

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**March 13, 2012**

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

<u>Present:</u>	Council Members Yoder, Hansen, Taylor-Vodden, & Vice Mayor Cobb
<u>Absent:</u>	Mayor Holvik
4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the March 13, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:**
  - a) Vice Mayor Cobb read a Proclamation declaring the month of April as Sexual Assault Awareness Month” in the City of Willows and presented the Proclamation to Ginger Scarborough of Rape Crisis Intervention and Prevention.
6. **Public Comment/Written Communications:** None
7. **Consent Agenda:**

It was **moved** by Council Member Yoder and **seconded** by Council Member Taylor-Vodden to approve the Consent Agenda as presented. The motion passed 3/1, with Council Member Hansen abstaining, and the following items were approved/adopted:

  - a) Approval of General Check Register (24220-24327)
  - b) Approval of Payroll & Direct Deposit Check Registers (Z03333-Z03364 & 31706-31756).
  - c) Approval of the February 14, 2012, Regular City Council Meeting Minutes.
  - d) Approval of the February 28, 2012, Regular City Council Meeting Minutes.
8. **Public Hearings:** None
9. **Ordinances:** None
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**

Council Member Taylor-Vodden inquired about what the City’s policy is, if any, to allow use of the Council Chambers by the public and other groups. Her concerns were that the City should be getting compensated for the wear and tear to the Chambers, the use of utilities, equipment,

supplies, etc. The City Manager stated that there is a written Policy currently in place, however, it hasn't been enforced to the extent that it could be for many years. This is due in part to certain groups having received fee exemptions from the Council in the past, and now those exemptions have come to be "expected" by certain groups. The Council Chambers are predominantly utilized by the School District at no charge, as a trade-off for allowing the City to utilize certain School District facilities for Recreational events and on other occasions. Other groups that utilize the Chambers are P.A.L., G.W.I.L. and some other governmental and non-profit groups and agencies. The City Manager stated that if it is the Council's desire, Staff will be happy to survey some other Cities on their policies and provide feed-back to the Council. The Consensus of the Council was for staff to look into this further, re-evaluate the current policy and then bring this item back before them at a later date in order to adopt an amended policy that Staff would enforce.

**11. New Business:**

a) Gateway Monument Sign, Phase 2 project:

In 2011, Public Works successfully obtained federal monies for funding the replacement of the monument sign on West Wood Street west of North Villa Avenue and installation of a new sign on East Wood Street at its intersection with North Ventura Street. Overall funding obtained and available for the project includes \$109,000 to be used for design, construction, inspection and contingencies. As the project is 100% funded with federal funds, no matching funds are required from the City. Plans and specifications were completed for the project and the project was advertised for bid at the beginning of February. Bids were opened on February 23, 2012. Only one bid was received for \$63,300 from Robert J. Frank Construction, who was also the contractor that was awarded the bid and successfully erected the Gateway Monument Signs for Phase I of this project. The total estimated Construction cost for the project is \$72,700. This includes the Construction Contract cost of \$63,300, Estimated Construction Management/Inspection cost of \$3,000 and Construction Contingency (10%) cost of \$6400. As the overall project funds allocated by Caltrans for this project include \$109,000, the bid amount and overall projected budget for this project is well within the available funds. The project is scheduled to be completed within 40 working days and should be invoiced to Caltrans in time for reimbursement within this fiscal year. With that, staff is asking the Council award the bid. It was then **moved** by Council Member Hansen and **seconded** by Council Member Yoder to adopt a Resolution awarding a construction contract to Robert J. Frank Construction Inc. for the Gateway Monument Sign, Phase 2 project. The motion unanimously passed.

b) Public Works Department Restructuring:

During the development of the fiscal year 2011/12 budget, the Council authorized and directed staff to commence the necessary adjustment to the PERS Contract to provide an early retirement incentive, to all current city employees; offering a two year service credit for any city employees volunteering for normal retirement between October 2011 and March 2012. Initially three public works employees expressed interest in retiring as soon as the incentive window became available. During the budget development process, accommodation for funding seasonal part-

time staffing was included in the budget and the positions held by those three public works employees would be eliminated upon their ultimate retirement.

Since the late December retirement of the original three public works staff, two additional senior supervisors have announced their retirement; Brian Taylor, Public Works Superintendent and Greg Tyhurst, Public Works Director, both of which officially retired this past week. City Council did authorize the recruitment and replacement of Superintendent Taylor's position this past December. Despite a diligent effort to attract qualified personnel for this position, staff was unable to identify a candidate that possessed all of the required certifications; more specifically, those technical qualifications in conjunction with Water & Waste Water Treatment and distribution. This has resulted in the need to re-evaluate our public works departmental structure and identify the following four step process to address our required public works service commitments, maintain our ability to deliver community expectation for services and ultimately develop another first rate management staffing compliment for the public works department.

Furthermore, the City has highly qualified and experienced personnel on staff with an interest in assuming the responsibilities of the Superintendent position. Unfortunately the City of Willows must have a supervisor on staff with the appropriate certifications to complete and submit the appropriate reporting required by State Agencies in conjunction with Water & Waste Water Treatment facilities. Previously this responsibility rested with the Director of the department. However, with the retirement of Mr. Tyhurst the City's compliance is temporarily in limbo and will be addressed on an as needed specialty contractual basis.

Given the current financial position of the City of Willows and the budgeted dollars appropriated within this past year's fiscal work plan, it is highly unlikely we could recruit a qualified Public Works Director to assume these required responsibilities and also possess the appropriate certifications and with a willingness to participate along all other management staff in the city's current voluntary furlough plan for department directors and administrative staff. This has recently been the experience of neighboring cities of Red Bluff and Live Oak which both encountered great difficulty in recruiting for Public Works Directors over the past two years. Ultimately the City of Live Oak settled on a part-time contract arrangement with a retired former director. All of this is of some significance for the City of Willows, as staff is proposing a combination of these efforts to address our current vacancies and develop a long term competent staffing component for the future of our Public Works service commitments.

Step one of the proposed solution would require Council authorization to create and appoint a new Deputy Public Works Director. Staff has had some on-going dialogue with an individual in another city; which possesses all of the certification necessary for our requirements, has impressive educational credentials, former supervisory experience, but limited direct overall public works exposure. However, this individual is relatively familiar with the City of Willows and available to work within the proposed wage scale and participate in the management imposed voluntary furlough program. With a moderate amount of general supervision, mentoring on broader public works issues and exposure to greater engineering criteria specific to streets, construction, storm drains, etc., this individual could very quickly assume the role of Public Works Director for the City. This methodology has been employed by the City of Willows previously and it has been extremely successful for the organization and the community as well.

Step two will require a well-qualified mentoring figure, most specifically in the form of calling back our former Director Greg Tyhurst on a part-time consulting basis in full compliance with PERS statutes concerning hour limits, etc. Although it is necessary for Mr. Tyhurst to completely vacate his position with the city for no less than sixty days immediately following retirement, he would ultimately be available to return on some limited scope & justifiable basis. Staff believes it is essential to have him available over the next twelve to eighteen months to monitor and actively participate in the Time- Schedule Order issued by the Regional Water Quality Control Board (RWQCB) in conjunction with our WWTP permit and discharge compliance standards. Once again, this is essentially mimicking the contractual basis of Public Works in Live Oak, however do keep in mind they also are one of the five small Northern Cities impacted by the recent reversal of agriculture drain exemption in the "Basin Plan" by the RWQCB. Although it is significant to note that Mr. Tyhurst has agreed to a compensation rate some twenty percent less than Live Oak currently pays for their PWD services. It is anticipated he would return on an as-needed basis to assist with specific public works requirements, however it is not anticipated this would require more than ten hours per week under normal circumstances. Furthermore it is not structured to have any additional impact on the general fund component of the Public Works Services area.

Steps two and three were immediate day-to-day operations impacts within the Public Works Department and they have already been addressed by management intervention. The retirement of Brian Taylor and Greg Tyhurst on the same day last week, essentially left the department without any formally appointed supervisors to direct the work of staff on a day-to-day basis. Therefore at the direction of the City Manager on Tuesday, March 6<sup>th</sup> a provisional appointment was made naming James Corneliussen as the new Public Works Superintendent. However, this appointment left the secondary crew-leader position of Maintenance Worker II vacant. Therefore, the City Manager additionally promoted/appointed Natisa Davidson into this vacant crew-leader position. Both of these employees have outstanding service records with the City of Willows, have demonstrated exceptional devotion to the performance of required assignments and possess a combined history of twenty years of specific public works knowledge within the department and the City of Willows. Although these are provisional assignments, it is the City Manager's expectation that both employees will enthusiastically embrace the opportunity and challenges of advancement. Both will grow comfortably into their new roles within the department and become part of the overall success in re-structuring our Public Works Services commitments.

Finally, with the provisional appointments of two incumbent staff members, the city has inadvertently created an entry level vacancy within an already severely depleted public works crew. As part of the retirement incentive program, staff assumed an overall reduction in Public Works Staffing of three employees. However, as a result of the five retirements; with only one newly created replacement position and two incumbent promotional appointments, the ultimate staffing level was effectively reduced from ten employees to the current level of five employees. Even with the creation of the New Deputy Director we are still short one employee. Therefore staff is requesting immediate approval to recruit and appoint an entry level public works member to fulfill our community service commitments during the extremely busy summer and fall demand cycles. It is understood that the promotional opportunities were provisional however we

cannot postpone the immediate replacement of an entry level worker. Management will monitor the situation closely and make any future adjustments that may become necessary. However it is extremely important to replace the staffing component to the anticipated level before the beginning of the busy park activity season. Therefore, staff is respectfully requesting approval of the four steps outlined and authority to make immediate appointments as necessary to meet the community service expectations.

Although a moderate amount of salary savings may ultimately result in the four step process outlined, staff is not able to quantify that amount at this time. However, it is possible to assure that funding required in this re-structure will not exceed any General Fund monies already appropriated in the 2011/2012 fiscal year work plan. Funding for the Director/Consultant Contract would be paid solely from Sewer Enterprise Fund, as the vast majority of these activities are directly related to the sewer enterprise system operation; collection, treatment and discharge/permitting obligations.

Council discussion ensued and the Council indicated that they thought this sounded like a very good plan for restructuring the Public Works Department and that over time there should be somewhat of a cost savings to the City.

County resident Jeff Williams addressed the Council and had a few questions. He stated that when he was reading the information in the Staff Report it said the hours allowed for the former Public Works Director to return are for a maximum of 960 hours a year at \$55.00 per hour and he asked the City Manager if that was correct. The City Manager stated that that was correct. Mr. Williams then pointed out that if a person worked this many hours and at that rate of pay, they would make approximately \$52,800 annually. The City Manager clarified that if Mr. Tyhurst were to return, he anticipates he may work a maximum of ten hours per week and will in no way achieve the maximum of 960 hours during his training of the Deputy Public Works Director. Mr. Williams then asked the City Manager what the salary of the Deputy Director would be. The City Manager stated that the range of pay for that position has been established at \$4492 per month at step "A" up to \$5460 per month at step "E". Mr. Williams expressed that he was curious how this was going to be a savings to the City. He then asked if there was an interview process involved in upgrading the two positions that were promoted. The City Manager stated that there was an application process involved for the Superintendent's position. He further explained that the appointments that were made to the Superintendent position and to the Maintenance Worker II position were provisional and they were made in compliance with the City's personnel rules and regulations which allow for the City Manager to fill positions on an emergency basis and that is what he did.

Additional discussions occurred among the Council, and for clarification purposes, Council Member Taylor-Vodden noted that the City Council is not included in the hiring or promotion process for City Staff. That is one of the City Manager's responsibilities. The City Council is merely responsible in the creations and/or eliminations of positions/titles, but they have no direct involvement in who is ultimately chosen for the positions. Council Member Yoder asked if the City Manager intended to keep the position of Deputy Director of Public Works, once the Director position was filled. The City Manager stated that it was his intent that once the Deputy

Director would presumably and eventually be promoted to the Director position, the Council would then eliminate the Interim Deputy Director Position.

Once discussions ceased it was **moved** by Council Member Hansen and **seconded** by Council Member Yoder to authorize the City Manager to create, recruit and appoint a new Deputy Public two incumbent members of the Public Works Department. The motion unanimously passed.

**12. Council Member Reports:**

Council Member Hansen thanked Chiefs Spears and Peabody for assisting in the Memorial Service that was held for Bill Carter. Bill had a long career in law enforcement and will be missed.

Council Member Taylor-Vodden asked the City Manager if he knew the status of the Wal-Mart sign project promoting the Downtown Business District and drawing people to that area that is supposed to eventually be prominently displayed at the Wal-Mart Super Center. The City Manager stated there were a few more details that needed to be added to the sign before it is finished and once completed, it will come back before the Council for final approval.

Vice Mayor Cobb reminded everybody of the Wal-Mart Super Center Grand Opening that would be taking place the following morning beginning at 8:00 a.m. He also stated that the two new signal lights on Hwy 162 between Humboldt Avenue and Wal-Mart are up and operational, so he urged everybody to drive with caution.

**13. Executive Session: None**

**14. Adjournment: Vice Mayor Cobb adjourned the meeting at 7:46 p.m.**

Dated: March 13, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider