

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

February 12, 2013

1. Mayor Cobb called the meeting to order at 7:05 p.m.
2. **PLEDGE OF ALLEGIANCE:** Council Member Mello led the Pledge of Allegiance.
3. **ROLL CALL:**

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

4. **Agenda Review:** The City Manager stated that due to an illness, the General Check Registers & Payroll & Direct Deposit Check Registers were not able to be provided to the Council, therefore, he suggested pulling these items from the Consent Agenda (Items 7 a & 7 b). It was then **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to approve the February 12, 2013 agenda as amended. The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

Mayor Cobb opened the public comment period. The following individuals addressed the Council:

Keith Parrish inquired about previous complaints that citizens have made against the City Manager and he asked how the complaints would be dealt with and when the outcome of the complaints would be disclosed. Mayor Cobb explained that all previous complaints lodged by the public against the City Manager have been dealt with by the City Council.

Forrest Sprague spoke about the meeting held on December 11, 2012, where it was noted in the Minutes of that meeting that the Clerk did not receive a copy of a letter that he distributed to the Council Members during that meeting, and therefore the communication was not made a part of the official record. Mr. Sprague then provided a copy of that letter to the Clerk and he also provided the Clerk a copy of a similar letter dated October 24, 2012, that he sent Certified-Mail to then Mayor, Vince Holvik, in case the Clerk did not ever receive a copy of that letter as well. Mr. Sprague then stated that he believes the comments that were previously made by Mayor Cobb to Mr. Parrish were incorrect, in that he has never heard anything back from the Mayor or the Council about how his complaint letters against the City Manager dated October 24 and December 11, 2012, were ever resolved. He disagrees with the Mayor that the complaints have ever been dealt with.

Council Member Taylor-Vodden explained to Mr. Sprague that former Mayor Holvik took all of the complaints about the City Manager very seriously and that Mayor Holvik therefore worked very hard to set up a procedure to give people an opportunity to talk to each and every one of the Council Members as part of the City Manager's performance review, and only one citizen requested to be interviewed. Council Member Taylor-Vodden conducted the interview of that one person and she got a very favorable review of the City Manager. She doesn't understand why the Council still has people coming before them and claiming that they never had an opportunity to discuss their complaints with the Council, because at that point people had every opportunity to do just that, privately and with multiple members of the

Council, and only one person took advantage of that. She also explained that complaints about employees are not for public discourse and the Council has made it very clear that they will not take these complaints and agendize them for public discussion. These are employee issues and they are dealt with appropriately.

Mayor Cobb then suggested that Mr. Sprague contact the Attorney General's Office with his complaints because the Council has already looked into the complaints and they do not intend to look into the complaints any further. The Council has dealt with the complaints and they are not going to publicly disclose the outcome, as it is a personnel issue. He again suggested that Mr. Sprague contact the Attorney General's Office and they can conduct an investigation if he is unhappy with the way the Council dealt with these issues and unhappy with the outcome. Mr. Sprague then stated that he has spoken to the Attorney General's Office and they told him that the appropriate action to take would be to first bring his complaints before the City Council.

Council Member Taylor-Vodden stated that she personally spoke to the Investigator at the Attorney General's Office and he told her that the AG's Office was done with this issue and it is not anything that they want to investigate because it is not an appropriate complaint. She suggested perhaps he go back the AG's Office and try again. She stated that the City Council has taken all appropriate steps to investigate his complaints, in addition to speaking with other agencies/entities where he has taken his complaints, and nobody agrees with what he is trying to do. Nobody agrees with this bullying tactic of calling the Council out.

Jeff Williams stated that he disagreed with some of what Council Member Taylor-Vodden stated about the City Manager's evaluation process. Council Member Taylor-Vodden stated that she would like to meet privately with Mr. Williams, at his convenience, to personally respond to each of his concerns and his questions.

Mayor Cobb closed the public comment period. No Written Communications were received.

7. Consent Agenda:

Council Member Spears asked that item 7(h) be pulled off the Consent agenda for further discussion and explanation, as he did not consider this to be a routine item and therefore he believed it warranted some discussion. **Motion** by Council Member Domenighini, **second** by Council Member Taylor-Vodden to approve Consent Agenda items 7(c), (d), (e), (f) & (g) as presented. The motion unanimously passed 5/0. And the following items were approved/adopted:

- c) Approval of the Minutes of the Willows City Council Regular Meeting held December 11, 2012.
 - d) Approval of the Minutes of the Willows City Council Regular Meeting held January 8, 2013.
 - e) Approval of the Minutes of the Willows City Council Regular Meeting held January 22, 2013.
 - f) Adoption of a Resolution to install "Welcome" signs on sign posts previously used for limited parking in the downtown area.
 - g) Adoption of a Resolution supporting the renewal of the Glenn County Recycling Market Development Zone.
- 7 h) Consider approval of a request for relief of one month's rental fees in lieu of reimbursement of expenses associated with real property improvements installed at a City-owned residential**

property located at 145 N. Lassen Street. (Pulled from Consent Agenda for discussion per the request of Council Member Spears):

The City Manager gave a background on this item stating that the City received a letter from Bonnie Pavlovich, tenant residing in a city-owned rental property located at 145 N. Lassen Street. The letter was requesting a reduction of one month of rental fees in consideration of physical property improvements that have been made to the property. Ms. Pavlovich has resided in this city-owned property for nearly one year with a perfect rental record and has demonstrated pride in occupancy of this unit; keeping the property appearance immaculate in every respect. In anticipation of the winter weather, Ms. Pavlovich approached city staff with plans for exterior property improvements. City staff reviewed the planned improvements and authorized the tenant to complete these improvements at their own expense. The improvements were completed this past December at a cost of \$2350.52 and the improvements constitute permanent structural enhancements valued in excess of three months total rental revenues. Given the reasonableness of the request of one month of rental fee forgiveness in comparison to the value of the improvements, the City Manager is recommending approval of this request. Typically this is an item that could have been reviewed, addressed and approved administratively by the City Manager; however, since Ms. Pavlovich is a relative of one of the city's executive staff members, he believed the request would be most appropriately addressed by full City Council action.

Council discussion ensued. Council Member Taylor-Vodden inquired that if the City were to approve the forgiveness of one month's rent, whether Titus Properties (Property Managers for the property) would take a monetary loss. The City Manager explained that the City would still be responsible to pay Titus Properties for their monthly service fee if the Council approved the waiver of one month's rent. Council Member Taylor-Vodden stated that she doesn't have any problem with this but she wished it had been handled through the Property Managers, and she didn't see on the staff report where the Property Managers had ever given their approval for the improvements. She inquired whether the Property Managers were involved or if they had any issues with this. The City Manager stated that typically the property owners (the City) wouldn't ask the Property Managers if it was okay to approve of improvements to their own property. His understanding is that the City has Property Managers in place to handle items related to the rental of the property, such as the screening, collection of rent, routine repairs, etc. He acknowledges staff may have been remiss in not informing Titus Properties that the City approved of the improvements and he apologized about that oversight. Staff reviewed the request and approved of the improvements but the Property Management Company wasn't going to be financially impacted by this, unless the City decided to adjust the rent in the future and increase it because of the improvements, and as a result the Property Managers would end up making more money. He stated that the City didn't have any discussions with the Property Managers about the improvements since it was the property of the City. Council Member Taylor-Vodden stated that it has been her experience that the normal process would be for the tenant to go through the Property Management Company to make the request and then the Property Management Company would seek approval from the owner. The City Manager stated that he agreed that the Property Managers should have been made aware of the situation, but unfortunately this happened to be a situation where the tenant had a discussion directly with a member of City Staff and the Staff member didn't want to reject them, considered their discussion, and subsequently got the Building Official involved and it evolved from there. Unfortunately the Property Managers were left out of that discussion. Council Member Taylor-Vodden stated that she doesn't have a problem with the improvements and she stated that the City is fortunate to have a tenant that is being proactive and that is taking care of the property, so she doesn't have a problem with approving this request.

Council Member Mello stated that his only concern is whether there is a building permit on file for the work that was done. Public Works Director Skyler Lipski stated that a building permit is currently being processed and the project should be getting a final inspection in the near future. Mr. Lipski stated that the tenant was coordinating the improvements and was given a permit application to have the contractor complete and the City is late in receiving the completed application, but a permit will be issued and will be on file in the very near future. Council Member Mello asked if this was something that would have been taken care of had the Property Managers been involved in the process. Mr. Lipski responded that it is likely that it would have and that this is a lesson learned on the part of City Staff that they should have involved the Property Management Company.

Council Member Spears stated that he has done some checking on this item and it is his understanding that the project grew throughout the process. Originally he stated that the project was to install window panes or something along the side of the porch area, and instead now there is a totally enclosed porch area with glass and a full wood door was moved out to the exterior of the porch area and modified the interior with an interior door, thereby expanding the footprint of the house. He stated again that this was all done without a permit at the time, and yet that is something the City demands of the citizens to follow. He understands that any permit fees would be waived due to the fact that the City owns the property, but the process itself to ensure that the contractors are appropriately licensed would have been taken care of if followed through the Property Management. He stated that when he read that Titus Properties was the Property Management Company, he took the liberty to go and look at a blank copy of what the conditions of the lease agreement are, and item number 17 on the lease agreement states that all alterations and repairs, unless otherwise specified by law, without the landlord's prior written consent, tenants shall not make any repairs, alterations or improvements in or about the premises, including painting, wallpapering, adding or changing locks, installing antenna or satellite, etc. He reiterated that it states in the lease itself that approvals are supposed to be in writing in order to do any of those modifications or improvements. He stated that he didn't view a copy of the tenant's original signed lease, as that is a confidential document, but he asked Titus Properties if the standard lease agreement form that he was looking at was an exact copy of the one that is used for the City's tenants, and he was told yes. The other issue is that as it stands now, within the Civil Code the house is not in compliance right now because there is no exterior deadbolt lock on the door. The improvements were not in writing, the tenant knew that they were supposed to go through the Property Managers and they did not do so, and now the City has encumbered additional circumstances. He wants to compliment the tenant for having the improvements done, but at the same time he has some real concerns. One concern is that the City has a mandate to the public to secure a building permit before they do such things and that they follow the rules. His second concern is if the Council sets precedence for one of the City's tenants, what does the Council do for the other tenants. He realizes that the City is getting about 30 cents on the dollar for reimbursement, but he is really concerned that this was done amiss and has actually created some liability issues for the City that now the Public Works Director has to clean up by getting an "after-the-fact" building permit. He believes this whole project could have been handled very easily by the Property Management Company and that is what the City pays them for. His major objection to this is that he doesn't believe proper protocol was followed.

Mayor Cobb asked the Public Works Director if he could get a dead bolt put on the exterior door at the property and the Director stated that he would see to it. Mayor Cobb then stated that the City has a tenant that just paid \$2300 and is requesting \$750 to relieve her of one month of rent. Personally he believes that \$750 is a deal and he wonders why the City isn't giving her two months of rent. The City is still getting \$2300 worth of improvements on their property. Perhaps things didn't go a smooth as they could have, but now that this has been brought to the forefront, staff will have a better idea of how to handle this

in the future. He thinks the City needs to congratulate their tenant and he stated that if he had rentals, this is the type of tenant that he would wish for.

Council Member Spears then stated that by increasing the square footage of the now enclosed front porch area, he doesn't know how that will affect the taxes on the property that the City has to pay.

Mayor Cobb stated that may be a discussion that the Council may wish to have on a future agenda, but this agenda item tonight is whether or not the Council wants to relieve the tenant of one month of rent.

Council Member Domenighini thanked Council Members Taylor-Vodden and Spears for bringing up their points. He stated that the City is getting a good deal out of this, although he believes that it should have been left to the professionals that are involved in this industry. He stated that this is the type of tenant that he always liked to be when he rented, and the type of tenant he would like to have if he had rental properties, so despite how the City got here, he still likes the fact that they got to this point.

Jeff Williams agrees that the City is getting a good deal, but the only thing he is concerned with is the reason why this was brought before the Council was because of hearing that there is a possibility of a conflict of interest and his question is was there ever a conflict of interest prior to the tenant renting the property because she is a relative of an executive that is part of the management team.

The City Manager stated that this is something that was actually reviewed at that time and the Property Management Company was asked to handle the process just as they would with any other tenant in the rental process and they have done so. He stated that Titus Properties has done an excellent job managing the properties for the City. He apologized and accepted responsibility for the oversight in not involving the Management Company in this process. Unfortunately, the approval of the improvements was not double-checked with the City Manager, as he was unavailable and out of town when all of this occurred and therefore unable to advise staff while this process was taking place. In earnest, the staff likely wanted to do the right thing for the tenant at the time, thus they moved forward accordingly. He wished he could have been available and that the process had gone differently and he apologized. He assured the Council that in the future there will not be a repeat occurrence, but the reality is that the City still ends up with \$2400 worth of improvements on their property that he believes is a benefit to the City going forward and he is still recommending the approval of relief of one month's rent for the tenant. He stated that there was no conflict of interest at the time the tenant moved in and there is not now a conflict of interest in this case. There was simply the recognition by the City Manager that because the tenant is a relative of a member of his staff, this item would be most appropriately vetted publicly for the City Council.

Council Members Spears stated that he supports everything the City Manager just stated and during his endeavors to look into this matter he found that the tenant went through the entire process like any other renters do through Titus Properties. They did all the screening and they handled everything from their side so there was no conflict of interest on that part of it. He fully concurs that the rental process was done completely above board and straight forward by Titus Properties and City Staff was not at all involved in the rental process and therefore there is no conflict.

Council Member Taylor-Vodden stated that she simply sees this as a disclosure issue and the relationship of the tenant to a City employee has been fully disclosed, so a conflict would only present itself if the money was going to a member of the staff. She stated that she feels very comfortable with the idea that it has been disclosed and that the rental process was handled by the Property Managers and staff had no involvement.

Mayor Cobb added that there is no gain on the part of the staff by having this particular individual in this residence and therefore there is not a conflict.

Council Member Spears then added that during his discussions with Titus Properties he learned that there was no preference ever given to this tenant because they were related to a member of the City Staff. He stated that Titus Properties also did not ever believe that there was a conflict of interest with this tenant. In closing, Council Member Spears stated that if the scope of this entire project was unsolicited by City Staff, if the City Council approves this request he wondered if there is an endangerment that the City Council is somehow looking at the giving of public funds for something that the City did not solicit.

Mayor Cobb, the City Manager and the Public Works Director all acknowledged that City Staff were well informed throughout this entire process and approvals were given, therefore they don't believe it would be a gift of public funds to approve the rental waiver.

It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Domenighini to approve item 7 (h) of the Consent Agenda which is the request for relief of one month's rental fees in lieu of reimbursement of expenses associated with real property improvements installed at a City-owned residential property located at 145 N. Lassen Street. The motion passed with four Ayes and Council Member Spears voting Nay.

8. **Public Hearings:** None

9. **Ordinances:** None

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

Council Member Spears stated that he sees the City tearing itself apart with the continuum of the issues of the complaints against the City Manager, and it really tears him personally from a standpoint that this has not gone away and from everything he can see it is not going to go away as far as satisfaction. He is not saying right or wrong on behalf of anybody, but he asked a while back to have placed on the agenda an item where the Council could discuss the aspect of having a set procedure established that if a person has a complaint against any member of the City Staff that it would be handled appropriately as delegated from the City Manager to the Department Head, unless the complaint is against a Department Head, in which case the City Manager would handle it; but in the case of the City Manager, a set pattern of procedures would be followed. He bases his background for that as a law for Peace Officers. If somebody came into the Police Department and said they had a complaint, the person is given a complaint form. Once the complaint form is returned completed, there is a set of procedures that are followed to come up with an objective final resolve. Historically complaints have been handled differently in the past by the Council and some are handled one way and others handled another way and this is apparent to the public. He encourages the Council to come up with a set, standard procedure that when a complaint is made for any City Official, that it be handled in a systematic, written procedure that any member of the public can be handed a copy of the complaint form. At the conclusion of the investigation, he thinks there is an obligation, without violating any personnel rules, to state the outcome of the investigation into the complaint, for example "unfounded" or "exonerated" or "sustained". You don't tell the complainant what happened to the employee, whether it is the City Manager or any member of staff, because that is strictly a personnel matter and that is confidential information. He thinks what he was hearing from Mr. Sprague earlier is that he feels there is a void and the Council has to continually defend that. If there was a procedure in place where the City goes through specific steps to have the complaint reviewed by a neutral

and objective investigator and the final results were reported to the Council, the Council could review the results, make their decision accordingly, and then the complaint is resolved, instead of the Council having to take up their time and go back and forth receiving and listing to all the complaints.

Council Member Mello agrees that this is a perfect opportunity to set a policy so the Council can put an end to hearing the same complaints. He has called a lot of other cities and many of them have the same problems where there is no policy in place and it is more of a "fly-by-night" situation. He would like to see the City set up a standard operating procedure or a policy to handle complaints.

Council Member Domenighini stated that he would also like to see some policies and procedures on some other items of City business. Other organizations that he has worked with have had set policies and procedures and he believes they are a positive thing to have in place. He would like to see a policy that would be helpful to new Council Members that outlines certain procedures. He would like to see the City have a set book of procedures, similar to what the County Board of Supervisors has, so that everybody is following the same rules.

Mayor Cobb stated that one of the toughest things for him when he came onto the Council was to separate his knowledge and training as a Peace Officer from how things are handled in a business world. He believes there is a greater expectation for individuals in Public Safety and a lot of benefits that the general public doesn't get. The protections that Public Safety gets under the Peace Officer's Bill of Rights aren't the same protections a person would get when they are working for the City. He agrees that it is appropriate for the City to conduct investigations into complaints and that is pretty much the way that past complaints have been handled. He stated that if somebody wants to make a complaint about the City Clerk for example, the appropriate place to make the complaint would be with the City Manager and not the City Council. It is the job of the City Manager and Department Heads to handle complaints against their staff members. Now the question comes into play as to what happens if the complaint is against the City Manager. He stated that he has done everything in his power to make it abundantly clear that if somebody has a complaint against the City Manager, they can approach a Council Member and that has been done. The outcome may not always be to the complainant's satisfaction, but he doesn't believe that the Council has any responsibility to inform the complainant the outcome. Unlike being a Peace Officer, where you could report that a complaint was "founded", "unfounded", "exonerated", etc., the Council does not have that responsibility in the case of complaints against the City Manager. He believes that employees have certain rights that the Council should abide by, such as privacy issues. It is the Council's duty to do right by the Citizens, and it is also their job to ensure that complaints are being handled correctly. He stated that there is always an appeal process, and again, as he tried to point out to Mr. Sprague earlier in the meeting, if he is not satisfied with the result of a complaint investigation the next step would be to bring the complaint before the Grand Jury or to the Attorney General's office. Staff has conducted some independent research on the complaint processes in other Cities and has not found one City that has a formal complaint process for complaints against the City Manager. He does not believe that the City of Willows, a City of some 6500 citizens, has such critical issues that would warrant being the only City in the State of California to implement a formal complaint process against the City Manager or City Staff. He believes essentially that equates to airing the City's dirty laundry. He stated that he sees no real need to do this.

Council Member Mello stated that he's sure that some Cities in California have a process to handle complaints. He said all he is asking for is even a one page "cheat-sheet" that could be given to a new City Council Member so that they could tell the public what they could do if they had a complaint about an employee.

Mayor Cobb closed his remarks by stating that he believes that the City is doing a fine job in the way that complaints are currently being addressed, although he understands there may be a few individuals that wouldn't agree with that.

The City Manager stated that he had discussions on this very topic with certain members of past City Councils before any of the current Council Members ever got elected. He believes this issue last came up when Heather Baker was the Mayor and she asked the City Manager to take a look at this. He then drafted what he believed to be a reasonable complaint process which encompassed a lot of what he believed Council Member Domenighini had referenced. It was not an employee specific complaint process, but it was a process where citizens can file complaints about different things through the City and once completed it would be routed around appropriately to the right places. He just recently reviewed this form and he thinks this may be a document that the Council might want to take a look at. He stated he would be happy to resurrect this issue and distribute the draft form to the Council Members for their comments and/or edits to the draft. He believes this would get the City one step closed to identifying a mechanism to look at a number of issues, not just the City Manager. He believes it may be best to have something in place to assist the Council in addressing this issue. He suggested that, if it is the consensus of the Council, he will redistribute that draft for the Council to review and comment and then get back to him with their edits/comments.

Forrest Sprague stated that with regards to his complaints against the City Manager that he was taken aback by the City Manager's interference with his business dealings. Having the information that he had, he sent the information out to a network of retired City Managers and retired City Council Members. One City Manager responded and suggested that, because of the political atmosphere and potential favoritism, and as has previously been pointed out most cities don't have an internal review process, the suggestion was to contact the CCMA or CIMA to conduct a peer review process whereby somebody like him can take the particular issue to somebody outside of the political or personnel realm. The problem with that is that these associations only conduct the peer review process for people that are members of the associations, of which the City Manager is not. He also stated that in looking through the City's Municipal Code he could not find a procedure. There is a procedure for complaints against employees and those are taken to the City Manager, but not procedures how to deal with a complaint against the City Manager. The information that he received from the Clerk when he inquired about how to file a complaint against the City Manager was that he had one of three options; He could go to a Council Member, verbally bring it before the entire Council or put it in writing. He put it in writing, spoke before the entire Council and spoke to a few individual members of the Council. What he is asking for is some sort of response. In comparison, Mr. [Todd] Miller filed a complaint against the City Manager back in October, and the then Mayor Holvik at least had the courtesy to write a response letting him know that the matter was looked into and it was determined there was no fault. He has not had that courtesy extended to him which is why he continues to bring this up. He stated that he is just trying to get an answer. He stated his point was that mechanically, there does need to be a procedure.

Council Member Spears also had another item that he wished to discuss. He stated that being a new member of the Council, he is looking for any type of Ordinance, law, procedure or any other document of authority that lists how a Council member could get an item placed on the agenda. Mayor Cobb stated that it is outlined in the City's Municipal Code and it is handled by the City Manager through consultation with the Mayor. Mayor Cobb also explained that another option is to discuss the item at a City Council Meeting before the entire Council, much like he is doing now, and the Council could decide or direct staff to place the item on a future agenda for consideration or possible action. Council Member Spears stated that his interpretation of the Municipal Code is that the agenda is prepared by the City Manager with

consultation of the Mayor, but nowhere in the Code does it give the authority for the Mayor or the City Manager to bar an item from being placed on the agenda. Mayor Cobb stated that if Council Member Spears has an item that he would like placed on the agenda; he would want to discuss it with either himself or the City Manager. Council Member Spears disagrees and reiterated that the code does not give authority to the Mayor or the City Manager to deny items from appearing on the agenda. Mayor Cobb questioned Council Member Spears whether it is his belief that any person should have the right to place any item that they wish on an agenda. Council Member Spears stated that the public has been told that if they feel that they have something that is important enough to be placed on an agenda that they are to contact a member of the City Council. He continued, stating that all Council Members are elected by the constituents of the City, and the Mayor is given certain authorities and responsibilities in accordance to his position. But for all realities, the empowerment of the Mayor, because he or she is appointed by the Council, it is not a separate elected position and therefore encumbered with certain laws. Mayor Cobb agreed except that he believes Council Member Spears' interpretation of the Municipal Code is different than his interpretation and he suggested maybe there needs to be further clarification. Council Member Spears requested that the City Attorney review the Code and give the City a ruling on it. Mayor Cobb agreed. Council Member Spears stated that all Council Members have the same level of empowerment. It is his understanding that the City Manager's role with regard to preparation of the agenda is to work with Department Heads to review Staff Reports and to decide how the agenda should be prepared; whereas the Mayor would hear feedback from the Council as to those items that the Council Members would like to have placed on the agenda. For Council Member Spears to become subservient to the City Mayor as far as what items are to be placed on the agenda would be inappropriate, and he stated that the fact is that the City Manager, although empowered and held responsible for the day to day operations of the City, the Council should not be subservient to the City Manager.

The City Manager stated that he believes it would be appropriate to have a review of the Municipal Code by Legal Counsel and he believes that is the proper authority to turn to. He explained that this section had just been amended recently for this very reason because the question arose as to who should have the authority to place an item on the agenda. The amendment was reviewed by Legal Counsel and subsequently City Staff drafted the amendment by being consistent with a survey of other cities that was done by the City Clerk. Although he doesn't recall the exact numbers, but he believes that over 80% of the cities that responded stated that the authority for agenda preparation and distribution was vested solely with the City Manager with consultation and approval of the Mayor. The direction of the Council at that time was for staff to amend the old code to be more consistent with what was found in the survey. It was also the opinion of the City Attorney at that time that it was the City Manager's responsibility to put together the agenda and to have the authority to approve those items that would go on the agenda and the Mayor (or Vice Mayor in the absence of the Mayor) would have the responsibility to review the completed agenda and the final authority to approve it. City Staff has adhered to this policy ever since the Municipal Code was amended. He concluded his comments by explaining that this is not to say that if a Council Member has an item that the City Manager does not want to place on the agenda, there is nothing that precludes the Council Member from introducing the item in this format (Items to be added by Staff or Council for discussion purposes), having a general discussion with the City Council, and having a consensus of the Council to have the item placed on a future agenda. That would absolutely be the appropriate method and mechanism to resolve a deadlock. It shouldn't be that the City Manager can deadlock an item from ever getting on the agenda, rather the City Manager is simply responsible for preparation of the agenda per the current Municipal Code. He stated that if Council Member Spears is talking about placing items on future agendas, it is absolutely appropriate for him to bring the item before the entire Council at the appropriate time during an open meeting to discuss the item(s). If it is the consensus of the Council to place the item(s) on a future agenda, the Council should instruct Staff to do so

at that time. Council Member Spears stated that he would still feel much more comfortable seeking a legal opinion from the City Attorney on this item and he indicated that he would like to be part of the conference that will be set up with Mayor Cobb and the Attorney to review this section of the Municipal Code.

Lastly, Council Member Spears stated that there has recently been a Memorandum of Understanding that was agreed upon between the City of Willows and the County of Glenn pertaining to providing services to the City of Willows by the Sheriff's Department. Recently that item was placed on an agenda and approved by the Board of Supervisors, and yet the City Council, to his knowledge, has never approved such an MOU. He stated that the Council has a responsibility to approve all MOU's dealing with personnel issues such as new contracts and so forth. Even if there had been a prior existing MOU, it is his understanding that that the MOU has had several modifications to it from the time of its original drafting to its final adoption by the Board of Supervisors. He stated that he is surprised and shocked that the City Council didn't have an opportunity to review and approve that particular expenditure. Council Member Domenighini concurred and he stated that an MOU is a contract and he too believes that it should have been reviewed and approved by the City Council. The City Manager stated that the MOU is already in effect and the Sheriff's Deputies are covering shifts for the City on a schedule that was established by Acting Police Chief Dahl. The City Manager stated that this is an issue that was addressed by the previous City Council back in August of 2012 and it was thoroughly vetted at that time and the authority to move forward with getting this done was vested with Staff – specifically with both Chief Spears and the City Manager. He explained that late in the now Council Member Spears' tenure as the Police Chief and prior to him being seated on the Council, the City still did not have an agreement in place. Because of this, the City Manager spoke to the Sheriff about drafting an agreement that City Staff could review, which they did. Prior to the City Manager's taking an extended vacation during December, he turned this over to Acting Police Chief Dahl to work with the Sheriff's staff in getting the MOU approved. They reviewed it from a legal sufficiency standpoint and authorized the Sheriff to do this. The prior Council had already directed staff to move forward with this and to put it in place. If he understands correctly, the Council is now questioning the direction that they gave to Staff to implement this MOU back in August, and now that Staff has implemented it the Council is somehow accusing staff of doing something inappropriate and he takes exception to that. The City was placed in a crisis situation and needed to find people to cover patrols in order to maintain 24 hour police services in the City limits. Staff did exactly what the Council directed them to do and he believes Staff should be congratulated for getting the MOU in place and not questioned or criticized for not having brought it back before the current Council which has a majority of new members. The former Council gave Staff this direction and Staff implemented it. He would like to see the Council put this issue behind them and move forward. Council Member Taylor-Vodden stated that she agreed with the City Manager. She remembers that the Council directed Staff to implement the MOU and the only person who spoke against it at that time was now Council Member and former Police Chief Spears. Chief Spears disagreed with the Council direction at that time and the Council noted that but stated that they respectfully disagreed with his objection at that time and his stating that this couldn't be accomplished. She doesn't believe that the current Council needs to vet everything twice and believes if the MOU was approved by the Board of Supervisors she believes that is adequate. She continued, stating that the City has a City Manager, whereas the Board of Supervisors does not so they may have different approval procedures. She believes the Council thoroughly vetted this topic and agreed to it and she is not willing to second-guess it at this point. Mayor Cobb stated that he completely agrees and he doesn't think the current Council should have to go back and review every decision made by past Councils. The decision of the previous Council to direct the City Manager to implement the MOU with the County was made because it was the best decision the City had before them at that time and as far as he is concerned the agreement with the County to assist in providing police services when

the need arises is working. Council Member Spears then asked how many of the currently seated Council Members have read the current MOU and what it encumbers the City to do. Mayor Cobb stated that this is not a test and the Council is relying on the Staff members to do the appropriate thing. Council Member Taylor-Vodden stated that if she felt there was a problem with the services being provided that she would read it, but she knows it has been vetted through people who are much more cognizant of the issues involved than she is, so at this point her input would simply be nit-picking and would have no value beyond just trying to find fault. She is satisfied that Staff followed what the Council directed them to do. Council Member Spears stated that he is not trying to nit-pick, but as it stands right now, the City's Acting Police Chief has no authority to control conduct or anything else for any of the people working under the MOU. He stated that the City Council is the ultimate "gate-keepers" and that he is not trying to take away from City Manager Holsinger. Council Member Taylor-Vodden disagreed, stating that Council Member Spears is doing exactly that, and he has brought up nothing in tonight's meeting except things about the City Manager. She suggested that unless he has anything else to discuss, the Council should just move on. Mayor Cobb stated that he personally made his decision based on the best information he had at the time and he knows that since that time, the information has not changed a whole lot. He stated that he is not changing his mind on his decision. Council Member Spears said that he was just concerned and confused why all other contracts involving personnel always go before the Council for approval and he doesn't understand why this MOU did not.

11. New Business:

- a) Consider confirming new locations of bus stops and corresponding "Bus Stop – No Parking" signs in the downtown area:

In November, City staff received a request from the Glenn County Regional Transit Committee (RTC) Executive Director to relocate 3 bus stop locations to accommodate the larger, 40-foot heavy-duty transit buses coming into service in early 2013. The Traffic Safety Committee convened and directed the Director of Public Works to meet with an RTC liaison to further iron out the details of each stop. The following is a summary of the proposed changes:

1. Relocate the stop at the Willows Memorial Hall west to the Memorial Park block. The RTC will relocate the bus shelter from Memorial Hall to Memorial Park.
2. Relocate the stop at the Courthouse west one block. Buses have used the crosswalk area in front of the courthouse, where parking is prohibited, to pick-up and drop-off passengers.
3. There are two options for relocating the stop at Butte St. and Sycamore St:
 - a. OPTION 1 would be to relocate the stop about 200 feet to the east on Sycamore St. This location requires the removal of 1 parking space.
 - b. OPTION 2 would be to relocate the stop just east of Butte St. on Sycamore St. This location requires the removal of 4 parking spaces. (**Special note:** selection of this option will conflict with Resolution #04-2013 & "Exhibit A" adopted earlier during this Council Meeting).

Staff is requesting confirmation of the new bus stop locations and corresponding "Bus Stop – No Parking" designation pursuant to Sections 10.50.260 and of the Willows Municipal Code.

Council discussion ensued and it was the consensus of the majority of the Council to approve the relocation of the Memorial Hall and Courthouse bus stops, however there were some additional questions regarding the location of the bus stop in the downtown area. The Council requested that staff research the parking issues in the downtown area before they make their final decision on where to relocate the bus stop on Sycamore Street. **Motion** by Council Member Taylor-Vodden, **second** by Council Member Domenighini to approve the relocations of the bus stops currently located at Memorial Hall and at the Courthouse and to table a decision on the relocation of the bus stop currently located at Butte & Sycamore Streets to a future meeting which will allow Staff to gather additional information on the parking issues on Sycamore Street. The motion unanimously passed.

- b) Consider approval of implementation of an Employee Recognition Policy for Employee of the Quarter and Employee of the Year:

Earlier this year, Council Member Mello provided a draft copy of an Employee Recognition Policy for review and consideration by Staff. City Management Staff has reviewed and edited minor sections of the policy statement. It is staff's recommendation that Council consider the policy, the moderate anticipated expense which Staff believes can be accommodated within the current fiscal year work plan, and consider approval of the policy. The fiscal impacts as defined by the policy guidelines are moderate expense items that could normally be accommodated within general departmental expenses. With only two quarters remaining in the current fiscal year the anticipated expense would be anticipated to be very minimal. Future funding can be allocated in subsequent fiscal year budgeting plans, in advance of anticipated expense items.

Vince Holvik addressed the Council and stated that he thinks that it is great that the Council Members want to recognize City Employees for outstanding performance, and that awards and other recognition programs can provide a pat on the back for a job well done. However, he stated that he is not a fan of this type of employee recognition program. He has never seen them carried out in a way that doesn't seem contrived and eventually becomes more of a dis-satisfier than it is positive. Every person has different motivations for working and a reward program should not be a substitute for day-to-day positive recognition. To be effective, employee recognition programs should be designed, implemented and/or promoted to employees correctly. Recognizing the accomplishments and achievements of your best workers can sometimes have some unintended consequences. One of the most significant risks of an employee reward program is resentment on the part of the workers who do not get singled-out for praise. Managers really need to walk a fine line when they recognize their employees so they are not, or do not get, accused of "playing favorites or ignoring contributions of other employees. He has seen a few award programs that were not perceived as fair. Various studies show that employees value choice on how they are awarded. A gift certificate to any given merchant may be valuable to one employee but not to another and may create additional dissatisfaction. Sometimes these programs, although well-intentioned, can have a way of turning a positive into a dis-satisfier and finally, it is important that employees are not rewarded for just doing their jobs. He recommends that the Council find a way to recognize employees for doing a good job in ways that mean the most to the employee such as good management, new challenges, and ongoing positive feedback. He suggested the City might try implementing a recognition program where nominees from each department nominate each other for the recognition, and then have a small group of employees get together and let the employees vote for their final choice. This type of program would probably work better annually, rather than quarterly. He understands this isn't probably the type of feedback the Council was looking for and he apologized to Council Member Mello and stated that he appreciates his efforts in trying to implement an award program and maybe there are other ways to look into this program. He is not saying the Council should not implement a rewards program, but he

does believe that not having an employee award program is still better than implementing a reward program that eventually becomes a negative.

Council discussion ensued and the pros and cons of a recognition program were discussed. Although most Council Members agreed that they liked the concept of the recognition program, there was some uncertainty about how to implement the program to work as smoothly as possible. It was the consensus of the Council that before adopting a formal employee recognition policy, there needs to be additional thought put into its implementation. No formal action was taken by the Council at this time.

- c) Consider adoption of a Resolution authorizing the closure of North Butte Street from Sycamore Street to just South of Umpqua Bank parking lot from 3:00 – 8:00 p.m. on Wednesdays, June through October 2013 for the Glenn County Certified Farmers Market:

The City has received a request from the Executive Director of the Glenn County Resource Conservation District and Glenn County Certified Farmers Market to receive authorization from Council to close North Butte St. from Sycamore St. to just south of the Umpqua Bank parking lot from 3 to 8 pm on Wednesdays, June through October 2013. The Farmer's Market has been operating at this same location since the 2011 season.

Council discussion ensued. Baird Weinrich, who is the owner of Willows Hardware store located on Butte Street and close to the area requested to be closed, indicated that he didn't want the customer parking spaces in front of his store to be impacted by the road closure. The City Council gave Mr. Weinrich verbal approval to continue to use his "customer parking only" signs that he used last year during the Farmers Market. Additionally, Kandi Manhart who is the Executive Director for the Glenn County Resource Conservation District who is in charge of the market, indicated that she will be happy to work with Mr. Weinrich and other downtown business owners to ensure there are no issues caused by the market that would impact the downtown businesses. It was **moved** by Council Member Domenighini and **seconded** by Council Member Mello to adopt a Resolution to close part of North Butte Street from Sycamore to just South of Umpqua Bank from 3:00 to 8:00 p.m. on Wednesdays, June through October for the 2013 Farmers Market season. The motion unanimously passed.

12. Council Member Reports:

Council Member Spears reported that he and Council Member Mello are planning to attend the Transit & Transportation Meeting on February 21.

Council Member Domenighini reported that he and Council Member Spears will be attending a meeting at the First Lutheran Church on January 31 hosted by "Glenn Communities Working Together" to discuss Market-Rate Senior Housing.

Council Member Taylor-Vodden reported that the last scheduled LAFCO meeting had been cancelled and will likely be scheduled to take place in March.

Mayor Cobb gave a reminder that the City Council has a Mid-Year Budget Review meeting scheduled to take place at 11:00 on February 20.

- 13. Adjournment: Mayor Cobb adjourned the meeting at 9:52 p.m.

Dated: February 12, 2013

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider