

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**June 11, 2013**

1. Mayor Cobb called the meeting to order at 7:01 p.m.
2. **PLEDGE OF ALLEGIANCE:** 4-H Member Trinity Cobb led the Pledge of Allegiance.
3. **ROLL CALL:**  
  
Present: Domenighini, Taylor-Vodden, Spears & Mayor Cobb  
Absent: Mello
4. **Agenda Review:** Council Member Spears requested that item 11 (b) be continued to the next meeting until all members of the Council are present to participate in the discussion. Mayor Cobb stated that he disagreed and that the item would remain on tonight's agenda. It was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to accept the June 11, 2013 as presented. The motion passed 3/1, with Council Member Spears voting Nay.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

William Sites of Boy Scout Troop 57 extended an invitation to attend a Flag Day Ceremony on June 14 held by VFW Post 1770 and the Glenn County Veterans. The Flag Ceremony will take place on the steps of the Veterans' Memorial Hall from 9:00 a.m. to noon. The Scouts and the Vets will be retiring tattered American Flags that were turned in at Memorial Hall. He stated that the public is welcome to come and participate in this Ceremony.

Pastor John Ratliff from the First Southern Baptist Church shared what is currently happening with the Willows Food Bank. First Southern Baptist Church and Glenn Communities Working Together have been cooperatively operating the food bank beginning in February of this year. In the past five months, the food bank has assisted more than 1100 people with food needs, with more than 30,000 meals. Those who have been assisted are people who are living generally in the South County in the Willows area. The food bank has been blessed with volunteers who have given their time to keep the food bank in operation. There are no paid personnel, and all who volunteer give of their time generously. The food bank receives no government funding other than space and operational support from the Glenn County Human Resource Agency who pays for the utilities at the food bank site. Much of the donated food comes via the "Feed America" program which allows the food bank to offer some food support to nearly a dozen other groups and organizations serving hungry people throughout Glenn County. Cash and food donations are the life blood of the food bank, and they absolutely could not do what they do without the support of the community at large. All cash donations go towards the purchase of shelf-stable foods given by the food bank and all donations of canned and shelf-stable foods are given out directly from the food bank. The First Southern Baptist Church and Glenn Communities Working Together wish to share their gratitude to the community who support the

work of the food bank through the giving of their time, talent and treasure. He stated he was here this evening to share with the City Council that the work of the food bank continues. The food bank is open for operation at the Glenn County HRA at 420 East Laurel Street every Tuesday and Thursday from 1:00 p.m. to 4:00 p.m.

**7. Consent Agenda:**

It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Spears 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 (26031-26124; 32562-32592; Z043023-Z04333).
- b) Approval of the Minutes of the Willows City Council & Planning Commission Special Joint Meeting and Regular City Council Meeting held April 9, 2013.
- c) Approval of the Minutes of the Regular City Council Meeting held April 23, 2013.
- d) Approval of the Minutes of the Special City Council Budget Meeting held April 29, 2013.
- e) Approval of the Minutes of the Regular City Council Meeting held May 14, 2013.
- f) Approve extension of the Contract Planning Agreement with Wildan Engineering for Fiscal Year 2013-2014.
- g) Adoption of a Resolution of support for the KVB, Inc. waste recycling project in Glenn County.

**8. Public Hearings:**

- a) Fiscal Year 2013/2014 Budget Adoption Public Hearing:

The City Manager presented this item to the Council, stating that it is a privilege to have the opportunity to present to the Council for adoption the first balanced budget that the City has had in well over a decade. Although the budget, as Staff explained at the April 29 Special Budget Meeting, does show an initial deficit, it is important to note that Finance Director Tim Sailsbery is conservative in his nature with projections on revenues. He believes that is a good thing and he and Mr. Sailsbery have a great relationship, but if Mr. Sailsbery even understated revenues by just one-half of one percent, the City would still have a balanced budget. It's certainly easier to control expenses than to control revenues, but he believes the revenues will materialize that have been forecast in the budget and he thinks the City will control the expenses. He also believes that the City will end the current 2012/2013 Fiscal Year budget on June 30 with a balanced budget and the City will be in the positive and returning General Fund Dollars to the coffers in the City. It was the unanimous consensus of the Council at the April 29 Special Budget Meeting for Staff to return the budget that was presented at that time back to tonight's meeting to conduct a Public Hearing and for final adoption of the Budget by the Council.

Council Member Domenighini stated that he agreed that the Council was satisfied with the Budget as it was presented on April 29, but he reiterated what he stated during that meeting that at some point in the future he would like to see the Council and Staff have a discussion about the sewer costs and long-term plan on sewer maintenance, upkeep, replacement, etc. The City

Manager stated that Public Works Director Skyler Lipski is in the process of putting together a presentation for the Council that he will be presenting to the Council in August.

Mayor Cobb opened the Public Hearing at 7:13 p.m. and hearing no comments from the public, he subsequently closed the Hearing at 7:13 p.m. It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Domenighini to adopt a Resolution of the City Council of the City of Willows adopting the 2013/2014 Annual Budget and designating Sewer Enterprise Fund Debt Reserve. The motion unanimously passed.

- b) Landscaping & Lighting District Public Hearing to confirm assessment amounts and authorize the levy and collection of assessments for Fiscal Year 2013/2014:

Prior to this item being heard, the City Manager recused himself and exited the Council Chambers due to the fact that he is a property owner in the Lighting & Landscaping District.

City Engineer John Wanger presented this item stating that tonight is the third and final step in the annual proceedings for the City of Willows Lighting and Landscaping Assessment District. The Engineer's report that was presented to the Council tonight is the same Engineer's report that was before the Council at the May 14 meeting. This particular Lighting and Landscaping Assessment District has two zones – Zone A being Birch Street Village and Zone B being Wal-Mart. He gave a quick summary of the Engineer's Report and stated that the annual assessments that are proposed for Zone A are to remain the same as they were last year at \$210.32 per parcel and the annual assessments for Zone B have been reduced from \$4,453.90 to \$4,161.66 per parcel due to reduced assessment engineering costs. The reserve balances are proposed to be slightly above the target at the end of Fiscal Year 2013/2014. The target reserve that the Council set a few years ago was somewhere between 10 to 20 percent and if it is determined that there continues to be an excess above the target amount, then with next year's Engineer's Report there will be use of some of the reserves to offset some of the assessments for next year. The overall revenue collected by the Assessment District is \$11,312.54. One thing for Council to note that he will be recommending is that the City does set limits to the maximum allowable assessment for each of the two zones. He requested that the Mayor conduct tonight's public hearing and if there are any changes that the Council desires to make to the report, Council should direct him to make those changes. If there are no changes, staff is recommending that Council adopt the Resolution that is before them.

Mayor Cobb opened the Public Hearing at 7:17 p.m. and hearing no comments from the public, subsequently closed the Hearing at 7:17 p.m. It was **moved** by Council Member Domenighini and **seconded** by Council Member Spears to adopt a Resolution approving the Annual Engineer's Report, Confirming the Assessment Diagram and the Annual Assessment Amounts and Authorizing the Levy and Collection of Assessments for Fiscal Year 2013-14 for the City of Willows Landscaping and Lighting Assessment District Zone A – Birch Street Village & Zone B – WalMart (Pursuant to the Landscaping and Lighting Act of 1972). The motion unanimously passed.

The City Manager re-entered the Chambers at this time and rejoined the meeting.

- c) Weed Abatement Public Hearing to order those parcels not yet self-abated in the City of Willows to be abated by the City Contractor:

Fire Captain Skip Sykes presented this item to the Council stating that the Council received copies of the final list of approximately 70 parcels that need to be abated by the contractor. He stated that once he reviews the properties on the list one final time, he believes he may be able to cut that number in half before the contractor begins the abatement process. Captain Sykes stated that the contractor would likely begin abatement on Thursday.

Mayor Cobb opened the Public Hearing at 7:21 p.m. and hearing no comments from the public, subsequently closed the Hearing at 7:21 p.m. It was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to declare that the parcels not yet self-abated in the City of Willows to be abated by the City Contractor. The motion unanimously passed.

9. **Ordinances:** None

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

Councilmember Spears voiced his concern and objection to cancelation of Regular Council Meetings due to lack of business or lack of a quorum to conduct business. Discussion ensued with Councilmembers Domenighini, Taylor-Vodden and Mayor Cobb disagreeing. The majority consensus of the council voiced concerns over staff time & expenses, conflict with Holiday periods, conformity with the requirement of the Municipal Code and no sign of overtly-abusive past cancelations. Meetings have occasionally been canceled in the past and will likely be canceled by necessity in the future. No further discussion by the Council.

11. **New Business:**

- a) Appoint a subcommittee comprised of two Council Members to review applications and/or conduct interviews for Library Board Candidates:

The terms of current Library Board Members Dawn George, Lisa Kennedy and Adrienne Haylor are scheduled to expire on June 30, 2013. It has been the City's practice to advertise these positions in order to give citizens an opportunity to participate on the Library Board. Staff has advertised these upcoming vacancies since mid-May and will accept applications through 5:00 p.m. on June 12. Staff is recommending that two members of the Council volunteer to serve on a subcommittee in order to conduct interviews of the applicants during the week of June 17 – June 21 and the subcommittee will make their recommendations of three appointments to the entire Council at the City Council Meeting to be held on June 25, 2013. Council Members Domenighini and Taylor-Vodden both volunteered to serve on the subcommittee.

- b) Hold a discussion, and by motion, direct staff whether to place an item on a future agenda to amend Section 2.05.090 of the Willows Municipal Code (Agenda – Preparation – Posting and delivering agenda) pursuant to a request and proposal by Council Member Spears:

Council Member Spears stated that recently there has been bantering back and forth about what or how people get items placed on the agenda and how the agenda is prepared and organized. The City asked for an opinion from an Attorney and the Attorney addressed many parts of the issue, but he believes the Attorney fell short in one of the areas as far as how the people can get an item placed on the agenda if they feel there is something important to be put on there. Taking the context of what has been discussed since his being seated on the Council, and what he has been told back and forth about how to get something onto the agenda, he thought in order to remove the question altogether, that the Council should just clarify the process and codify it into the Municipal Code giving the different ways to get items placed. He has been told several times that the public can contact a Council Member and then a Council Member can carry the item forth to the City Manager and the City Manager could propose getting it placed on the agenda. He feels it might be better for the public just to go directly to the Council Members, since the public elects the Council, and the Council Member could sponsor the item and carry it forward, or a Council Member could see a community circumstance that they felt was of an importance that they could also propose the item to be placed on the agenda. The City Manager and the department heads under him could also provide items to be placed on the agenda as is done currently. He also believes the City Attorney should be able to place items on the agenda if it is something of a pressing legal matter. Once all of the agenda items are presented to the City Manager, the City Manager, in consultation with the Mayor, could see that those items are organized into an actual agenda. Council Member Spears took all of the things that he has been told about agenda placement and preparation and he put it into a format where it is clear to everybody and then there is no longer a question about how this can be done. What is before the Council tonight is whether to place a potential Municipal Code Amendment on a future agenda so it can be formally discussed by the Council as to either adopt, modify or deny the amendment. He asked that Council keep an open mind when looking at a possible code amendment so that they can bring a resolve and basically put this item to rest once and for all.

Council Member Domenighini stated that what he had in mind was having policies and procedures as guidelines rather than an amendment to the Municipal Code. He believes the language that Council Member Spears has on his proposed code amendment would be better in a policy and procedures type of manual. He stated that a lot of what Council Member Spears put in his memo in the agenda comes back to the City Council Members individually and collectively.

Council Member Taylor-Vodden concurred and stated that she didn't believe that this is a proper presentation. She stated that Council Member Spears has a lot of zeal for his job as a member of the Council and she appreciates that, but she thinks that zeal may be leading him in a wrong direction into taking over, versus helping, the staff. She doesn't think that people have any problems getting items on the agenda and she has never experienced it, so the idea that somehow there is a veto power that is being exercised, she just doesn't see it. She believes that the process we have now is an open process and most of the items that people would have questions about, she believes, could be adequately addressed to staff prior to coming forward. She stated that she would not be in favor of adopting Council Member Spears' proposed amendment or to have this item place on a future agenda for any further discussion.

Mayor Cobb stated that the topic of agenda preparation and procedures had been reviewed and amended a few years ago by a prior City Council. He has tried to personally explain to Council

Member Spears and to members in the audience at prior Council Meetings how to place items on the agenda. It is not a difficult procedure and he would be happy to explain the procedure again, however he doesn't believe it needs to be said. The Council received an opinion from one Attorney who determined that the procedures that are currently in place are just fine and that there is nothing illegal or wrong about it, and he stated that Council Member Spears didn't like that opinion. The City then sent it off to another Attorney for review and that Attorney said the exact same thing - that the Council can continue following the procedures that are currently in place because there are no statutory regulations on how to have items placed on an agenda. Mayor Cobb believes this is just an attempt to fix something that isn't broken. He believes this issue is a waste of the Council's time, efforts, resources and money. He stated that what Council Member Spears is proposing that the Council amend is not really much different than what is already currently being done so he wonders why the Council should change it and why they should be spending money on Attorneys who have both said that what the City is currently doing is just fine.

Council Member Spears stated that the merits of whether or not to adopt a Resolution is not the topic that is before the Council right now, but it is whether or not the Council wishes to discuss this item formally and look at a possible amendment at a future meeting. Mayor Cobb agreed stating he understands and that is exactly the reason that he wanted this item to stay on the agenda tonight because he does not want to keep going over this issue time and time again. Mayor Cobb stated that he wants this issue resolved tonight. Mayor Cobb then asked if there was a motion to pursue this item as a topic on a future agenda.

Council Member Spears **moved** that the amendment that is proposed move forward and be placed on a future agenda to be formally discussed by the City Council as to the merits, or not, of the issue, and that under the Council being able to take a formal action, they could then direct a disposition of the issue, whether it be either by amendment of the Municipal Code or by direction to staff to develop policy and procedures. Council Member Domenighini **seconded** the motion. Mayor Cobb asked for a roll call vote with Council Members Spears & Domenighini voting Aye and Council Member Taylor-Vodden and Mayor Cobb voting Nay. Motion failed.

## **12. Council Member Reports:**

Council Member Domenighini thanked City Staff for being available while he recently gave the third grade class of the Walden Academy a tour of the Civic Center. He also reported on several upcoming events and programs that will be occurring at the Library.

Council Member Taylor-Vodden reported that she plans to attend the Economic Development Committee Meeting scheduled on June 20. She also reminded everybody that the Downtown Farmers' Market is now underway every Wednesday from 4:00 – 7:00 p.m.

Council Member Spears gave a report on recent and upcoming events and fundraisers within the Recreation Department. He reported that the local Cub Scouts had a cross-over ceremony which he attended on May 23. He also stated that he has a Transportation Meeting at the end of the month that he plans to attend. He also attended the recent Relay-for-Life event and plans to attend the upcoming Flag Day Ceremony at Memorial Hall.

Mayor Cobb thanked Council Member Taylor-Vodden for standing in for him to present a Proclamation at the Relay-for-Life event on behalf of the City Council.

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 items prior to the Council convening into Closed Session. **No members of the public had any comments on the Executive Session topics.**

The Council entered into Executive Session at 7:50 p.m.

- a) CONFERENCE WITH LABOR NEGOTIATOR(S) Pursuant to Section 54957.6  
Agency Negotiators: City Manager Steve Holsinger  
Finance Director Tim Sailsbery  
Employee Organization(s): Willows Employees Association
- b) PERFORMANCE EVALUATION – Pursuant to Government Code § 54957 (b) (1).  
TITLE: City Manager

14. **Report-Out from Executive Session:**

The Council reconvened into open session at 9:48 p.m. No reportable action was taken by the Council. Direction was provided to Staff.

15. **Adjournment:** Mayor Cobb adjourned the meeting at 9:49 p.m.

Dated: June 11, 2013

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider