

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD
October 22, 2013

1. Mayor Cobb called the meeting to order at 7:02 p.m.
2. **PLEDGE OF ALLEGIANCE:** Mayor Cobb led the Pledge of Allegiance. Following the Flag Salute, Mayor Cobb asked everybody to remain standing to observe a moment of silence for Edward Peabody, local businessman and father of Fire Chief Wayne Peabody, who recently passed away.
3. **ROLL CALL:**

<u>Present:</u>	Domenighini, Taylor-Vodden, Mello, Hansen, & Mayor Cobb
<u>Absent:</u>	None
4. **Agenda Review:** It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to accept the October 22, 2013 agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** Members of the Monday Afternoon Club and the Willows Kiwanis Club presented Fire Chief Wayne Peabody with a brand new thermal imaging camera. Through fundraising efforts, the two groups were able to make this purchase for the benefit of the Willows Fire Department and the Willows Community. Chief Peabody and the Council thanked the groups for their generous donation to the City.
6. **Public Comment/Written Communications:**

The following person(s) spoke during public comments:

Stephanie Southam, representing the Willows Monday Afternoon Club, announced that the next fundraiser that the Monday Afternoon Club will be holding is a Bunco Night on Thursday, November 14 at 5:00 p.m. She stated that these fundraisers have been an amazing success and a very fun event. There will be a potato bar and raffles and they will be raffling off a Kindle Fire. Tickets for the event are \$10.00 in advance or \$12.00 at the door.

Jeff Williams, of the audience, reported that he attended the Department of Public Health's Public Hearing in Sacramento regarding the new proposed legislation to lower the acceptable levels of Chromium 6 in the drinking water. He stated that Council Member Mello was also in attendance and that he did well representing the City of Willows when he spoke during the hearing.

7. **Consent Agenda:**

It was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor Vodden to approve the Consent Agenda as presented. The motion passed, with Council Member

Hansen abstaining on item 7(b) only, as he was not yet a seated member of the City Council during the meeting of September 24, 2013. The following items were approved/adopted:

- a) Approval of General, Payroll and Direct Deposit Check Registers (26623-26677;Z04664-Z04701; 32808-32824).
- b) Approval of the Regular City Council Meeting held September 24, 2013.
- c) Approval of cancellation of the regular Council Meetings of November 26 and December 24, 2013.

8. Public Hearings:

- a) Proposed Rate Increase for Solid Waste Collection:

This is an annual routine item under the City's Franchise Agreement with Waste Management. Waste Management is entitled to seek recovery of cost impacts of their operations under three items in the agreement. One of those items is a CPI increase based on the Department of Labor Consumer Price Index for all urban customers within the Western States Index area. Another item is fuel impacts and the third item is tipping fees.

What is before the Council tonight is a request for an offset for the increases in the CPI during the past year, from August 2012 through August 2013, and the specific impact in CPI was a 1.54% increase in rates. The adjustment also calculates fuel adjustment and the fuel adjustment from the past year was actually a decrease of .35%. The overall rate adjustment in this request is 1.19% which would become effective December 1, 2013. For Willows residential customers that impact amounts to an increase of about \$0.19 per month or \$2.28 per year.

In addition to the calculations of the rates, Waste Management has proposed that the Council considers a minor alteration to the franchise provision to the bag & tag program. Unfortunately, there is not a great deal of data that the City has because Waste Management does not track how many residents utilize the bag and tag program throughout each year. Waste Management made a similar proposal to the City of Orland and Orland has chosen to eliminate the bag & tag program and instead, they went with an annual clean-up day provided at no extra charge by Waste Management. There may be some mixed perspectives on which of the two programs would be better, but this was a request made to the City by Waste Management and the Council should discuss this item and come up with some type of response to give to Waste Management on which route they would like to go. Community clean-up events have been very successful in the past and staff would prefer to have this event scheduled during the annual Weed Abatement program, thus allowing residents the opportunity to clean up properties at no additional charge for dump fees, etc. It was requested that the Council conduct the public hearing on the rate increases and the potential changes to the bag and tag program and upon conclusion of the hearing, have discussions among the Council on this item. Matt Fryer, District Manager for Waste Management, was in attendance and could answer any questions the Council may have.

Mayor Cobb opened the public hearing at 7:15 p.m. and the following people spoke:

City Clerk, Natalie Butler, speaking as a citizen, stated that she does like the idea of an annual clean-up day, but she requested that if the Council opts to discontinue the bag & tag service and instead decides to have an annual community clean up event, that the Council would request of Waste Management to allow those people who utilize the bag and tag program to continue to do so until such time as they use up all of their tags.

Jeff Williams, of the audience, stated that he would like to get a bit more information about the annual clean-up day and what the parameters are before the Council makes a decision, because he stated that he likes the bag & tag program.

Doug Ross, of the audience, stated that he would like to note that those multiple-agency things that he has seen at the likes of Wal-Mart, although he doesn't want to finger Wal-Mart, is a place where people can take their unusual items even one day a year. He wanted to note that this was his shortest delivery ever on record.

Mayor Cobb closed the public hearing at 7:17 p.m.

Matt Fryer, District Manager for Waste Management, addressed the Council and he stated that the reason Waste Management proposed the annual community clean-up event is because they only see about 25 or 30% of people participating in the bag and tag program. The cost associated with printing the tags and mailing them out to the customers is pretty high and Waste Management would rather provide an annual clean up event, which he believes would be more beneficial to the community than the bag and tag program. Waste Management provides this service in nearly every other community in the area in which he manages, and typically City Code Enforcement also gets involved to help some of the folks that don't have a means to transport their disposable items to the clean-up event. As far as the parameters, he stated that the event date is typically set by the City and Waste Management will accept just about anything with the exception of household hazardous materials and tires, which require special permitting to accept. He stated that he is not opposed to people who already have the tags to continue to use them.

Discussion ensued among the Council, Staff and Mr. Fryer. It was the consensus of the Council to change from the bag & tag program to a Community clean-up event for a trial period of one year (2014) and the Council will evaluate its success and will revisit this item next year when the rate increases come before them again for review. It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to adopt a Resolution adopting refuse collection rates, approving amendment to residential & commercial rate schedules as provided within the provisions of the franchise agreement approved November 28, 2006 with a request that the record reflect that the bag and tag program will be suspended for the year 2014 and will be replaced with one annual community clean-up event and that the Council will revisit this item next year when the rate increases come before them again. The motion unanimously passed.

- b. Adoption of 2013 California Fire Codes - Conduct the required public hearing and consider passage of second reading and adoption of an Ordinance to adopt the 2013 California Fire Codes:

Mayor Cobb opened the public hearing at 7:41 p.m. and hearing not comments, subsequently closed the public hearing at 7:41 p.m. It was **moved** by Council Member Hansen and **seconded** by Council Member Domenighini to read the Ordinance next in line by title only. The motion unanimously passed. It was then **moved** by Council Member Hansen and **seconded** by Council Member Domenighini to pass second reading and adopt an Ordinance entitled “**An ordinance of the City Council of the City of Willows, repealing, replacing, and/or amending certain sections of Chapter 15.15 of the City of Willows Municipal Code, to adopt by reference and amend certain portions of the 2013 California Fire Codes and approve the local findings as set forth in the codes with the remaining sections currently in place to remain unchanged**”. The motion unanimously passed.

- c. Adoption of 2013 California Building Codes - Conduct the required public hearing and consider passage of second reading and adoption of an Ordinance to adopt the 2013 California Building Codes:

Mayor Cobb opened the public hearing at 7:44 p.m. and hearing not comments, subsequently closed the public hearing at 7:44 p.m. It was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to read the Ordinance next in line by title only. The motion unanimously passed. It was then **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to pass second reading and adopt an Ordinance entitled “**An ordinance of the City Council of the City of Willows, repealing, amending and/or creating specific sections of Chapter 15; Sub-sections 15.10, 15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.60, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91 and 15.95 of the City of Willows Municipal Code, and adopt by reference and amend certain portions of the 2013 California Building Code Standards**”. The motion unanimously passed.

9. **Ordinances:** Actions taken under items 8 (b) and 8 (c).

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

The City Manager reported that the City’s new street sweeper is scheduled to arrive this week. He also reported that the Public Works Department will commence the annual leaf pick-up program beginning on November 12 and running through December 13.

The City Manager stated that typically in years past while the City was furloughed on Fridays, City Hall would close their administrative offices during the week between Christmas and the New Year Holiday by moving some holidays around to allow a week-long closure without employees having to use any leave time. If there is not an objection by the City Council, staff would like to bring an item back at the next Council meeting for discussion and consideration which would propose closing City Hall starting on December 24 and reestablishing business on January 2, but it would require all staff members to utilize annual leave time. It was the consensus of the Council to have this item agendized and brought back to the Council for discussion and action at the November 12, 2013 City Council Meeting.

Lastly, the City Manager stated that he believes it is an appropriate time to take a group City Council photo of the current Council, as next year there could be changes to the body of the Council. It was decided that just prior to the next Council Meeting on November 12, group photos would be taken.

Council Member Taylor-Vodden reported that last Saturday on her way to Thunder Hill racetrack, she took a detour to check out the flea market that is put on by Holly Myers and others. She said it is really a wonderful event and it was hugely attended. She commended Holly for this hugely successful event and she encouraged everybody to attend the event next year.

11. New Business:

a) Property Tax Assessment Fee (PTAF) Settlement with Glenn County:

The City recently received a check from Glenn County in the amount of \$108,000 for improperly withheld property tax revenues. Of the \$108,000, \$3000 shall go to the library as an augment to the current Fiscal Year's established budget. This leaves \$105,000 that the Council has many options at their discretion concerning how best to allocate this unanticipated funding in the current fiscal work plan. Staff has identified a few priority items from a management perspective. These recommendations include:

1. Consider directing \$10,000 to the Public Works City Hall Maintenance Fund for the preparation, bidding and sealing the parking lot overlay payment project; allowing for contingencies and other upgrades to potentially include landscaping and signage upgrades.
2. Consider directing \$20,000 to the replenish funding in the GWIL/Façade Improvement & Business Incentive Funds for the Downtown Commercial Core, as Downtown Business Development should remain an on-going priority of the City. Currently there is approximately \$4500.00 remaining in this fund.
3. Consider direction an amount not-to-exceed \$65,000 in funding for comprehensive citywide software and necessary hardware upgrades and enhancements to replace our existing, antiquated financials database and networking platform. This would bring all city departments and functions up to current market technologies and advance/enhance all functional service areas.
4. Reserve \$10,000 in General Fund reserve for potential allocation toward community benefit projects to be identified/determined during upcoming budget development workshops.

It should be noted that these allocations would have zero impact on the currently adopted Fiscal Year budget.

Council discussion ensued. Council Member Hansen stated that he absolutely agrees with the City Manager's recommendations. The City's IT system is antiquated and it is no way to conduct business. He supports upgrading the City's IT system as a top priority for the City, including the addition of setting up city email addresses for all Council Members and allowing

them to access their city emails from their own personal computers. This is a professionally operated City and the Council Members currently must use their own personal emails, which is not very convenient, so he would like to see this dove-tailed onto the IT upgrades. As far as the resurfacing of the parking lot at City Hall, he believes this is also a necessity, as City Hall maintenance has had to be deferred in past years due to financial constraints and now the City has the funds to expend for this project.

He also likes the idea of replenishing the GWIL/Façade improvement Funding, as well as the reserve of \$10,000 in General Fund reserve for potential allocation toward community benefit projects. He likes all of the recommendations in the proposal as they have been presented.

Council Member Mello had some questions about the City's current software and if the City were to upgrade to a new system, what the procedures would be as far as installation, training, implementation and ongoing technical support. The Finance Director and City Manager addressed his questions.

Council Member Taylor-Vodden stated that she is happy with all of the suggestions and recommendations proposed to the Council. She agrees that the City's IT is woefully inadequate and it is time to upgrade. She also likes the idea of resurfacing the City Hall parking lot because when she pulls into City Hall she sees all of the other upgrades that have been done to the trees and the landscaping, and she agrees that the parking lot is in dire need of resurfacing. She believes this money is a good windfall to use to get these projects underway and now is the time to do it. She believes that all of the suggestions proposed are good suggestions.

Council Member Domenighini stated that these are all worthy needs, and he is not disagreeing with that. However, this money came out of the reserves to begin with, so he would like to the Council put this discussion off until after the Council's mid-year budget review when the Council sets a reserve policy. He just wants to make sure all of the City's expenditures fit into a Master Financial Plan. For the software upgrade he would like to see a Technology Improvement Plan so the Council has an idea over the long term what, if anything, the City needs to be budgeting every year for technology. He also agrees that the parking lot needs to be improved, but again, he would like to see how that fits in with the Capital Improvement Maintenance Plan for the other City parking lots and streets. Really what it comes down to is that he wants to see how this refund, which he doesn't actually consider a windfall, fits in the City's overall strategy of the financial health of the City. His preference is to hold off on a decision until after mid-year budget review.

Mayor Cobb stated that he understands what Council Member Domenighini is saying and he can appreciate his thought process on that and he believes it is very strategic and prudent. However, he also believes that all of these proposed recommendations that have been brought up tonight are long overdue. He believes it is time to take action on these items now.

Council Member Taylor-Vodden stated that she would normally agree with Council Member Domenighini that the City needs to pump up reserves, but she also agrees that these things are long overdue and the Council has put them aside to a point that she believes this is an opportune time to have the means to do something quickly and efficiently.

It was **moved** by Council Member Hansen and **seconded** by Council Member Mello that the proposal submitted to the City Council concerning the allocation of a \$108,000 funding award in conjunction with the PTAF Settlement Agreement between Glenn County, City of Orland and the City of Willows be approved as submitted. The motion passed 4/1, with Council Member Domenighini voting nay.

b) Rice Land Lease:

Since 2004 the City of Willows has leased approximately sixty acres of farm lands to local resident Tony Hobbs for the sole purpose of rice farming. The land is located adjacent the Southeasterly corner of the city limits at the Willows Wastewater Treatment Plant. In 2008 the Rice Lease was modified to extend the term of the agreement for five year increments. The current lease agreement will expire on November 30, 2013. Staff is seeking Council authorization to publically announce this opportunity and solicit bids for a new lease term. Bids will be solicited through the end of November, with an anticipated award to take place at a public hearing conducted during the December 10, 2013 regular Council Meeting. A new lease could commence immediately thereafter, with an anticipated termination of November 30, 2018.

Brief Council discussion ensued and it was **moved** by Council Member Mello and **seconded** by Council Member Taylor-Vodden to direct staff to advertise the available opportunity to lease City Property for purposes of rice farming in accordance with the terms and conditions specified in the Rice Lease Agreement. The motion unanimously passed.

c) Planning Commission Vacancies/Appointments:

Two seats on the Willows Planning Commission will become vacant on December 31, 2013. In accordance with the Willows City Code, appointments to the Planning Commission are made by the Mayor with the approval of the Council. Appointments to the Planning Commission are for a four-year period and the two appointments will be for the period of January 1, 2014 through December 31, 2017.

Staff is seeking Council approval to begin to advertise for the two available Planning Commission seats, and approve a proposed schedule and procedures for appointment of two individuals to fill the expiring terms of currently seated Commissioners Amy Alves and Peggy White on the Planning Commission and also to select two Council Members to serve as a Selection Committee to review and screen applications, conduct interviews, and make a recommendation for appointments of the two individuals they deem most qualified to serve at the City Council Meeting on December 10, 2013.

It was the unanimous consensus of the Council to direct Staff to begin soliciting and accepting applications for these seats and that Commissioner Domenighini and Vice Mayor Taylor-Vodden would serve on the subcommittee.

d) Council Committee appointments for 2013/2014:

This item was agendized at the request of Council Member Domenighini during the October 8th regular Council Meeting in order to review the various committees which Council members serve as representatives. Due to the early resignation of former Council Members Spears, this left some committee vacancies and Council Member Domenighini requested that these vacancies be filled prior to the end of the year.

According to the Minutes of December 11, 2012, there was Council action taken appointing Council Member Hansen to various committees and commissions with a note of explanation provided which stated that upon Council Member Hansen's ultimate departure of the Council and upon Council Member Spears' sworn acceptance to his elected seat, Council Member Spears would assume Council Member Hansen's committee and commission assignments. That replacement occurred on January 2, 2013. Then this past August, former Council Member Spears informed the Council that he would be giving up his elected seat on the Council, leaving 3+ years still remaining on his term of office. Subsequently, Council Member Hansen was appointed to complete the remainder of Spears' term, which could intuitively suggest that he has already been appointed to these committees by majority consensus of the current Council last December. Therefore, it would appear no additional Council action would be required at this time and Council Member Hansen would simply assume the 2013 committees and commission assignments he was originally given in December of 2012.

However, since the Council does review the appointments annually, it may be appropriate at this time to address the 2014 reorganization and committee appointments. There is no policy requirement to alter or change committee appointments or assignments, therefore, should it be the pleasure of the Council for all members to keep their current assignments throughout December of 2014, a complete reorganization and appointment confirmation could be made by motion and majority affirming vote to keep the Council Committee assignments the same throughout the 2014. This would, however, be a decision by the Council if this is what they would like to do.

Council discussion ensued. Council Member Hansen stated that it is his opinion that Mayor Cobb and Vice Mayor Taylor-Vodden have done exceptionally well in their term of office as Mayor and Vice Mayor and he commended them both for their steadfast dedication and the ways they have conducted themselves on the Council. He stated that he would personally like to see both of them remain in their current seats as Mayor and Vice Mayor in the year to come. As far as the committee assignments, he is willing to discuss this with his colleagues, as there may be some preference on considering some movements there. But he believes that the Mayor and the Vice Mayor, if they are so willing, should continue on for a second respective term in their roles. Mayor Cobb stated that he would be willing to serve as the Mayor for an additional year and that he is honored by Council Member Hansen's compliment. Vice Mayor Taylor-Vodden, stated that she too is very thankful for the endorsement and that she would be willing to serve a second term as the Vice Mayor.

Mayor Cobb then stated, as it pertains to the current Council committee assignments, that he personally believes that all of the members are very well suited for each of their current appointments. He agrees that Council Member Hansen should pick up the assignments formerly held by former Council Member Spears. Vice Mayor Taylor-Vodden stated that she concurs and

she too would like to see the same assignments continue into the 2014 year. Council Member Domenighini stated that he is happy with his current assignments but he just wants to see somebody on the Transit Committee and Transportation Commission to serve along with him. Mayor Cobb stated that those assignments would be given to Council Member Hansen. Council Member Mello stated that he is on the Public Safety subcommittee, which he enjoys, but he also believes in putting people in positions where they understand the lingo and he believes perhaps Council Member Hansen would be better suited in that position than he would be. Council Member Hansen stated that he would be happy to pick up that assignment if Council Member Mello is willing to give it up. The City Manager interjected, stating that staff would have to enter an objection to there being any change to the make-up of Public Safety subcommittee assignments at this particular time. Unfortunately, he is not at liberty to say anything beyond that, except that staff would have an objection to making that change at this time.

It was **moved** by Council Member Hansen that the current structure of the City Council, as far as the office of Mayor and Vice Mayor and the committee assignments remain the same for the year 2014.

Council Member Domenighini asked if this item should be agendized before any action is taken, because the office of Mayor and Vice Mayor are not on the list of committee assignments that are being considered during this meeting. The City Manager stated that what the Council is doing this evening is reorganizing the Council for the year 2014, which includes the office of Mayor and Vice Mayor. Council Member Domenighini stated that had concerns regarding a Brown Act violation because the agenda doesn't specifically identify anything about the office of Mayor and Vice Mayor. The City Manager stated that Council can bring this item back at a future meeting, however, he doesn't believe there is a violation, as the Council reorganizes on an annual basis – which includes the Mayor & Vice Mayor positions - but it is ultimately up to the pleasure of the Council. Council Member Domenighini stated that he would like to have the Mayor and Vice Mayor appointments agendized for the next meeting just to ensure that the Council wasn't doing anything illegal. He is concerned that since it is not specified on tonight's agenda, he just doesn't want to kick up any dust, and that is his only concern. Council Member Hansen stated that although this is just a technicality, he agreed that in order to be cautious the item should be placed on the next meeting's agenda to appoint the Mayor and Vice Mayor and consider only the committee assignments at tonight's meeting. It was the majority consensus of the Council that the re-appointment of the Mayor & Vice Mayor for 2014 be placed on the next regular City Council Meeting agenda for consideration and action.

Council Member Hansen **amended his motion** and **moved** that the Council committee assignments for 2013 shall remain in effect for the calendar year 2014. Council Member Domenighini **seconded** the motion. The motion unanimously passed.

12. Council Member Reports:

Council Member Mello reported that he attended the California Department of Public Health's (DPH) Public Hearing in Sacramento on October 11 regarding the proposed new legislation to lower the allowable levels of Chromium 6 in the drinking water from 50 parts per billion to 10 parts per billion. He stated that he spoke during the Public Hearing and touched on some of the

important bullet points that were in the letter that the City Council prepared for the DPH. His feeling is that it is inevitable that the State will pass the legislation; it is just a matter of when and how it will be implemented. He also announced that on Halloween evening the Willows Christian Church and the First Baptist Church will be hosting a trunk-or-treat event.

Council Member Hansen stated that he also attended just a portion of the DPH Public Hearing. He stated that there was one theme that was consistent throughout all of the speakers, which was that there is no scientific basis for the requirement to lower the levels of Chromium 6. That said, he does in fact agree with Council Member Mello's belief that the State will still likely pass this proposed legislation, regardless of the fact that there is really no scientific basis for the requirement. He also reported that he recently attended the 20-year anniversary celebration of Thunder Hill Raceway and it was a very nice event.

Vice Mayor Taylor-Vodden reported-out the outcome of a Special Meeting of the Public Safety subcommittee held on October 4 when an Executive Session was conducted. She announced that immediately preceding the meeting, Police Chief Dahl placed an Officer on Administrative Leave pending the outcome of an Internal Investigation. Upon learning of the circumstance, the City Manager immediately called for a Special Meeting to inform the subcommittee of his decision to remove himself from any involvement in the process and any subsequent actions requiring his participation regarding the outcome of the ongoing investigation. The City Manager has therefore delegated all his authority regarding this special circumstance to the members of the subcommittee consisting of her and Council Member Mello, which by virtue of their Council status, will function as immediate supervisors. The subcommittee has accepted this responsibility as provided under the Willows Municipal Code, and shall hereafter function as the City Manager's delegates regarding all personnel actions required in conjunction with this singular circumstance and the Internal Investigation. Any and all questions should be directed to Chief Dahl and/or members of the subcommittee only. This statement is required by State Statutes as provided to advise the City Council and the public of the circumstances known to date. She reiterated that any and all questions should be directed to Chief Dahl and to members of the subcommittee only and not to the City Manager or to any of the three remaining Council Members.

Council Member Domenighini thanked Council Member Hansen for agreeing to serve on the Transportation Commission and Transit Committee. He also gave a report on the last Commission and Committee meetings.

13. **Executive Session:** None

14. **Adjournment:** Mayor Cobb adjourned the meeting at 8:58 p.m.

Dated: October 22, 2013

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider