

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
June 12, 2012

1. The meeting was called to order at 7:00 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** Dennis James led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Council Members Yoder, Hansen, Taylor-Vodden, Cobb & Mayor Holvik
Absent: None

4. **Agenda Review:** The City Manager requested the removal of item 11 (a) which was to consider general fund appropriation in the amount of \$12,500 for nuisance abatement for abatement services at 245 North Plumas Street. It was then **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the June 12, 2012, City Council Meeting agenda as amended. The motion unanimously passed.
5. **Presentations & Proclamations:**
6. **Public Comment:** Dennis James announced that the VFW Post 1770 and Glenn County Veterans will host an American flag retirement activity on Flag Day, June 14, at 9:00 a.m. The ceremony will take place on the steps of the Memorial Hall and Willows Troop 57, Scouts and Veterans will be retiring tattered American flags. The public is encouraged to attend.
7. **Consent Agenda:**

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

- a) Approval of General Check Register (24605-24676).
- b) Approval of Payroll & Direct Deposit Check Registers (31890-31930 & Z03495-Z03563).
- c) Approval of the May 22, 2012, Regular City Council Meeting Minutes.
- d) Adoption of a Resolution in support of the PG&E proposed Economic Incentive Rate for Central and Northern California areas with unemployment rates 25% greater than the State average.
- e) Adoption of a Resolution consenting to the extension of service charges imposed on improved real property within the incorporated area of the City of Willows for Fiscal Year 2012/2013 for the use and/or ability to use the Glenn County Solid Waste System.

8. **Public Hearings:**

- a) Landscaping and Lighting Assessment District public protest hearing, open and review any received ballots and consider adoption of a Resolution approving the Engineer's

Report as filed and confirming the assessment diagram and amounts set forth therein and authorize the levy and collection of assessments for Fiscal Year 2012/13:

Prior to this item being heard, the City Manager stated that he had a conflict of interest, as he is a property owner in the Birch Street subdivision. He then exited the Council Chambers.

City Engineer John Wanger presented the staff report explaining that the Willows Landscaping and Lighting Assessment District was initially formed by the City in 2005 to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village subdivision; (Zone A), in accordance with the Landscaping and Lighting Act of 1972 ("Act").

The Act requires that the City undertake certain proceedings for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings. The first action, appointing an Engineer of Work and directing the preparation of the annual Engineer's Report, was completed by the Council on February 14, 2012. The second action to receive the Preliminary Engineer's Report and set the date of the required public information meeting as May 15, 2012, and the public protest hearing as June 12, 2012, was completed on April 24, 2012. Tonight is the third and final step in the process – conduct the public protest hearing, open and review ballots, approve the Engineer's Report as presented or as amended tonight and authorize the levy of assessments for FY 2012-13.

Ballot packets were mailed to the parcel owner proposed for annexation into a new Zone B (Walmart). Proposition 218 requires property owners to vote, by separate ballot, any new annexation of their property into an assessment district. At tonight's meeting, the rules governing this type of an assessment district requires that a public protest hearing be held to hear any comments/concerns from property owners within the district. Staff recommends opening, receiving comments and closing the public hearing. Following the public hearing, staff recommends a short recess be provided for staff to conduct a ballot count of received ballots. If a majority of "yes" ballots are received for a specific Zone, then the annexations into the specific Zone may be approved by the Council. If a majority of "no" ballots are received for a specific Zone, then the annexation proceedings for that specific Zone must be dropped.

At the conclusion of tonight's public hearings and the counting of received ballots, the City Council may authorize the levy and collection of the annual assessments, as preliminarily approved on April 24, 2012, or decrease them, but cannot increase them greater than the amounts set on April 24, 2012.

Presented to the Council was the final Engineer's Report as prepared by Coastland Civil Engineering. Because the Council did not request any changes to the preliminary report filed on April 24, 2012, the proposed assessments shown in this report have not changed from the preliminary report. The City Council should review the report one final time and let staff know if there are any desired changes to be made to the report. If not, the proposed assessments shown in the report will be passed on to the County Assessor's office for inclusion on the tax rolls.

In brief, the report outlines costs from FY 2011-12, summarizes the projected costs for FY 2012-13 and provides the proposed overall assessments. In order to keep up with inflation, the

estimated maximum annual assessment is proposed for increase by the allowable annual CPI (year 2011) of +2.6% for Zone A, and new Zone B will have a maximum annual assessment, and allow cost of living adjustments annually. The raised maximum annual assessment for Zone A is now \$416.73 per parcel, and the new maximum annual assessment for Zone B is \$5,920.00 per parcel. While the estimated maximum annual assessment will increase for Zone A, the actual amount that will be levied and collected during FY 2012-13 will be reduced from \$258.00 in FY 2011-12 to \$210.32 per parcel. This reduced assessment is due to the spread of assessment engineering costs over two zones. The actual amount that will be levied and collected for Zone B during FY 2012-13 is to be \$4,453.90 per parcel.

During FY 2008-09, the Council implemented a minimum reserve balance of 10% to 20%. It is noted that the projected Assessment District reserve balance for Zone A at the end of FY 2012-13 is slightly above that target. If it is found that an excess reserve balance does exist at the end of FY 2012-13, the assessments may be reduced the following year. The reserve for Zone B is anticipated to build over the next few years to reach the desired minimum level.

If the Council finds there is no majority protest to the annexation into Zone B, and finds the report acceptable, the Council should adopt the resolution before them approving the Engineer's Report and authorizing the levy of assessments per the Engineer's Report. The adoption of tonight's resolution is pursuant to Section 22631 of the Streets and Highways Code. The assessment information will then be transmitted to the County for the inclusion on the tax rolls.

Mayor Holvik opened the Public Hearing at 7:12 p.m. Ed Schnurbusch spoke during the hearing and asked if there are any waivers of the assessment costs for disabled Veterans, as he has a relative that lives in that district and because he is a disabled Veteran, his property taxes are waived. The Engineer explained that there is nothing in State Statute that allows for waivers of these assessment fees. The Mayor then closed the hearing at 7:13p.m. The City Clerk then opened the ballot received from the property owner of Walmart (Zone B), and the ballot reflected a "yes" vote that they would accept the assessment. It was then **moved** by Council Member Yoder and **seconded** by Council Member Cobb 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 2012/13 for the City of Willows Landscaping and Lighting Assessment District Zone A – Birch Street Village and Zone B – Walmart. The motion unanimously passed.

b) CDBG Program Income Reuse Plan:

At the May 22 meeting the Council approved the use of \$37,000 of Program Income to replace the bay doors at the Fire Station as a Community Facilities Project under a CDBG Grant. One of the steps necessary in order to complete this process is to conduct a public hearing to solicit public input in order to update the Program Income Reuse plan to allow for the use of program income in this manner. Previously the Program Income reuse plan limited use to revolving into additional loans or to place into an open grant. Utilizing funds that are within CDBG objectives but are not revolving or part of an open grant has now been added to the updated plan document that is before the Council for approval this evening. Once adopted by Resolution and provided there are no amendments in the interim, the Program Income Reuse plan will govern the use of

program income funds for a period of up to five years.

Mayor Holvik opened the public hearing at 7:19 p.m. and hearing no comments, subsequently closed the hearing at 7:19 p.m. It was then **moved** by Council Member Hansen and **seconded** by Council Member Taylor-Vodden to adopt a Resolution adopting the City of Willows Program Income Reuse Plan for the Administration and Utilization of Program Income resulting from activities funded under the State of California Community Development Block Grant Program. The motion unanimously passed.

9. **Ordinances:** None

10. **Items introduced by City Council or Administrative Staff for discussion purposes only:** None

11. **New Business:**

- a) This item was removed from the agenda under item 4, "Agenda Review".
- b) 1. City Council Chamber Rental Policy:

Recently the Council introduced some discussion about the use and/or rental of the City Hall facility and expressed concerns about potential costs associated with frequent use of city facilities without an appropriate mechanism to recover costs of impacts to the city. Staff was directed to conduct a survey of other agencies and bring a recommendation back for Council's consideration.

Staff requested information from other agencies and found that many cities lack similar policies for use of City Hall or simply did not allow outside use or rental of their facilities. In larger agencies it was common not to allow use of City Hall, often because other venues were more readily available with established policy and use fees in place (i.e., Senior Centers, Recreation Centers, Libraries, etc.) Smaller agencies typically had no formal policy or did not allow use of their facilities by outside agencies. Staff found an example of a reasonable policy and made some Willows specific edits for Council review and consideration. Staff is now seeking direction from the Council on the interest in establishing a similar policy for the City of Willows.

Council discussion ensued and although there appeared to be a consensus of the Council that a policy should be created, the Council Members did not have a general consensus on what the established fee should be, who would have the responsibility to waive fees (the Council or the City Manager) if a fee waiver was requested, etc. The Council did agree that due to the fact that the City utilizes the School District's facilities for a variety of recreational and police activities free of charge, that the School Board would be exempt from paying a rental fee for the Chambers once a policy is adopted. The City Manager pointed out that many of the other groups that use the Chambers are non-profits or volunteer boards such as the Willows EDC and the Greater Willows Improvement League and he suggested that perhaps the creation of a fee may discourage certain groups from continuing to utilize the facility because they may not be able to afford to do so. After a lengthy discussion among the entire Council, no specific Council

direction was given to the Staff and no formal action was taken on this item, as the Council didn't appear to have a consensus on many of the items that were discussed. Staff indicated they would continue to research this and make some modifications and revisions to the rental agreement that was introduced to the Council tonight, and they will come back at a future meeting with a more definitive rental agreement/policy at a later meeting for the Council to discuss and consider adopting.

b) 2. Rules of Meeting Order and Decorum:

This item is somewhat of a "companion" item to 11 (a), in that during the process of seeking samples of Council Chambers Rental Agreements, some cities provided examples of their Rules of Meeting Order and Decorum during public meetings. As such, Staff is presenting for Council consideration, a policy establishing the orderly conduct of city business meetings and is seeking direction from the Council on the possible adoption of these rules of order.

Council discussion ensued and all of the Council Members indicated that they liked the Rules of Decorum, which are already part of State statute, and this is simply a way to formalize the rules to be followed by the City. The Council, by a unanimous consensus, formally adopted the rules as presented (attached hereto as Exhibit A), and they stated that these rules should be attached to the agenda face of all future City Meetings.

12. Council Member Reports:

Council Member Hansen reported that he attended the most recent Transportation Committee meeting and the first Farmers' Market. Council Member Taylor-Vodden added that she also attended the Farmers' Market and that there are a lot of future events scheduled to take place in conjunction with future Farmers' Markets, including a Business Expo.

Mayor Holvik reported that he recently attended a Senior Housing Meeting. He also announced that he will be absent during the second meeting in June and the first meeting in July and that Vice Mayor Cobb would be running the meetings in his absence. Lastly, he reminded everybody that there will be a Special Budget Meeting at 6:00 p.m. on June 19 to potentially adopt the budget for fiscal year 2012/13.

13. Executive Session: None

14. Adjournment: Mayor Holvik adjourned the meeting at 7:58 p.m.

Dated: June 12, 2012

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider