. Parisio still maintains her position that the Council should get rid of the City Manager.

Patsy Carter stated that she is a registered voter and a tax paying citizen, and she asks that the Council not renew Mr. Holsinger's contract because she thinks it is pretty evident from what she has observed during the last few meetings that there is a no confidence vote for him in this community. She doesn't feel that he can serve this community with that kind of attitude.

Bud Brackensick stated that the Police Chief makes \$86K plus benefits annually. Mayor Holvik corrected Mr. Brackensick and stated that the \$86K was the approximate savings for just six months of the Chief's salary with the non-renewal of his contract. Mr. Brackensick then inquired about what it costs the City to employ the Chief for an entire year. The Finance Director stated that Chief Spears, like many other members of management, is currently under a 10 % furlough. With that furlough being included, the total annual cost of the Police Chief, including retirement and benefits, is approximately \$165K. Mr. Brackensick then inquired about the annual cost of the City Manager, including benefits. The Finance Director stated that number was roughly between \$135K - \$140K annually. Mr. Brackensick then suggested that the City gets rid of the \$135K City Manager and keeps the \$165K Police Chief, and give the City Manager \$10 or \$15K to get rid of him and he thinks that's a heck of a deal.

Mike Donnelly just wanted to clarify what the Finance Director just stated. He asked if he was saying that Chief Spears makes more money than the City Manager. The Finance Director stated that the City Manager's base salary is more, however, with the total compensation package, and the very expensive cost of retirement paid by the City for Public Safety Personnel, as opposed to non-Public Safety Personnel, the total out-the-door annual salary, benefits and retirement paid by the City for the Police Chief is more than that of the City Manager.

Karen Roberts stated that as a cost saving to the City she would like to see the City Manager either be eliminated or go to part-time. Since he has been here, there has been a big conflict with the businesses. About three or four years ago there was a meeting that lasted until almost midnight and the City Manager talked down to most of the business owners at that meeting and many people were frustrated with him. Many business owners have quit coming to the Council Meetings because they say that the City Council doesn't listen to them and that the City Manager is very negative. She stated that she is very disappointed with the City Manager and questioned what he has done for the City.

Todd Miller said that if he understands the Council correctly, there is a \$100K exit cost on the City Manager's position. Mayor Holvik stated that it would be least \$100K. Mr. Miller inquired if that is a severance pay. Mayor Holvik affirmed that there would be severance pay, retirement, unemployment and other costs associated with the City ending the contract. Mr. Miller asked if

those costs would be waived if the Contract was ended if there was found to be cause. Mayor Holvik stated that was true and the City would not have to pay if there was found to be cause. Mr. Miller stated that he believes that he gave the Council cause earlier, or at least he hopes he did. He stated there have been Brown Act Violations and performance violations and that he is very serious about the investigation that he requested to be conducted, and it is something the Council needs to investigate. He claims that integrity is always a cause for termination. Mr. Miller stated that he has never seen so many people so disgruntled and he has never seen a City Manager bring so much controversy. He claims that he has been dealing with City Councils and City Managers for well over twenty years and has seen controversies come in that have been resolved, but he has never seen a City Manager bring so much conflict into a City and so much criticism of a City and its government and bringing into question of the Council's integrity. Mr. Miller stated that this is something that is just unheard of. Council Member Taylor-Vodden assured him that this is not the first time something like this has happened in the City and the City will survive this, just as it survived a past, and very similar, issue when members of the Council were facing recall because the Police Department was upset over the Council's choice on who they hired to be the Police Chief, the City Manager was told he would lose his job. Once this situation eventually subsided, the City Manager continued to work for the City for another 20 plus years. It was a very similar situation to what the City is facing currently, and the City survived it then and it will survive it now.

Angela Parisio asked to clarify something with Mayor Holvik. She asked about the money that the City would have to pay to get rid of the City Manager, and she asked if those are all costs that the City would have to pay the City Manager regardless of whether they keep him or if they don't? Mayor Holvik stated that a person could look at it that way.

Mike Donnelly wanted to clarify what Ms. Parisio was just saying. He stated that if the City Manager's contract is given up, then it will cost the City \$100K or more, but if there is just cause for his release, the City would not have to pay anything, he asked if that is correct. Mayor Holvik confirmed that was true. Mayor Holvik asked people to please understand that in the State of California it takes quite a bit to show and prove cause for termination. .

Once all public comments concluded, Mayor Holvik thanked everybody who spoke and stated he appreciated their comments and their candor in stepping forward. He stated that he made some good notes and that he appreciates the discussion and just getting to the dollars and cents of this issue was a good discussion and an eye-opener. With that, Mayor Holvik stated the Council will be entering into Executive Session and they will be discussing the City Manager's performance evaluation. He stated that the Council will not be making a decision tonight because of the process the Council intends to go through, to include the voters in the evaluation. The Council then entered into Executive Session at 9:22 p.m.

14. **Report-Out from Closed Session:** Mayor Holvik stated that no reportable action was taken by the Council.

15. **Adjournment:** Mayor Holvik adjourned the meeting at 10:42 p.m.

Dated: October 9, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**October 23, 2012**

1. The meeting was called to order at 7:00 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Council Members Yoder, Cobb, Hansen & Mayor Holvik  
Absent: Council Member Taylor-Vodden

4. **Agenda Review:** It was pointed out that there was a typographical error on the agenda under item 7 (f) and the date should read December 25 rather than December 24. It was then **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the October 23, 2012, City Council Meeting agenda with the amendment to item 7 (f). The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

Stephanie Southam, representing the Willows Monday Afternoon Club, announced that on Thursday, October 25 at 5:30 p.m. the club would be hosting a Bunko night fundraiser at 120 North Lassen Street. She stated that she has tickets available this evening for \$10.00 and people can also purchase tickets at the door. She stated the event is open to anybody and encouraged everybody to attend.

Keith Parrish informed the Council that he has been in contact with a gentleman named Jim Dahl and Mr. Dahl has agreed to host a meeting at City Hall on Thursday, October 25 at 6:30 p.m. to talk to people about the new "fire tax" that was recently passed by the state legislature.

Forrest Sprague presented the City Clerk with a letter addressed to the Mayor and the Council Members. Essentially the letter is asking the Council to establish a clear procedure whereby complaints against the City Manager or other City employees could be presented and acted upon. He also hinted that he believes pursuant to the City Manager's contract, the Council could dismiss the City Manager "with cause" under one of the provisions of his contract where it states that "cause" is defined as "conduct incompatible with the position of City Manager".

Todd Miller stated that during the October 9 City Council meeting, he presented a written personnel complaint about the City Manager to the Council. The complaint was essentially that Mr. Miller believed the City Manager lied while answering a question asked by a citizen at the September 28, 2012 City Council Meeting. He received a written response to his complaint from Mayor Holvik dated October 15, that stated that there was a consensus opinion of the City Council that the City Manager responded in an appropriate manner and was acting on behalf of the Council and as advised by legal counsel. Mr. Miller inquired what the vote of the Council was in order to reach the consensus. Mayor Holvik stated there was no vote. Mr. Miller then asked how it could be that the Council came to a consensus. Mayor Holvik stated that he made an error in the letter to Mr. Miller and that the use of the word "consensus" was an oversight on his part. He stated that he did not consult with any other members of the Council, but only sought legal advice on the subject and came to the conclusion that was stated in his letter. The Mayor

stated that the City Manager responded to the question that was asked at the September 28, 2012, in a manner which he was told to respond based on legal advice.

Rose Marie Thrailkill, speaking as a representative for the Chamber of Commerce, thanked Mayor Holvik, Council Member Hansen and the candidates running for the City Council that were present at tonight's meeting for their attending and taking part in the recent Candidates' night. She then, on behalf of herself as a citizen, thanked Mayor Holvik for his written responses to questions that she provided him about six weeks ago. Ms. Thrailkill then asked if there would be written minutes prepared for the September 28 Council Meeting and if the audio would be placed on the website. The City Clerk stated that the audio is on the website and the written minutes will come before the Council for approval at a future meeting. . Lastly, Mr. Thrailkill inquired about the status of one of the conditions of approval for the Wal-Mart Super Center. The condition she was specifically referring to was that Wal-Mart was supposed to assist with the provision of referral services to local merchants to help obtain access to management and financial counseling services in the region. Such resources that may be helpful in assisting merchants to restructure their product line pricing or advertising to better compete against the Super Center. At one time she had a discussion with a gentleman with River City Communications out of Grass Valley, and his opinion was that the independent business owners in Willows already know how to compete, therefore, he asked if Wal-Mart could just give money rather than offer the training. She explained to the gentleman that he would need to bring that up to the City because it was a City's condition of approval for the project and she couldn't make that decision. She asked if anything has been done about this at the City's level, and where is that one condition that has not yet been met. The City Manager stated that when the discussions that were being held between the River City Communications and the Chamber had broken down, the Chamber had requested his assistance in getting things back on track. That was when there were some discussions about a cash contribution. As the project unfolded with the Wal-Mart bulletin board and the pictures to be encapsulated in that bulletin board, the cash contribution discussion had been set aside as a pending item while the City was trying to finalize the design of the bulletin board. Ultimately, the Council gave approval of the final design for the bulletin board. Once that item was finalized, Wal-Mart indicated that there was still the item of the cash contribution pending, and they inquired whether or not the City wanted to accept the contribution in lieu of Wal-Mart providing training and financial counseling serves, etc. to the current Willows businesses. The City Manager referred this item to Council Member Taylor-Vodden to meet with the Chamber to hold additional discussions because he believed this is a decision that is beyond the scope of the City Manager's responsibility to decide whether to accept that payment or not. If there is an agreement between Wal-Mart's constituents and the Chamber to accept the contribution, he would be happy to advocate that the Council approve that. If that is not the case, then it will be up to the Council to accept the cash contribution and decide how to allocate it or not. This is still a pending item and there has been no cash payment or no final decision made. He stated that staff would move forward depending on whatever the direction of the Council is. Ms. Thrailkill stated that there has been no discussion on this topic with the Chamber of Commerce or with Council Member Taylor-Vodden either. Ms. Thrailkill asked what could be done to get this moving forward. The City Manager stated that if the Council desires, City staff will enter into final negotiations with Wal-Mart. Mayor Holvik agreed that the City should enter into final negotiations. Mayor Holvik stated that Ms. Thrailkill could contact the City Manager for any follow-up on this pending item.

Doug Ross echoed Ms. Thrailkill's comments and stated that he believes that if a Corporation says they are going to do something, they should do it. He believes if there were statutory conditions between the City and Wal-Mart, Wal-Mart should be obligated to comply with the conditions.

7. **Consent Agenda:**

It was **moved** by Council Member Hansen and **seconded** by Council Member Cobb to approve the Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (25231-25284).
- b) Approval of Payroll & Direct Deposit Check Registers (Z0809-Z03841 & 32157-32181).
- c) Approval of the City of Willows Statement of Investment policy as submitted.
- d) Adoption of a Resolution authorizing the City Manager to sign a Notice of Completion for the Gateway Monument Sign Phase II Project.
- e) Authorize the adjustment of Holiday Schedule and closure of City Hall for the week between Christmas and New Year's Day.
- f) Cancel the December 25, 2012, Regular City Council Meeting.
- g) Approval of a proposed amendment and ratification to the Joint Powers agreement between the County of Glenn and the Cities of Willows and Orland to provide Transportation Services and authorize the Mayor to sign the amendment.

**8. Public Hearings:**

- a) Public hearing to consider adoption of a Resolution approving rate increase for solid waste collection services to be effective December 1, 2012:

Waste Management (dba, Glenn County Disposal) has requested consideration of a rate adjustment for residential and commercial solid waste services provided within the City of Willows. 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.

The Franchise agreement (Article I, Sections 1, 2 & 3) defines specific impacts involving justification for periodic rate adjustments. The applicable criteria in conjunction with this annual rate adjustment proposal are:

- Annual rate increase consideration in conjunction with changes to the CPI (based upon the Department of Labor Consumer Price Index for All Urban Consumers within the Western States Index area) and the annual changes in conjunction with Fuel Cost adjustment impacts.

Waste Management has requested a rate adjustment of 2.09% for residential and commercial customers, to become effective December 1, 2012. The purpose of this rate increase is to provide an adjustment due to increases in the Consumer Price Index and recovery of costs in conjunction with Fuel Costs. The CPI change from August 2011 thru August 2012 is equal to 4.779 index points or an equivalent 2.09% 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 2012 - 2013 year is 2.09% for all Willows solid waste customers.

This adjustment request also allows Waste Management to calculate costs associated with Fuel Adjustment Expenses over the preceding year. Those calculations actually result in an overall increase in

Fuel Expense Adjustments of 1.48%. The current Agreement prohibits annual adjustment in excess of 2.00% in conjunction with the Fuel Cost Adjustment. Therefore the overall 1.48% increase in base rates pursuant to the terms of the Franchise Agreement have been included in the calculations of this Fuel Rate Adjustment Request.

The requested rate adjustment of 3.54% for residential customers will result in a \$0.54/per month increase on average. This results in an annual cost increase of approximately \$6.45 per customer in Willows. Staff recommends City Council conduct the Public Hearing and following the public hearing, approve the proposed rate increase for solid waste collection services to become effective December 1, 2012.

Mayor Holvik opened the public hearing at 7:35 p.m. and hearing no comments, closed the public hearing at 7:30 p.m. It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to adopt a Resolution approving rate increase for solid waste collection services to be effective December 1, 2012. The motion unanimously passed.

9. **Ordinances:** None

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

Police Chief Spears announced that the 2012 Toys for Tots and Cans 2 Cops programs are currently underway.

11. **New Business:**

- a) Consider adoption of a Resolution acknowledging the dissolution of the Willows Community Redevelopment Agency and Authorize the Finance Director to perform the final steps to dissolve the Redevelopment Agency:

As part of the 2011-12 State of California Budget, the State Legislature passed, and the Governor signed, AB 26. This bill called for the wind-down and dissolution of Redevelopment Agencies in California, with the return of funds not specifically earmarked for debt repayment or existing construction projects be returned to the RDA's respective County for redistribution of tax increment received. These funds were to be redistributed according to the tax rate split for the given area of the RDA. In addition, a number of bureaucratic steps were to be taken in the process of dealing with the RDA. These steps were designed to provide a "successor" agency to oversee the ongoing process dealing with the wind-down of an active RDA.

The Willows Community Redevelopment Agency has been on inactive status for a number of years. The RDA stopped receiving tax increment from property taxes sometime in the early 1990's, and indications are that all RDA bonds have been submitted for repayment, with the last bond payment made in 1994.

In addition to the inactive status of the RDA, the life span of the Redevelopment Project Area that was controlled by the RDA was for 40 years from the date of the adoption of the Redevelopment Plan. The Plan was adopted on June 24, 1969. As a result, the Plan expired in 2009, in advance of the passage of AB 26. While this does not relieve the RDA of the requirement to return remaining funds to the County for redistribution, City Staff has taken the approach that the bureaucratic steps associated with AB 26 are for active project areas under the control of the RDA and that direct dissolution and return of funds is the most efficient and effective method of dissolving the entity and returning the maximum amount possible for redistribution, which is the intent of AB 26.

Staff has sent a letter to the California Department of Finance outlining the steps that will be taken for dissolution. Upon adoption of the Resolution by Council, it is the intent to commence with the final procedures to complete the dissolution process. As of June 30, 2012, \$61,647 remained in the RDA. A final audit will need to be completed, and staff sought the assistance of an RDA consultant to complete the dissolution processes, so those will be expensed through the RDA funds. The remaining funds will be distributed back to the County in accordance with the terms outlined in the letter. It is important to note that funds pertaining to the RDA have not been held as General Fund activity. Rather, the RDA funds have been specifically identified and accounted for as such. At this time staff is seeking Council approval to Authorize the Finance Director to perform the final steps in order to dissolve the Redevelopment Agency.

It was **moved** by Council Member Hansen and **seconded** by Council Member Yoder to adopt a Resolution authorizing the dissolution of the Willows Community Redevelopment Agency and authorizing the Finance Director to perform the steps to dissolve the Redevelopment Agency. The motion unanimously passed.

12. **Unfinished/Continued Business:**

- a) Performance Evaluation – City Manager (Continued from October 9 Council Meeting): Council will be selecting, by random drawing, community participants to be interviewed as part of this year's performance review process.

Mayor Holvik stated that the City Council will be evaluating the City Manager's performance since his last performance review in September of 2011. He stated that this is not a termination action unless the review indicates some level of cause, such as dereliction of duty, missed goals and objectives as outlined by the Council, or a violation of the contractual obligations. If this were to be the case, a proper notice of action would be given at that time. Tonight each Council Member will randomly draw names of citizens who submitted a request to be interviewed as part of the City Manager's evaluation. Mayor Holvik also stated that originally the Council was also going to draw employee names at random, but he has since been contacted by a City employee and a Union Representative about that issue and found that there were concerns over some employees not wanting to be included in the process and also concerns over their confidentiality. In order to comply with the employees' concerns, the Mayor stated that between now and next Tuesday, October 30, any employees that are interested in participating in the evaluation process can submit their names and then those names will be drawn privately by the Mayor and he will assign the names of the employees to different Council Members for them to contact the employee for an interview. The City Manager will not be informed of which employees are interviewed. Since the majority of the City Manager's interaction is with Department Heads, each Department Head will be interviewed by a Council Member at a time to be determined in the future. Mayor Holvik briefly outlined some of the questions that will be asked during the interviews. Once all of the interviews are complete, the information from each group and Council Member will be combined to retain the confidentiality. As this information could potentially end up being a legal document, the Council will not be using rumors or any second-hand information. Also as part of the evaluation process, the City Manager's employment agreement will be reviewed and could always be amended by mutual agreement. At the conclusion of the evaluation process, a thorough public disclosure will be made involving information that is not considered confidential or a public record. Since this is a continuation of the City Manager's evaluation process from the last Council Meeting where the public had an opportunity to speak and express their comments, no additional public comments on this topic will be heard this evening. With that, Mayor Holvik announced that the Council will now draw, at random, names of citizens who submitted their names to be

interviewed as part of the evaluation process. Mayor Holvik asked Council Member Yoder to draw the first name on behalf of absent Council Member Taylor-Vodden. Council Member Yoder drew the name of Dana Owens. No other citizens, other than Ms. Owens, turned in their names to be included in the random draw and the evaluation process, therefore, Mayor Holvik moved on to the next item on the agenda.

**13. Council Member Reports:**

Council Member Hansen reported that he attended the Scarecrow Contest event put on by the Recreation Department and it appeared everybody was having a good time. He also stated that he attended the recent Transportation Commission meeting. Last, he attended the recent Candidates' Night hosted by the Chamber of Commerce and he thanked the Chamber for organizing the event.

**14. Adjournment:** Mayor Holvik adjourned the meeting at 7:51 p.m.

Dated: October 23, 2012

NATALIE BUTLER

\_\_\_\_\_  
City Clerk

The City of Willows is an Equal Opportunity Provider

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**November 13, 2012**

1. The meeting was called to order at 7:02 p.m. by Vice Mayor Cobb.
2. **PLEDGE OF ALLEGIANCE:** Council Member Taylor-Vodden led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Council Members Hansen, Taylor-Vodden & Vice Mayor Cobb

Absent: Council Member Yoder & Mayor Holvik

4. **Agenda Review:** It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to accept the November 13, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** None

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

Tim Crews, Editor and Publisher of the Sacramento Valley Mirror, presented a formal written complaint to the council asking for an investigation into the behavior of Chief of Police William "Bill" Spears for his calling for the economic destruction of Mr. Crews' newspaper and a boycott of the paper's advertisers, as well as Chief Spears' unfounded accusations of criminal behavior on the part of Mr. Crews.

Keith Parrish took to the microphone and speaking directly to Mr. Crews, he began to refute Mr. Crews' complaint against Chief Spears. Vice Mayor Cobb informed Mr. Parrish that Public Comment is a time for members of the public to address the Council, and not to debate others present at the meeting.

7. **Consent Agenda:**

It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to approve the Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (25285-25333).
- b) Approval of Payroll & Direct Deposit Check Registers (Z03842-Z03908 & 32182-32219).
- c) Approval of four Resolutions affirming and updating the cafeteria plan terms with the City of Willows and the Willows Employees' Association, Willows Public Safety Association, Department Heads and Confidential Employees and the City Manager.

8. **Public Hearings:** None

9. **Ordinances:**

a) Hotel Users Tax:

This past June, the City Council adopted a Resolution in support of placing a measure on the ballot for the November 6, 2012, election to seek an increase in Hotel Users Tax by 2%, since City expenses over the past decade have increased by over 60%, yet there has been no consideration for increasing this potential revenue offset. Willows voters approved the Hotel Users Tax Measure during the recent election and therefore staff recommends the Council read by title only and pass first reading of an Ordinance to amend section 3.25.030 of the Municipal Code.

It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to read by title only an Ordinance entitled "An Ordinance of the City Council of the City of Willows amending Section 3.25.030 of the Willows Municipal Code" and that the Ordinance pass first reading. The motion unanimously passed.

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

Recreation Director Carol Lemenager announced some upcoming Recreational events.

11. **New Business:**

- a) Resolution acknowledging the matching funds portion of the previously approved use of CDBG Program Income Funds will be a committed General Fund expenditure during the Fiscal 12/13 project for replacement of the Fire Station Doors:

At the May 22 meeting the Council approved the use of \$37,000 of Program Income to replace the bay doors at the Fire Station as a Community Facilities Project. As staff continues to process the requirements set forth by the California Department of Housing and Community Development for the ultimate use of these funds, the City is required to have, in the form of a Resolution, confirmation of the amount and source of matching funds being used on the project. At project inception, it was estimated that \$1000 of General Fund dollars would be used on the project, primarily in the areas of time spent by the Fire Chief in managing the project and the City Engineer in reviewing bid documents and providing labor compliance review on the contractor selected to complete the project. Note that this is not an additional appropriation of General Fund dollars beyond the original scope of the project. The activities of the Fire Chief and City Engineer will fall under already existing approved appropriation of the General Fund. It is merely a commitment of said funds toward this project. Staff is seeking Council adoption of the proposed Resolution.

It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to adopt a Resolution approving the use of General Fund money in support of the Program Income waiver project for fire station door replacement. The motion unanimously passed.

- b) Recruitment for Planning Commissioner replacement in anticipation of the vacancy created by Larry Domenighini's election to the City Council:

The election of Planning Commissioner, Larry Domenighini to the City Council during the recent general election will create a vacancy on the Planning Commission and staff is seeking Council authorization to begin recruitment efforts to find a replacement for the remainder of his unexpired term on the Commission. It was the consensus of the Council that staff commences recruitment to fill the vacant seat on the Planning Commission through the remainder of the seat's term.

**12. Council Member Reports:**

Council Member Taylor-Vodden reported that she attended the recent LAFCO meeting.

Vice Mayor Cobb reported that the Public Safety subcommittee recently met to review a request submitted by Chief Spears asking that the City reinstate his full salary and benefits and withdrawing from the furlough program. The subcommittee approved his request and reinstated Chief Spears' normal wages and benefits effective immediately.

Council Member Hansen advised that he would be unable to attend the November 27<sup>th</sup> meeting – which will only be the second meeting that he has missed in his four years as a Council Member. He stated that it has been an honor to serve the citizens of the city of Willows and a pleasure to work with past and present Council Members and City Staff members. He congratulated Larry Domenighini and Larry Mello for their being elected to the City Council. He thanked all of the citizens for their support of him in the last two elections. Even though he had to make some very difficult decisions from the dais, he feels confident that he has done his part to see to the betterment of the community as a whole.

- 13. Adjournment:** Vice Mayor Cobb adjourned the meeting at 7:31 p.m.

Dated: November 13, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

## AGENDA ITEM

December 11, 2012

**TO:** Honorable Mayor and Members of City Council

**FROM:** John Wanger, City Engineer

**SUBJECT:** Vacation of a portion of West Willow Street and the Alleyway between West Willow Street and Wood Street

## RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and upon conclusion of the hearing, adopt the attached Resolution authorizing the summary vacation of the portion of West Willow Street between Enright Avenue and Villa Avenue, and the portion of the public alleyway between West Willow Street and Wood Street (both shown on the attached exhibit) and authorize the City Clerk to record the document with the County Recorder's office.

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## SUMMARY

The Glenn County Hospital has been in discussions with the City regarding expanding its current facilities. During the discussions, it was discovered that a portion of West Willow Street (between Enright Avenue and Villa Avenue) and a portion of the publicly owned alleyway between West Willow Street and Wood Street that cross the existing land currently used by the hospital and the County, are currently public right-of-way. See the attached exhibit for the exact locations of the rights-of-way.

For the last several decades, the City has never used either of these rights-of-way for street or alleyway purposes. Currently, the right-of-way has buildings and parking lots over them. There are no known city-owned utilities within the right-of-way and the City has not expended any public money for maintenance of the right-of-way. Additionally, staff has sent letters to PG&E, AT&T, Cable TV and Cal Water to see if any of these utility companies have utilities within the rights-of-way to be vacated. No utilities from any of these companies are currently in the rights-of-way slated to be vacated.

In an effort to release the City's ownership of these rights-of-way, the City must go through a process to vacate the rights-of-way. If the Council agrees to vacate the property, the ownership of the land would revert back to the adjacent property owner.

The process that must be followed to officially vacate these rights-of-way is shown in Sections 8330 through 8336 of the Streets and Highways Code. Because the right-of-way has not been used in the last several decades by the City for public vehicular traffic, and because there are no known public utilities in any part of the rights-of-way, per the Streets and Highways Code Section 8334, the City Council may summarily vacate this excess right-of-way.

If the Council does adopt the attached resolution and the rights-of-way are officially vacated, the property will

revert back to the adjacent property owners.

**FINANCIAL CONSIDERATIONS -**

None

**NOTIFICATION**

Per Section 8335 of the Streets and Highways Code for procedures that must be followed for summary vacation of right-of-way, no published notice is required. However, the adjacent property owners have been informed of the intent to vacate the right-of-way and this meeting.

**ALTERNATE ACTIONS**

If these rights-of-way are not vacated, the City will technically continue to own the property and could be legally responsible for the property in the future.

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and upon conclusion of the hearing, adopt the attached Resolution authorizing the summary vacation of the portion of West Willow Street between Enright Avenue and Villa Avenue, and the portion of the public alleyway between West Willow Street and Wood Street (both shown on the attached exhibit) and authorize the City Clerk to record the document with the County Recorder's office.

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Respectfully submitted,

John Wanger  
City Engineer

Attachments:

Resolution with Exhibit A

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF WILLOWS, STATE OF CALIFORNIA,  
TO VACATE A PORTION OF WEST WILLOW STREET AND PORTIONS OF THE  
ALLEYWAY BETWEEN WEST WILLOW STREET AND WOOD STREET**

**WHEREAS**, the City has received a request to vacate a portion of West Willow Street and an alleyway between West Willow Street and Wood Street as shown and described in Exhibit A ; and

**WHEREAS**, pursuant to Section 8330-8336 of the Streets and Highways Code, the City may summarily vacate a street or a portion thereof that has been impassable for vehicular traffic as a public street for a period of five consecutive years and no public money was expended for maintenance on the street during such period; and

**WHEREAS**, the rights-of-way have not been used for purposes of a street or an alleyway for at least the last 5 consecutive years; and

**WHEREAS**, no public monies have been expended for maintenance on the portions of West Willow Street and portions of the alleyway between West Willow Street and Wood Street that are associated with this summary vacation; and

**WHEREAS**, there are no known public utilities in the rights-of-way proposed to be vacated that would be impacted by this summary vacation; and

**WHEREAS**, based on the fact that the rights-of-way have not been used for a public road or alleyway in the past 5 years, that no public monies have been spent on the maintenance of either the street or alleyway that are the subject of this proposed vacation, and that there are no utilities within the right-of-way, the procedures as outlined in Section 8334 of the Streets and Highways Code are applicable for vacating the portion of the street and alleyway that are subject of this vacation.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Willows hereby resolves as follows:

1. Pursuant to Sections 8334, 8335 and 8336 of the Streets and Highways Code, the City of Willows hereby summarily vacates the following portion of the street known as West Willow Street and the portion of public alleyway between West Willow Street and Wood Street:
  - That portion of West Willow Street in the City of Willows, State of California, as fully described in Exhibit A attached hereto; and
  - That portion of the public right-of-way between West Willow Street and Wood Street in the City of Willows, State of California, as full described in Exhibit A attached hereto.

2. The City Council hereby directs the City Clerk to cause a certified copy of this resolution of summary vacation to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the office of the County Recorder of Glenn County.
3. That from and after the date this resolution and exhibit are recorded, the rights-of-way shown on Exhibit A being vacated no longer constitute a public street, highway, alleyway or public service easement.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on this 11<sup>th</sup> day of December, 2012, by the following vote:

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

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Vice Mayor Jeff Cobb

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Natalie Butler, City Clerk

# EXHIBIT A

## RIGHT-OF-WAY VACATION

All that certain real property situate in the City of Willows, County of Glenn, State of California, described as follows:

That certain Right-of-Way, known as Willow Street, and the alley within Block 13, and running north and south between Willow Street and Wood Street within the City of Willows and as shown on that certain map entitled "South Willows and West Willows and the Villa Lots of the Willows Land and Improvement Company" and filed for record in the Office of the Recorder of the County of Glenn, State of California, In Book 1 of Maps and Surveys, at Page 49, and being more particularly described as follows:

BEGINNING at the southwest corner of Lot 17 as shown on said map, said point lying at the intersection of the east right-of-way line of Villa Avenue, and the north right-of-way line of Willow Street as shown on said map;

THENCE along said north right-of-way line, and the southerly line of said Lot 17, easterly, to the southeast corner of said Lot 17, said point lying on the westerly right-of-way line of the alley within Block 13 as shown on said map, and running between Willow Street and Wood Street, shown thereon;

THENCE along the west right-of-way line of said alley, northerly, to the northeast corner of Lot 32 as shown on said map, said point lying on the south line of Wood Street as shown on said map;

THENCE along the easterly projection of said south right-of-way line of Wood Street, easterly, to the northwest corner of Lot 1, as shown on said map, said point lying on the east right-of-way line of said alley within said Block 13;

THENCE, along the east right-of-way line of said alley, southerly, to the southwest corner of Lot 16 of said map, said point lying on the north right-of-way line of Willow Street;

THENCE, along said north right-of-way line of Willow Street, easterly to the southeast corner of said Lot 16, said point lying at the intersection of the north line of Willow Street and the west right of way line of Enright Avenue as shown on said map;

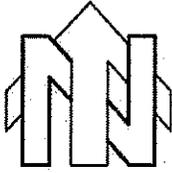
THENCE along the southerly projection of said west Enright Avenue right-of-way, southerly to the northeast corner of Lot 1 of Block 14, as shown on said map, said point lying at the intersection of the west right-of-way line of Enright Avenue and the south right-of-way line of Willow Street;

THENCE, westerly along said south right-of-way line of Willow Street, to the northwest corner of Lot 32 of said Block 14, said point lying at the intersection of the south right-of way line of Willow Street and the east right-of-way line of Villa Avenue;

THENCE along the northerly projection of the east right-of-way line of Villa Avenue, northerly to point of beginning.

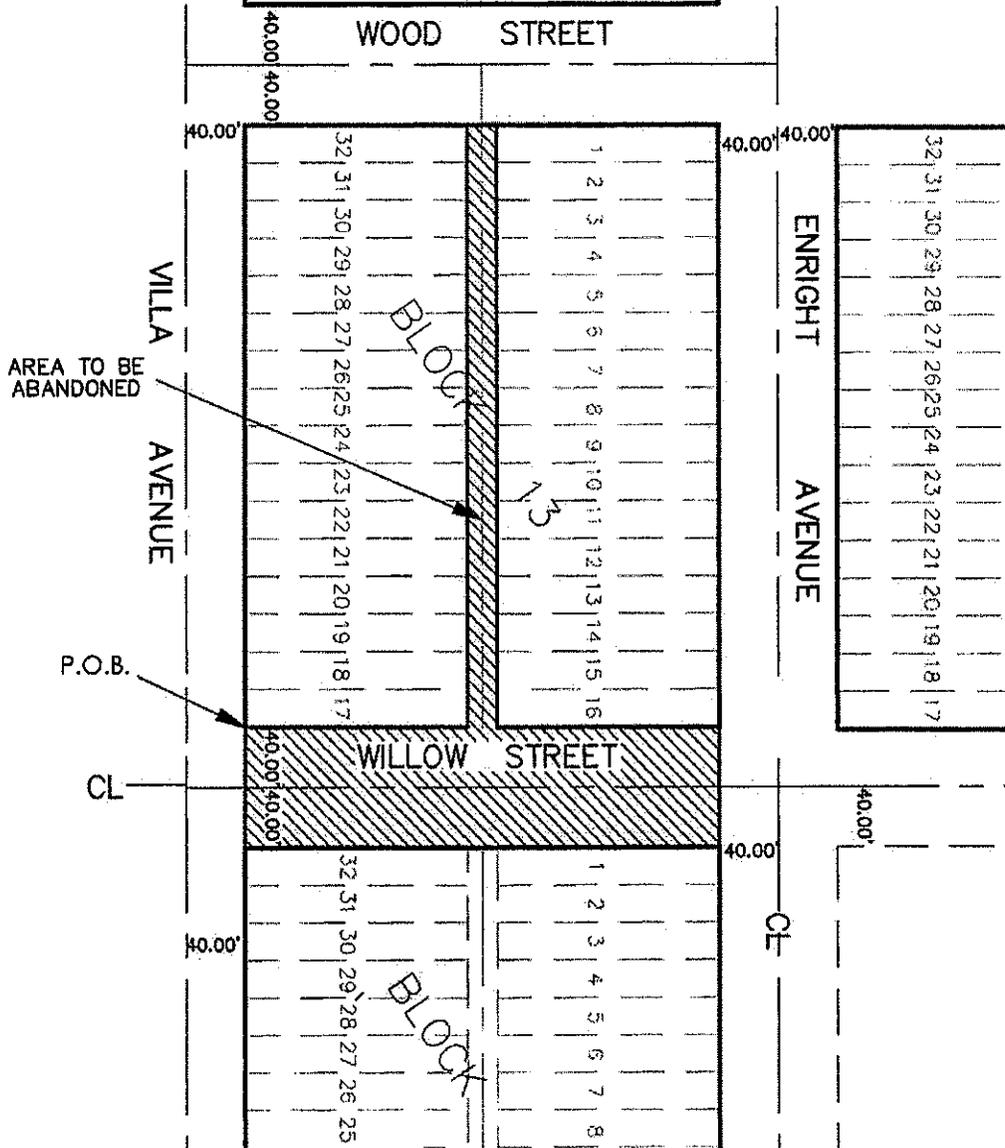
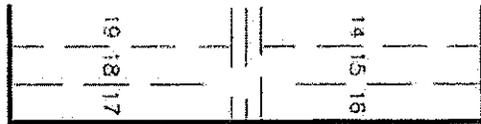


11/21/12



**LEGEND**

- 32 LOT NO PER BK 1 of MAPS AND SURVEYS, PAGE 49
- AREA TO BE VACATED
- P.O.B. POINT OF BEGINNING



**NorthStar  
ENGINEERING**

111 Mission Ranch Blvd, STE 100  
Chico, California 95926  
Phone: (530) 893-1400 Fax: (530) 893-2113  
www.northstareng.com

PREPARED FOR:  
**GLENN MEDICAL CENTER**

JOB TITLE:  
**EXHIBIT A  
CITY OF WILLOWS  
PLAT OF VACATION**

SHEET NO.:	1 OF 1
SCALE:	1" = 120'
JOB NO.:	12-144
DATE:	8-28-2012
DRAWN BY:	MH
CHECKED BY:	JAS

December 11, 2012

**AGENDA ITEM**

**TO:** Willows City Council  
**VIA:**  Steve Holsinger, City Manager  
**FROM:** William Spears, Chief of Police  
**SUBJECT:** SUSPENSION OF DOWNTOWN TIME LIMIT PARKING

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**RECOMMENDATION**

Approval of Resolution, to suspend all downtown timed parking zones on Sycamore and Butte Streets except as otherwise specifically designated within the Resolution for exemption for a period of one year.

**SITUATION**

**SUMMARY:**

Currently the downtown area has various timed parking zones. The zones are not uniformed in nature. Some are 30 minute parking zones, some are 2 hour parking zones, some are no time limit parking.

Sycamore Street has posted 2 hour limited parking 8-5 Monday – Friday restrictions on both sides of the roadway from Lassen Street to Tehama Street. The only exception of this timed restriction parking is on the 200 block of West Sycamore along the South curb. Along this stretch of roadway the parking is limited to 30 minutes.

Meanwhile Butte Street has the 2 hour limitation from Sycamore to Walnut on both sides of the roadway. South of Sycamore there is no limited time parking zones. Butte Street North of Walnut also has no time restrictions.

Walnut has no restrictions or limited time parking zones.

**REQUEST FOR CONSIDERATION:**

A merchant contacted the police department concerning the 30 minute timed zones downtown. The request was for consideration in the removal of these zones.

A survey was conducted of all the downtown merchants. All but three of the downtown merchants supported the thought of removing the timed – limited parking in the downtown area.

One merchant expressed concerns regarding the removal and desired retaining the timed zone in front of their business. That consideration is included in this proposal.

At the same time other merchants in the area of Lassen Street and Sycamore Street pointed out the issues associated with parking by persons attending court or conducting county business. They also requested retention of the timed zones to protect against possible excessive use by persons attending court or conducting county business. This proposal also addresses this desire or request.

Currently the police department does not have the staff to consistently administer the parking enforcement for the downtown area. At the same time it is perceived by some that the limited time parking zones may hamper or deter some business.

Some concerns were mentioned by a couple of merchants. Their concern is that employees of the downtown businesses may park in the stalls for the entire day. Currently the parking issue is being self-regulated by the merchants in directing their employees to park on the side streets and allow customers to park along the main roadways. There would be further need of self-regulation pertaining to downtown employees.

#### **PROPOSAL:**

It is proposed that with the exception of the Southside of Sycamore from Lassen St to Plumas St., and the Westside of Butte St from Sycamore to Walnut that all time zoned parking be suspended for a period of one year.

At the conclusion of the one year period an evaluation shall be conducted and it determined to reinstate the timed zones, continue the suspension for another one year period or permanently eliminate the suspended time zones.

#### **FINANCIAL CONSIDERATIONS**

Loss of revenue by potential parking citations. Actual figure of lost parking citation fines is unknown because of lack of continual enforcement for over one year.

#### **NOTIFICATION**

Willows Chamber of Commerce  
Downtown Merchants.

#### **ALTERNATE ACTIONS**

- Approve Resolution for action in suspension of downtown timed parking zones.
- Amend the Resolution for action in the suspension of downtown timed parking zones.

- Disapprove the Resolution for action in suspension of downtown timed parking zones.
- Return to staff for further research for action or consideration in the future.
- 

**RECOMMENDATION**

Approval of Resolution, to suspend all downtown timed parking zones on Sycamore and Butte Streets except as otherwise specifically designated within the Resolution for exemption for a period of one year.

Respectfully submitted,

Traffic Safety Committee



William Spears,  
Chief of Police



Wayne Peabody,  
Fire Chief



Skyler Lipski  
Deputy Public Works Director

Approved by,



Steve Holsinger,  
City Manager

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Attachments:

EXHIBIT A: Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS**  
**SUSPENDING TIMED PARKING ZONES WITHIN DOWNTOWN AREA**

Whereas it is recognized that the downtown area consists of several businesses and that such businesses are for the purposes of commerce; and

Whereas historically the City of Willows had established timed parking along Sycamore Street and Butte Street to regulate motor vehicle parking in the downtown area; and

Whereas it additionally recognized that the number and types of businesses in the downtown area along Sycamore Street and Butte Street have changed resulting in modifications of commerce patterns; and

Whereas the demands of regulating the parking by use of timed parking zones are considered no longer a necessity and that the majority of the downtown merchants have requested the removal of such timed parking zones; and

Whereas this recommendation of the merchants was presented to the Willows Traffic Safety Committee and upon the committee's review made the following recommendation:

To Suspend all timed parking zones on Sycamore Street from Lassen St. to Tehama St., and Butte St., from Sycamore to Walnut St. with the exceptions on Sycamore same being of the South side of Sycamore from Lassen Street to Plumas St, the parking adjacent to the U.S. Post Office, and the West side of Butte Street from Sycamore St to Walnut St. as noted for a period of one year; and

Whereas the traffic safety committee further recommends that such suspension be for a period of one year. Further that at the conclusion of this one year that the matter be reviewed by the Traffic Safety Committee. The Traffic Safety Committee shall then return to council with a further recommendation that the limited parking zones be re-established, the suspension continues another year, or that the timed parking zones be completely eliminated.

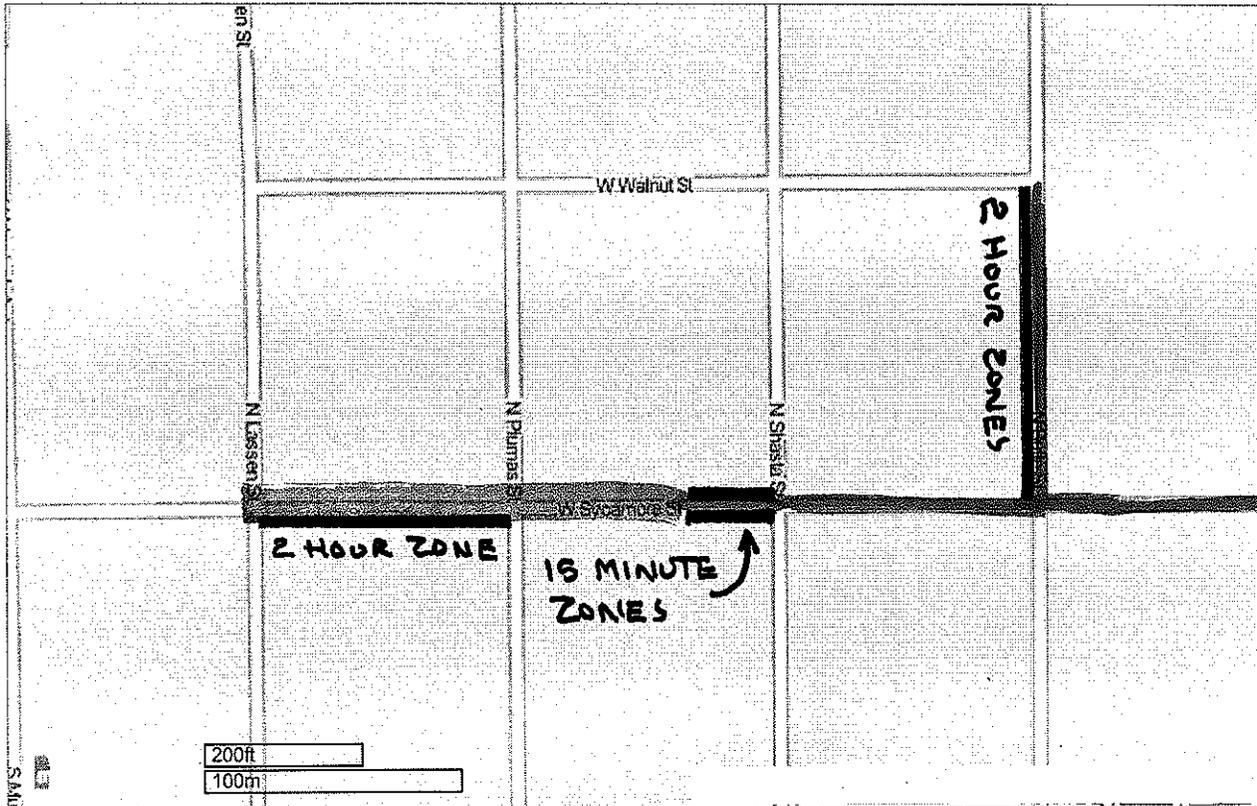
Therefore the Willows City Council does hereby resolve that all ordinances pertaining to timed parking zones on the indicated streets with the noted exceptions for the specified period be suspended for the one year period.

**PASSED AND ADOPTED** by the City Council of the City of Willows this 11<sup>th</sup> day of December, 2012 , by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
JEFF COBB, Vice Mayor

ATTEST: \_\_\_\_\_  
Natalie Butler, City Clerk



OTHER THAN INDICATED NO TIME ZONES FOR PARKING

 PROJECT AREA

December 11, 2012

**AGENDA ITEM**

**TO:** Honorable Vice Mayor Cobb and Members of the Council

**FROM:** Natalie Butler, City Clerk

**SUBJECT:** Council Committee Appointments

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**RECOMMENDATION:**

Consider appointments to various committees / panels for 2013.

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**SITUATION:**

Attached for Council's review and consideration is a list of the various committees on which Council members serve as City representatives. The appointments of the primary representative(s) and alternate(s) to specific committees are reviewed annually by the Council. Consistent with past practice, the Mayor, with the concurrence of Council, initiates recommendations for both continued and new appointments.

As indicated on the current list of committee representatives, a number of the positions are appointed for a specific period while others do not have term expiration dates. Several of the committee appointments are made through the City Select Committee on which the City has an appointed representative (the Mayor). The City alternates every other year with the City of Orland with respect to appointments on the Glenn County Transportation Commission. During 2013, the City of Willows will have one member and one alternate on the Transportation Commission.

**FINANCIAL CONSIDERATIONS:**

None

**NOTIFICATION:**

County Clerk's Office

**ALTERNATE ACTIONS:**

None

**RECOMMENDATION:**

Consider appointments to various committees / panels for 2013.

December 11, 2012

Respectfully submitted by:

A handwritten signature in cursive script that reads "Natalie Butler".

Natalie Butler,  
City Clerk

Approved By:

A handwritten signature in cursive script that reads "Steve Holsinger".

Steve Holsinger,  
City Manager

December 11, 2012

**WILLOWS CITY COUNCIL 2012 COMMITTEE REPRESENTATIVES**  
(Revised 12/14/2011)

<b>COMMITTEE</b>	<b>MEMBER(S)</b>	<b>WHEN APPT.</b>	<b>TERM EXP.</b>
Airport Land Use Committee	Holvik	12/9/2008	12/2012
Glenn County Waste Management Regional Agency	Hansen Holvik Cobb (alt)	12/09/2008 12/09/2008	12/2012 12/2012
Transit Commission	Yoder Hansen	11/28/2006 12/09/2008	12/2012 12/2012
Transportation Committee	Yoder Hansen	11/28/2006 12/09/2008	12/2012 12/2012
LAFCO (Term is four years)	Taylor-Vodden	12/13/2011	12/2012
City Select Committee	Mayor	12/2004	12/2012
Countywide Mosquito & Vector Committee	Cobb	12/14/2010	12/2012
Finance Committee	Cobb Taylor-Vodden	12/14/2010 12/13/2011	12/2012 12/2012
GCID Voting Delegate	Mayor	12/2000	12/2012
League Legislative Delegate	Mayor	12/2004	12/2012
Library Board	Holvik	12/13/2011	12/2012
3CORE (Formerly known as Tri-Counties Economic Development Committee)	Taylor-Vodden Holvik (alt)	12/13/2011 12/9/2008	12/2012 12/2012
CDBG Loan Committee	Yoder Cobb	12/14/2010 12/14/2010	12/2012 12/2012
Public Safety (Police & Fire) Committee	Hansen Taylor Vodden	12/13/2011 12/13/2011	12/2012 12/2012

The City Selection Committee makes the final selection to these Committees.

**NOTES:**

- The Willows City Council on December 11, 2007, by consensus, deleted the Community User Access Group, the Water Awareness Committee, the Central Sacramento Valley Resource Conservation Development Area, and the Cities/County Library Advisory Board due to these Committees no longer being active. The California Water Service Company Community Advisory Panel was

December 11, 2012

added to the list. The Wastewater Treatment Plant Liaison was deleted from the Committee list at the City Council Meeting of December 9, 2008.

- The Willows City Council on June 23, 2009, adopted a Resolution that designated the Mayor in any given year to be the Voting Delegate for Glenn Colusa Irrigation District Elections.
- The Willows City Council on December 16, 2009, by consensus, deleted the California Water Service Company Community Advisory Panel and the CDBG Loan Committee due to lack of activity.
- The Willows City Council on December 14, 2010, by consensus, reinstated the CDBG Loan Committee.
- The Willows City Council on December 13, 2011, by consensus, added the "Public Safety (Police & Fire) Subcommittee" to the list of Committee Representative.

December 11, 2012

**WILLOWS CITY COUNCIL 2013 COMMITTEE REPRESENTATIVES**

<b>COMMITTEE</b>	<b>MEMBER(S)</b>	<b>WHEN APPT.</b>	<b>TERM EXP.</b>
Airport Land Use Committee	1 Member	12/11/2012	12/2013
Glenn County Waste Management Regional Agency	1 Member 1 Alternate	12/11/2012	12/2013
Transit Commission	2 Members 1 Alternate	12/11/2013	12/2013
Transportation Committee	1 Member 1 Alternate	12/11/2012	12/2013
LAFCO (Term is four years)		12/11/2012	05/2017
City Select Committee	Mayor	12/2004	12/2013
Countywide Mosquito & Vector Committee		12/11/2012	12/2013
Finance Committee	2 Members	12/11/2012	12/2013
GCID Voting Delegate	Mayor	12/2000	12/2013
League Legislative Delegate	Mayor	12/2004	12/2013
Library Board	1 Member	12/11/2012	12/2013
3CORE (Formerly known as Tri-Counties Economic Development Committee)	1 Member 1 Alternate	12/11/2012	12/2014
CDBG Loan Committee	2 Members	12/11/2012	12/2013
Public Safety (Police & Fire) Committee	2 Members	12/11/2012	12/2013

**AGENDA ITEM**

**TO:** Honorable Vice Mayor Jeff Cobb and Members of the City Council  
**FROM:** Natalie Butler, City Clerk  
**SUBJECT:** Election of Mayor and Vice Mayor for 2013

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**RECOMMENDATION**

Receive nominations and by motion, elect Mayor and Vice Mayor for 2013.

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**SITUATION**

Administrative Procedure and Policy Number 1-7 of the City of Willows provides for an election of a Mayor and a Vice Mayor in December of each year. The terms of office for the newly selected Mayor and Vice Mayor will run from January 1, 2013, through December 31, 2013.

**FINANCIAL CONSIDERATIONS**

None

**NOTIFICATION**

None

**ALTERNATE ACTIONS**

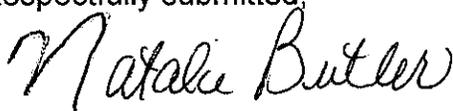
No alternatives are recommended

**RECOMMENDATION**

Receive nominations and by motion, elect Mayor and Vice Mayor for 2013.

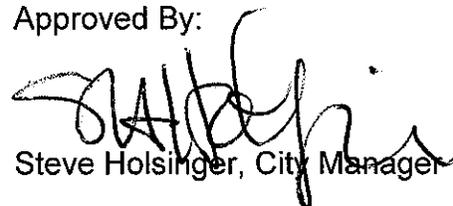
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Respectfully submitted,



Natalie Butler, City Clerk

Approved By:



Steve Holsinger, City Manager