

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

July 23, 2013

1. Mayor Cobb called the meeting to order at 7:01 p.m.
2. **PLEDGE OF ALLEGIANCE:** Fire Chief Wayne Peabody led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Domenighini, Taylor-Vodden, Mello, Spears & Mayor Cobb
Absent: None
4. **Agenda Review:** It was **moved** by Council Member Domenigini and **seconded** by Council Member Spears to accept the July 23, 2013 as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

Police Officer and K-9 handler, Kelly Kuwata, informed the Council that the Police Department is going to have a fundraiser for the K-9 fund. They will be selling T-Shirts at this year's National Night Out event to be held in August. She also stated that she would like to thank the sponsors who donated the T-Shirts, which were Alves Door Company, Round Table Pizza, A+ Tow and Transport, Wal-Mart and Thunderhill Raceway. The T-Shirts will sell for \$15.00 for adult sizes and \$12.00 for Youth sizes.

7. **Consent Agenda:**

It was **moved** by Council Member Mello 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, Payroll and Direct Deposit Check Registers (26237-26303; 32661-32641-32673; Z04448-Z04485).
- b) Approval of the Minutes of the Willows City Council Regular Meeting held June 11, 2013.
- c) Approval of the Minutes of the Regular City Council Meeting held June 25, 2013.

8. **Public Hearings:**

- a) CDBG Grantee Performance Report Public Hearing:

The California Department of Housing and Community Development - Community Development Block Grant Program (CDBG) – requires specific annual reporting of grantee activity and performance and a also a report at the conclusion of a grant period. As part of the

performance report, a public hearing is to be conducted to gather public comment and input. The portion of housing rehabilitation loans that meet the criteria to be considered program income by CDBG standards are placed into a Revolving Loan Account (RLA) for re-use in one of several ways including Housing Rehabilitation Loans, Economic Development Loans, placement of funds into an open CDBG Grant activity or placement of funds into a CDBG Eligible activity (“Program Income Waiver”).

The City received approval under the Program Income Waiver Program to utilize funds for the replacement of the bay doors at the Willows Fire Station. This project, still in process, is reported on this grantee performance report.

At this time, staff is requesting that the Council conduct the Public Hearing and consider approval of the submission of the Grantee Performance Report. Mayor Cobb opened the Public Hearing at 7:11 p.m., and receiving no comments, closed the hearing at 7:11. Brief discussion ensued and it was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Domenighini to approve the Grantee Performance Report for submission. The motion unanimously passed.

- b) Weed Abatement Public Hearing confirming costs of abatement and declaring them a special assessment:

On April 23 the City Council adopted a resolution declaring rubbish, refuse and weeds to be a public nuisance and ordered the City Fire Department to survey the town for areas that contained nuisances and notify the property owners that they must remove the nuisance or the City would perform the task and bill the property owner accordingly.

In accordance with California Administrative Code, a hearing is required prior to the adoption of a resolution confirming the costs of nuisance and weed abatement and declaring those costs a lien against those properties on which work was performed. The purpose of the hearing is to discuss the cost of abatement only. The protest hearing was held on June 11, 2013.

Properties that the City Contractor abated will be billed to the property owner plus a 25% administration fee. For the property owners that do not pay their bill directly to the City prior to August 8, 2013, there will be a lien placed against their property that will appear on their County tax bill.

Mayor Cobb opened the Public Hearing at 7:14 p.m. Vince Holvik spoke during the hearing to inquire what this year’s total cost of abatement is, in comparison to prior years. Fire Chief Wayne Peabody stated that this year’s costs were roughly \$5500, which is a little bit less than prior years have been. Mayor Cobb closed the Public Hearing at 7:15 p.m. It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Spears to adopt a Resolution confirming costs of abatement and declaring them a special tax assessment effective August 8, 2013. The motion unanimously passed.

9. **Ordinances:** None

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

Council Member Mello gave a brief update on the downtown banner pole replacement / changeable letter sign project he has been working on. He indicated that he would be meeting with Rose Marie Thraikill of the Chamber of Commerce this week to discuss this topic again. He also stated that he was told by Ms. Thraikill that there may possibly be some PG and E grant funding available to help with the replacement of the poles.

11. New Business:

- a) Consider adoption of a Resolution approving a Legal Services Agreement for Special Counsel to represent the City of Willows during potential Health and Safety Receivership Litigation in conjunction with specific blighted & sub-standard residential properties within the City:

The City Manager stated that this item gives the City an opportunity to hire a group of Attorneys that specialize in certain types of property litigation. There are three subject properties within the City that are perennial repeaters on the City's weed abatement list. Fire Chief Wayne Peabody and Building Official Clay Dawley attended a workshop some time ago and they were introduced to a group that defined how the City can get away from delinquent and tax-defaulted properties that are nuisances in the community. The Fire Chief and Building Official followed up with this group and they introduced three specific properties in the City that are problematic and the group determined that these three properties would be ideal to go into the program of Receivership. There is a statutory provision for taking properties that represent safety hazards or concerns for Health and Safety Code violations. The Attorneys' group would represent the City in taking these properties to the Courts and having the Courts assign a Receiver. The Receiver then signs on to abate the properties and restores them and sells them off to recover the cost.

The Public Safety Subcommittee has held two meetings to review the Receivership process and there were a series of questions that were generated as a result of the meetings. One concern that was raised during the subcommittee meeting with one of the Attorneys was a question about the valuations that were placed on the properties and whether the assessments would actually recover 100 percent of the costs are due on these properties. The Attorneys addressed these concerns and they feel very confident that the costs would be recovered and that the best pursuit for the City at this time would be to move forward with the Receivership process.

Another concern of the subcommittee was over the collection of fees in excess of what is due on the taxes for these properties, and whether or not the City would be able to recover the money that would be spent on the expense of the Attorneys to go through this process. The City Manager explained that since the Attorneys are bundling the process and taking three properties at once, they gave the City a reasonable price that they thought would not exceed \$20,000 to \$25,000. The way Receiver properties work, it places the City in a superior position with regard to what is due back on the properties, so that when the Receivers are finishing up their work and sells the properties, the Receivers get paid first and the City gets paid second. There is some risk involved and therefore the subcommittee asked the City Manager to do some reference checks on the Attorneys. The City Manager sent a request to five cities that have utilized this agency for

Receivership. Of the Cities that responded, all were completely satisfied with the work that has been done. The firm of Jones and Mayer has handled roughly 60 of these cases for the City of La Habre alone, and in all 60 cases, regardless of the complexity of the case, the City has recovered every bit of their expenses and has never lost a dime.

There was also a question by the subcommittee about the ability to clear title to allow this process to move forward, and what the obligation would be on the part of the City in order to do that. The City Manager stated that the Receivers are responsible to clear title to the properties. If a property owner or potential heir(s) to the properties have any complaints or objections, it is their responsibility to appear before the Court to make their claims known.

With that, the City Manager stated that it is staff's recommendation that the Council move forward with entering into an agreement for Special Counsel to represent the City in conjunction with the three blighted and sub-standard properties located at 245 N. Plumas Street, 329 N. Sacramento Street and 208 N. Sacramento Street, in order that the City can finally get some resolution to these properties that have been delinquent for many years.

Brief Council discussion ensued and it was **moved** by Council Member Spears and **seconded** by Council Member Domenighini to adopt a Resolution authorizing the special services agreement with Jones & Mayer Attorneys at Law as special Counsel to represent the City of Willows with Health & Safety Code Receivership Litigation in conjunction with specific tax-defaulted properties. The motion unanimously passed.

12. Council Member Reports:

Council Member Spears reported that he attended a Transportation Committee last week.

Council Member Taylor-Vodden reported that she and the City Manager attended the Cities & County Economic Development Steering Committee Meeting on July 18 and the next meeting is scheduled to occur on August 15.

Mayor Cobb announced that the ceremonial swearing-in of Police Chief Jason Dahl is scheduled to take place on Thursday, July 25 at 4:00 p.m. at City Hall.

13. Executive Session: Pursuant to California Government Code Sections 54950 et seq., the City Council held a Closed Session. Pursuant to Government Code Section 54954.3 the public had an opportunity to directly address the legislative body on the below item prior to the Council convening into Closed Session. **No members of the public had any comments on the Executive Session topic.**

The Council entered into Executive Session at 7:32 p.m.

a) CONFERENCE WITH LABOR NEGOTIATOR(S) Pursuant to Section 54957

Agency Negotiators: City Manager Steve Holsinger
Finance Director Tim Sailsbery

Employee Organization(s): Unrepresented Employees (i.e., all city employees not represented by the WEA, WPSA, or any other collective bargaining unit).

14. Report-Out from Executive Session:

The Council reconvened into open session at 8:36 p.m. Direction was provided to Staff to bring an open session item back before the Council at the August 13, 2013 City Council Meeting to ratify an agreement between the City of Willows and the unrepresented employees.

15. Adjournment: Mayor Cobb adjourned the meeting at 8:37 p.m.

Dated: July 23, 2013

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider