

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

December 11, 2012

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

3. **ROLL CALL:**

Present: Domenighini, Mello, Taylor-Vodden, Hansen & Vice Mayor Cobb
Absent: None

4. **Agenda Review:** The City Manager requested that an item be added to Presentations and Proclamations. He requested to add an item 5 (b) to hear a presentation by Brian Ramos, President of "The Friends of the Library". It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to accept the December 11, 2012, City Council Meeting agenda with the amendment to add item 5 (b) under Presentations & Proclamations. The motion unanimously passed.

5. **Presentations & Proclamations:**

- a) City Clerk Natalie Butler administered the oath of office to new Police Chaplain Ted Johnson.
- b) Brian Ramos, President of "The Friends of the Library, presented Library Director Jody Meza with a check for \$6038.00 which was the proceeds of a recent raffle that was organized and put on by "The Friends of the Library".

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

Forrest Sprague submitted letters to each of the Council Members. It should be noted that a copy of the letter was not submitted to the Clerk and therefore was not made a part of the official record. Mr. Sprague then stated that on more than one occasion in the past he has spoken before the whole Council, he has spoken to individual Council Members and he has submitted letters to the Council to express complaints about the City Manager. He accused the City Manager of interjecting himself into some of his business dealings. He wanted to know why his complaints haven't been addressed and how he can go about getting them addressed and/or getting an item on the agenda in order for the Council to address the complaints. He stated that the Government Code is very clear that a citizen or an employee can file a complaint against any employee of the City. He recently asked the City Clerk what the proper procedure was to submit a complaint and he was told to submit a letter to the Council. Vice Mayor Cobb stated that Mr. Sprague or any member of the public can contact any member of the Council or the City Manager about their concerns or to make a complaint about a City employee. Vice Mayor Cobb asked if Attorney Bob Hunt had anything to add. Mr. Hunt stated that the City controls what items are placed on the agenda, specifically the Mayor and the City Manager. However, a complaint about a specific employee would be handled internally by the City and it wouldn't be placed on a public agenda out of concern for any employee's rights to privacy. Mr. Hunt stated that he doesn't know the specifics that Mr. Sprague is talking about, but he assumes that any complaints about misfeasance or malfeasance by an employee would be taken under consideration by City officials and investigated and dealt with should it need to be

dealt with. Mr. Sprague then asked the Council if he can anticipate some sort of formal response to the complaints he has made. Vice Mayor Cobb stated that he would look into it.

Rose Marie Thrailkill asked if the public is allowed to ask questions directly of staff members, or if they first need to go seek permission from the City Council or the City Manager. She also asked if the public can ask questions during the Council meetings on specific agenda items if they had questions or would like more information. Vice Mayor Cobb stated that he doesn't see any reason why any member of the public couldn't ask questions of any City employee. He also stated that the public is also welcome to ask questions or give their input on specific items that are on the agenda.

Stephanie Southam stated that she believes she should be able to speak about anything that she pleases during her three minute public comment and she stated that she should be able to speak uninterrupted. She stated that at the last City Council meeting when she spoke, her time was cut off. She stated that at that same meeting, the Vice Mayor cut her off while she was speaking and he solicited a vote from the audience that she didn't ask for and she thought that was very inappropriate. During the last meeting she felt that there was still time to negotiate a contract to retain Police Chief Spears. She wasn't saying to offer him the same contract that the Council voted to not renew, but that there is a possibility of negotiating a new one. She then presented a petition to the Council that contained nine signatures. The petition was to direct the City Council to enter into negotiations with Police Chief Spears to agree upon a new contract to retain his services as the Chief of Police.

Gail Green stated that the people of Willows elected members to the Council to do a job and if the public asks them questions, even if they don't know the answer, they should politely say that they will check into it and get back to them instead of rudely cutting them off from speaking.

Karen Roberts stated that she just learned the City negotiated with Sergeant Jason Dahl and he got a 20 percent pay increase, so now his pay is almost the same pay that Chief Spears is making. The public had been told that the reason Chief Spears' contract was not renewed was because it was a money problem, but now the City is simply paying somebody else that money, so she wants to know where the money problem is. Ms. Roberts thinks the Council has been very unfair to the public and that Chief Spears has done an excellent job and now the community is fighting amongst themselves. Now the Council is paying Sergeant Dahl the same as Chief Spears and she just feels like an untruth was given to the public.

The City Manager addressed this and stated that there was a discussion in accordance with the City's Personnel Rules and there is an additional stipend to take on the added responsibilities and duties that Sergeant Dahl will assume on December 31 and his pay will be raised in accordance with the assumption of those additional duties and responsibilities. The City is simply abiding by its policy and the change in pay status will not be in effect until such time as Sergeant Dahl assumes those duties.

Dan Roach stated that he is concerned that as personnel levels decrease in the Police Department, violations of the law will likely increase. He also stated that he has some concerns about bullying in the community. As a Scout Master and a member of the community he has seen some pretty heavy bullying. He believes the community has a heavy responsibility and he believes a lot of it starts right here by people treating each other with dignity and respect. Finally, he believes the last City election spoke pretty clearly that there is a lot of support for Police Chief Spears, and he believes the new members of the City Council should take a look at that and adjust accordingly. He is really concerned that he has not seen or heard of a plan for law enforcement services in the City.

Mike Donnelly stated that he was told before tonight's meeting that Sergeant Jason Dahl would be taking over as the Chief of Police and he wanted to know who will be replacing Sergeant Dahl. Vice Mayor Cobb stated that nobody would be replacing him at this time. The City Manager added that Sergeant Dahl will be working with the Sheriff's Department and Orland Police Department to ensure 24/7 patrols by the Police. Once Sergeant Dahl is promoted into the Chief position and he has time to assess the staffing needs, there will be a meeting between him and the City Manager to discuss the findings and the City will move forward from there.

Bud Brackensick believes the Council took a completely functional Police Department and they gutted it and they said it was in the interest of the budget. He doesn't understand why the Council would want to restructure an already functional department. He believes that this was a losing venture because the City is losing a very valuable asset to the community. He asked the two new Council Members to investigate what is going on and to go back and look at the record and see what happened. It is Mr. Brackensick's opinion that the events that occurred were because of a vendetta and he feels that the City Council got duped and once a decision was made and things were set in motion, there was no going back. He said if the Council can fix it they should fix it and if they can't, they shouldn't let it happen to them again.

Prior to taking action on the Consent Agenda, Vice Mayor Cobb invited anybody who had questions or comments on any item that is on tonight's agenda to do so at this time. He also stated that people are also welcome to comment or ask questions on the item when the actual item is being discussed. No members of the audience had any comments or questions on any of the agenda items.

7. Consent Agenda:

Council Member Domenighini asked that items 7 (a) & (b) be pulled from the Consent Agenda and voted on separately. It was then **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Domenighini to approve the Consent Agenda items 7 (a) & (b) as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (25377-25455).
- b) Approval of Payroll & Direct Deposit Check Registers (32219-32281 & Z03909-Z03950).

It was **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to approve Consent Agenda items 7 (c), (d), (e) & (f). The motion passed with three ayes and Council Members Domenighini & Mello abstaining due to their not being Council Members at the time of the meetings of September 28, October 9, October 23, and November 13. The following items were approved/adopted:

- c) Approval of the Minutes of the September 28, 2012 Regular City Council Meeting.
- d) Approval of the Minutes of the October 9, 2012 Regular City Council Meeting.
- e) Approval of the Minutes of the October 23, 2012 Regular City Council Meeting.
- f) Approval of the Minutes of the November 13, 2012 Regular City Council Meeting.

8. Public Hearings: None

- 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 & Villa Avenues), and a portion of the public alleyway between West Willow Street and Wood Street and authorize the City Clerk to record the Resolution with the County Recorder's Office:

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. 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 resolution being presented tonight and the rights-of-way are officially vacated, the property will revert back to the adjacent property owners.

Staff recommends that the City Council conduct a public hearing and upon conclusion of the hearing, adopt a 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 and authorize the City Clerk to record the document with the County Recorder's office.

Vice Mayor Cobb opened the Public Hearing at 7:52 p.m. Rose Marie Thrailkill and Gail Green spoke during the public hearing and the City Manager and City Engineer addressed their questions. Vice Mayor Cobb closed the Public Hearing at 7:58 p.m.

Council discussion ensued and once concluded, it was **moved** by Council Member Hansen and **seconded** by Council Member Domenighini to adopt a 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 and authorize the City Clerk to record the document with the County Recorder's office. A roll call vote was taken and the motion unanimously passed.

9. **Ordinances:** None

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

The City Manager announced that the City Selection Committee Meeting is scheduled to take place on January 7 at 8:30 a.m. in the Board of Supervisors Conference room. This committee consists of the Mayors of Orland and Willows and it confirms City Committee assignments. He stated that whoever is elected to be the Mayor for 2013 should plan to attend this meeting.

Council Member Domenighini stated that he wanted to bring up an item and hopes that Attorney Bob Hunt might be able to give him some guidance. He stated that when he was running for a seat on the

Council and he participated in Candidates' Night that was held at the Elks Lodge in October, he stated at that time that he believed that once Police Chief Spears took out papers to run for a seat on the City Council, that he was essentially giving his notice of resignation from his position as the Police Chief. He stated to Chief Spears that his place really is up on the dais and not at the staff table and he needs to assume his role as a Council Member. He knows that the Chief has been putting off taking the Oath of Office until January, and this is the reason why the Council retained Council Member Hansen until the Chief is qualified to take his seat. He stated that this is really a grey area of the law. The State Election Code does not address this situation, nor does the City's Municipal Code. He asked Mr. Hunt what he thought that the State Attorney General's office might say about this unusual situation, and he asked what the process is for asking the AG's office for an opinion on this.

The City Manager stated that there is not a great deal of clarity in the State Code and there is nothing in the City's Municipal Code that addresses this type of situation. There is nothing specific defined for being sworn into office. The City could ask that the Attorney ask the AG's office for an expedited informal response, but to request a case law opinion by the AG's office would take a very long time.

Mr. Hunt stated that no action can be taken at this time since requesting an opinion from the Attorney General is not on the agenda tonight. He explained that the process to do this would be to agendaize this item, or presumably the City Manager has the inherent authority to deal with the City Attorney to request that an Attorney General's opinion be sought without direction or action by the Council.

Chief Spears stated that under Government Code 3300, there is a specific prohibition of dealing with a Peace Officer that runs for any political office. He admits that there are some specific issues that are under dispute that are rather unique, but he believes the Government Code does address part of Council Member Domenighini's question. He stated that when he took out papers to run for the City Council, he had a contract as the Police Chief. He feels that a contract is something that needs to be followed with honor and integrity. He entered into a contract with the City of Willows to serve until the completion of his contract. He stated that the fact is that the Government Code, as indicated by Council Member Hansen's still being a seated member of the Council, has an understanding that there are certain circumstances that allow for a Council Member's retention on the Council until such time as his contract expires and he is qualified to take his seat on the Council. He stated that he has a legal obligation that he needs to fulfill. When he took his position as Police Chief, he signed a contract and he raised his hand to support and protect this community, and he intends to do so until the conclusion of his contract in order to maintain his integrity. The moment he is free from his contract he is more than happy to move forward, since it was the decision of the Council not to make any efforts to renegotiate a new contract. He has always stated that he wants to serve the community, whether it is as a Police Chief, or if that didn't occur, as a member of the Council. He stated that he didn't think there would ever be a conflict when he ran for the Council because he assumed that, like the Presidential Election, he would take the Oath in January. It didn't dawn on him until well into the process that the oath is administered in November. For anybody to ask him to violate his contract is a very personal issue to him as far as his integrity.

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.

Currently the downtown area has various timed parking zones. The zones are not uniform in nature, in that there are some 30 minute parking zones, some 2 hour parking zones and some that have no time limit on parking.

Sycamore Street has posted 2 hour limited parking between 8 – 5 Monday through Friday on both sides of the roadway from Lassen Street to Tehama Street. The only exception of this time restriction parking is on the 200 block of West Sycamore Street along the South curb, where the parking is limited to 30 minutes.

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

A merchant contacted the Police Department concerning the 30 minute timed zones downtown. The request was for consideration of the removal of these signs. A survey was conducted of all of the downtown merchants and all but three of the downtown merchants supported the removal of the time limited parking in the downtown area. One merchant expressed concerns regarding the removal and desired retaining the timed zone in front of their business and that consideration is included in the proposed Resolution. 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. The proposed Resolution also addresses this 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.

It is proposed that with the exception of the South side of Sycamore from Lassen Street to Plumas Street and the West side of Butte Street from Sycamore Street to Walnut Street that all time zoned parking be suspended for a period of one year. At the conclusion of the one year period and evaluation shall be conducted to determine whether to reinstate the timed zones or to continue the suspension for another one year period or permanently eliminate the suspended time zones.

Discussion ensued among the Council, City Staff and members of the community and all who spoke seemed to favor removal of the time zoned signs. Once discussions ceased, it was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor Vodden to adopt a Resolution suspending timed parking zones within the downtown area. A roll call vote was taken and the motion passed unanimously.

- b) Consider appointments to various committees, commissions and/or panels for 2013.

Following discussion and reviewing the 2011 committee appointments list, it was by consensus of the Council to make the following committee appointments/reappointments for 2012:

Airport Land Use Committee: Cobb

Glenn County Waste Management Regional Agency: Mello & Cobb (alternate)
Transit Committee: *Hansen & Domenighini. Cobb (alternate)
Transportation Commission: *Hansen & Domenighini
LAFCO: Taylor-Vodden & Cobb (alternate)
City Select Committee: Mayor (Cobb)
Countywide Mosquito & Vector Committee: Cobb
Finance Committee: Mello & Taylor-Vodden
GCID Voting Delegate: Mayor (Cobb)
League Legislative Delegate: Mayor (Cobb)
Library Board: Domenighini
3CORE (f.k.a. Tri-Counties Economic Development Committee): Taylor-Vodden & Mello (alternate)
CDBG Loan Committee: Domenighini & *Hansen
Public Safety Committee (Police & Fire): Taylor-Vodden & Mello
Cities & County Economic Development Steering Committee: Taylor-Vodden & Mello

*Note: William Spears will take over all committee assignments that Council Member Hansen was assigned to upon his being officially sworn in as a member of the City Council.

It was also the majority consensus of the Council to disband the Budget Development and the Weed Abatement Subcommittees and to add the Cities & County Economic Development Steering Committee.

c) Receive nominations, and by motion, appoint a Mayor and Vice Mayor for 2013.

It was **moved** by Council Member Hansen to nominate Council Member Taylor-Vodden to serve as the Vice Mayor for the year 2013 and to close nominations. Council Member Domenighini **seconded** the motion. The motion passed unanimously to appoint Council Member Taylor-Vodden to the seat of Vice Mayor for 2013.

It was **moved** by Council Member Hansen to nominate Vice Mayor Cobb to serve as the Mayor for the year 2013 and to close nominations. Council Member Domenighini **seconded** the motion. The motion passed unanimously to appoint Vice Mayor Cobb to the seat of Mayor for 2013.

12. **Council Member Reports:**

Vice Mayor Taylor-Vodden reported that she attended a LAFCO meeting this morning.

13. **Executive Session:** None

14. **Adjournment:** Mayor Cobb adjourned the meeting at 9:04 p.m.

Dated: December 11, 2012

NATALIE BUTLER

City Clerk

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