

CITY COUNCIL

Jeffrey T. Cobb, Mayor
Terry Taylor-Vodden, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
William "Bill" Spears, Council Member

CITY MANAGER

Steve Holsinger

CITY CLERK

Natalie Butler



201 North Lassen Street
Willows, CA 95988
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www.cityofwillows.org

CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, August 13, 2013

7:00 p.m.

1. Call to Order Willows City Council Regular Meeting - 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review: (Requested Changes by Council or Staff).
 - a) Consider acceptance, by motion, of City Council August 13, 2013, Agenda.
5. Presentations & Proclamations:
 - a) Christine May, Resource Development Coordinator of the American Red Cross, will present a Certificate of Recognition to Ethan Mendes for his donation to the organization.
 - b) Barbara LaDoucer will present the Council with a Certificate of Appreciation on behalf of the American Legion Auxiliary.
6. Public Comment / Written Communications: Members of the public wishing to address the Council on any item(s) *not on the agenda* may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless placed on a future agenda. *(Public Comment is generally restricted to three minutes).*
7. Consent Agenda: Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
 - a) Consider approval of General, Payroll & Direct Deposit Check Registers.
 - b) Consider approval of the Minutes of the Willows City Council Regular Meeting held July 9, 2013.
 - c) Consider approval of the Minutes of the Regular City Council Meeting held July 23, 2013.
 - d) Consider adoption of a Resolution amending the compensation plan and authorizing the termination of the voluntary furlough program for all Unrepresented City Employees and excluding City Council Members and all other Elected or Appointed members of the City of Willows Boards and Commissions.

8. **Public Hearings:** None
(Persons wishing to speak on a Public Hearing item are asked to approach the microphone to address the Council and limit comments to three minutes. Although not required, it is also requested that you please state your name for the record).
9. **Ordinances:** None
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**
11. **New Business:**
 - a) Consider approval of the allocation of \$15,000 from the Sewer Enterprise Fund to support the Basin Plan Amendment process.
12. **Council Member Reports:**
13. **Executive Session:** None
14. **Adjournment:**

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before August 9, 2013.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

July 9, 2013

1. Mayor Cobb called the meeting to order at 7:01 p.m.
2. **PLEDGE OF ALLEGIANCE:** Police Chief Jason Dahl 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 Taylor-Vodden and **seconded** by Council Member Domenighini to accept the July 9, 2013 agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:**
 - a) Mayor Cobb presented a “Parks Make Life Better” Proclamation to Recreation Director, Carol Lemenager, in recognition of July as National Parks and Recreation Month.
 - b) Mayor Cobb presented a Plaque honoring Melba Gollnick, Epsilon Sigma Alpha Sorority, Community Volunteers, Civic Organizations, and Individuals for the roles they played in the development of Jensen Park.
6. **Public Comment/Written Communications:**

Mayor Cobb opened the Public Comment Period. The following individuals addressed the Council:

Jeff Williams stated that he disagreed with a Council decision that was made at their meeting held on June 11, 2013.

Doug Ross stated that there are several small children that frequently cross the street at the intersection of Green Street and North Humboldt Avenue – many that don’t pay attention to oncoming traffic. He suggested perhaps there should be either street markings or signs placed in that area that would alert motorists that there are children in the area.

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 (26166-26236; 32611-32639; Z04370-Z04447).
- b) Adoption of a Resolution ratifying a Memorandum of Understanding (MOU) between the City of Willows and the Willows Employees Association.

8. **Public Hearings:** None

9. **Ordinances:** None

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

Public Works Director Skyler Lipski informed the Council that he has recently communicated with the group that was in charge of eradication of the egrets and herons in the City this spring. The group informed him that they have concluded their efforts for this season.

Council Member Mello reminded the Council that back in April they were given a draft complaint policy by the City Manager for them to review, and that item is still unresolved. He also 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 next week to discuss this topic again and he will give the Council a more comprehensive report at a future meeting.

Mayor Cobb indicated that with regards to the banner pole discussion, the Council was still waiting on the survey results that the Chamber of Commerce agreed to conduct with the downtown businesses to see if they would be willing to pay an additional \$10.00 per year surcharge on their business license renewals in order for the City to recover costs if they were to replace the banner poles. Council Member Mello concurred and stated that was correct.

Mayor Cobb then questioned Council Member Mello's statement about the draft complaint policy and he inquired what Council Member Mello would like to see done with that. Council Member Mello stated that he has failed to really review the draft and he wonders if others may have also failed to review it. He stated it is still just lingering and the Council should probably do something about it and move on.

The City Manager then clarified that he provided the Council with the draft complaint policy and where it was left was the Council was supposed to provide him with any comments or edits to the draft policy. The City Manager would then summarize the comments and edit the draft accordingly and resubmit a revised draft back to the Council so that they could begin to finalize the policy in some manner. To date, the City Manager stated that he has not received anything from any member of the Council since he distributed the original draft months ago. The last discussion that the Council engaged in on this topic was prior to the budget being passed and there was a suggestion to table the item until after the budget was adopted. Council has since adopted a new budget, therefore, now would be an appropriate time to commence some discussion but he is still waiting for some feedback that would provide Staff direction so he could give the Council a tool to work with.

Council Member Spears reiterated what the City Manager and Council Member Mello said and stated that this is unfinished business that the Council needs to move forward with and decide where they want to go on this topic. He also stated on the subject of the banner poles, that he was contacted by a merchant who said that the poles have to do with the nostalgia of downtown

and the imagery of downtown and keeping the look of the old downtown. His suggestion to the merchant was that they should share their comments about the banner poles with the Chamber of Commerce, since the Chamber is conducting the survey.

11. New Business:

- a) Discussion and direction regarding a request by the Willows Car and Bike Association to place a memorial at Jensen Park:

Staff received a letter from the Willows Car & Bike Association President, Kevin Nelson, requesting the Association's desire to place a memorial at Jensen Park in memory of Bill and Charlene Shields. The request is to pour an 8 foot by 10 foot colored granite slab close to the Rotary Gazebo and to place a dedication plaque secured within the slab. Hopes are that the place of honor will have a bench or picnic table to be placed there for people to enjoy and to enhance this area of the park. The concrete slab would be level to the ground as to avoid any tripping hazards. Kevin Nelson was available at the meeting to address any questions of the Council. Mr. Nelson indicated that, if approval is granted by the Council, it is the Association's desire to have the slab and the memorial plaque project completed prior to this year's annual Car and Bike Show in order that the Association could perform a formal dedication of the memorial. Brief Council discussion ensued and it was the unanimous consensus of the Council to allow placement of the memorial in Jensen Park.

- b) Consider a Resolution authorizing the City Manager to sign a Professional Services Agreement with Quincy Engineering for professional engineering services associated with the reconstruction of North Butte Street and North Sacramento Street:

In an effort to continually upgrade the City's infrastructure, staff identified that North Butte Street (between East Willow Street and East Wood Street) and North Sacramento Street (between East Sycamore Street and East Wood Street) are in need of reconstruction. Both of these street segments qualified for both state and federal funding. Reconstruction of both North Butte and Sacramento Streets includes reconstruction of the structural section of the roadways (both paving and base sections.) In addition to paving, the project will also include replacement of any damaged curb and gutter, as well as sidewalk upgrades for any damaged sidewalks. Installation of new sidewalks is also to be included to fill in existing gaps where no sidewalk currently exists. Curb access ramps will also be evaluated for compliance with ADA standards and, if it is found that ramps are out of compliance, they will be replaced.

In addition to the road structural section rehabilitation, staff has found that the existing 8-inch sewer line in North Sacramento Street within the project boundaries is in need of replacement. In addition to the sewer main, all sewer laterals (from the main line to behind the curb and gutter) will need to be replaced.

Because this project will utilize state and federal funding for the street portion of the work and to ensure the City will qualify for reimbursement, staff prepared and circulated a Request for Proposal (RFP) for the purpose of identifying a qualified consultant/team that can assist the City with engineering design services related to this project. RFP's were sent to four firms that staff felt were capable of performing the work. In response to the RFP, the City received two

proposals. In reviewing and ranking the proposals, staff unanimously determined that the most qualified firm was Quincy Engineering out of Sacramento. Quincy demonstrated experience with similar projects and their proposal was very complete and responded to all required points shown in the RFP.

Staff has recently submitted for approval of funding from Caltrans to proceed with the engineering portion of the two street reconstruction projects. It is anticipated that authorization from Caltrans will be received in the next week or two. Accordingly, staff is recommending that the City Council authorize the City Manager to sign the agreement with Quincy Engineering once authorization is received from Caltrans.

If approved, the engineering for both streets and the sewer line replacement should be completed around December 2014 or January 2015. Construction is anticipated in late Spring 2014.

Based on staff's determination of the most qualified firm, staff entered into negotiations with Quincy Engineering to fine tune their scope of work and fee. Based on the results of the negotiation, the total Engineering Fees will be \$138,845.

The road rehabilitation portion of the project is being funded through a combination of federal and state monies. North Butte Street funding from Caltrans consists of \$29,000 for engineering design and \$3,000 for environmental document preparation (total of \$32,000). North Sacramento Street funding from Caltrans consists of \$54,000 for engineering and \$3,000 for environmental document preparation (total of \$57,000).

The engineering fee estimates from Quincy Engineering fall within the federal funding for North Butte Street; however the engineering fees for the street portion of the work for North Sacramento Street are in excess of funds from Caltrans. For the portion of the funding in excess of what the City will receive from Caltrans (\$20,980), staff is proposing that Gas Tax monies be used. The sewer replacement portion of the project (\$30,018) will be funded through the City's Sewer fund.

Preliminary estimated construction costs include \$276,000 for North Butte Street and \$661,000 for North Sacramento Street; however this number will be verified during the design of the improvements.

Staff is recommending that Council adopt a Resolution authorizing the City Manager to sign the Professional Services Agreement with Quincy Engineering for professional engineering services associated with the reconstruction of North Butte Street and North Sacramento Street once authorization for funding is received from Caltrans.

Council discussion ensued and it was **moved** by Council Member Domenighini and **seconded** by Council Member Mello to adopt a Resolution authorizing the City Manager to enter into a Professional Service Agreement with Quincy Engineering for the design of the North Butte Street and North Sacramento Street Reconstruction Project. The motion unanimously passed.

12. Council Member Reports:

Council Member Spears reported that he will be attending the Transportation Meeting on July 18 at 10:00 a.m. at the County Board of Supervisors chambers. He also stated that tonight's meeting is the first Council Meeting that has been held since Chief Dahl has been appointed as the Police Chief and he congratulated him on his appointment.

Council Member Taylor-Vodden reported that she attended a LAFCO meeting this morning.

Council Member Domenighini gave a reminder that on July 18 the Summer Reading Program will be hosting "Food and Fun for First 5" at 1:00 p.m. and he would encourage everybody to attend.

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 7:52 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 9:46 p.m. No reportable action was taken by the Council. Direction was provided to Staff.

15. **Adjournment:** Mayor Cobb adjourned the meeting at 9:46 p.m.

Dated: July 9, 2013

NATALIE BUTLER

City Clerk

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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

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Resolution _____ 2013

A Resolution of the City Council of the City Of Willows Amending the Compensation Plan and authorizing the Termination of the Voluntary Furlough Program for All Unrepresented City Employees and Excluding City Council Members and All Other Elected or Appointed Members of the City of Willows Boards and Commissions

WHEREAS, the City of Willows Personnel Rules and Regulations; adopted July 21, 1975, require the City Manager to develop a Compensation Plan for City employees; and

WHEREAS, the City Council has directed the restoration of city hall services hours; to be available Monday through Friday of each week, and

WHEREAS, the City Council finds it is necessary to terminate the voluntary furlough program in order to restore five day a week services at city hall, and

WHEREAS, the City Council has authorized the City Manager, at his sole discretion, to implement a service schedule to accommodate the city hall service hours and to hereafter maintain a weekly city hall service schedule of Monday through Friday, 8:30 am to 4:30 pm each day; excluding Holidays, and

WHEREAS, the City Council has authorized the implementation of this service schedule and the termination of the voluntary furlough program to become effective September 1st, and

WHEREAS, city management has met and conferred with the Unrepresented Employees of the City of Willows; and

WHEREAS, the agreement discussed during these sessions is attached as Exhibit "A" and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WILLOWS: authorizes the City Manager to implement the terms of the Agreement; attached as Exhibit A and made part of this Resolution, effective September 1, 2013.

It is hereby certified that the foregoing Resolution No. _____ was duly introduced and duly adopted by the City Council of the City of Willows at its regular meeting held on this 13th day of August 2013, by the following Roll Call vote:

AYES in favor of:

NOES:

ABSENT:
ABSTAIN:

Approved

Attested

Jeff Cobb, Mayor

Natalie Butler, City Clerk

Agreement Terms to End Voluntary Furlough Program

1. Employee Impacts – All Unrepresented employees on the city payroll system.
2. Effective Date – September 1, 2013 and thereafter as may be altered or modified by actions of the City Council during a formally advertised meeting for purposes of amending or modifying budget allocations, etc.
3. Actions to be implemented – full restoration of any reduction in employee wages, benefits and hours of service.
4. Contributions to PERS by employees; effective September 1, 2013 – all unrepresented employee will increase personal (employees') contributions to the Public Employees Retirement System by Four Percent (4%); bringing each employee's contribution to a minimum level of five percent (5%) or above.
5. Effective July 1, 2014 Employee Contributions to PERS will increase an additional One Percent (1%) bringing each employee to a minimum contribution level of six percent (6%)
6. Effective July 1, 2016 Employee Contributions will increase by two percent (2%) bringing each employee to a minimum contribution level of eight percent (8%) or above.
7. Subsequent additions to PERS contributions will be solely contingent upon future legislative mandates or in conjunction with Public Safety Formula requirements as may become payable under agreement between the City of Willows and the Willows Public Safety Association Agreement (MOU)
8. Restoration of Service Hours at City Hall on a five day weekly minimum providing forty hours of continuous public service: Excluding Holidays & weekends
 - a) Monday thru Friday 8:30am until 4:30pm

Employee schedules are at the sole discretion of the City Manager; who shall schedule staffing hours available to accommodate the City Hall schedule established by City Council Resolution.

9. Capping of Vacation Leave Accruals – upon adoption of CC Resolution, Vacation accruals limits will be established as follows:

- a) The City of Willows proposes a cap on accrued vacation hours to a maximum accrual of 360 hours. Utilization of hours shall occur as stated below:

An employee who has been employed by the City for less than five (5) years and who has accrued at least 240 hours of leave at the beginning of the fiscal year shall be required to use at least eighty (80) hours of leave during that fiscal year.

An employee who has been employed by the City for five (5) or more years and who has accrued at least 360 hours of leave at the beginning of a fiscal year shall be required to use at least 120 hours of leave during that fiscal year.

Employees who have accrued less than 360 hours of leave at the beginning of a fiscal year, but who reach the 360 hour limit during that year shall be required to use a certain number of hours of that leave during that year. The number of hours that must be used shall be based on a prorated amount of the minimum-use hours listed above. Any employee who fails to use the required hours of annual leave during the fiscal year shall lose those unused hours.

In the month of September following the end of the prior fiscal year, any employee who has accrued 360 hours of leave and has satisfied the minimum use requirement; shall be paid for the hours of leave in excess of 360. Upon separation, an employee shall receive compensation at his or her current salary rate for all unused earned vacation up to and including the date of separation.

Cafeteria Plan Benefit:

The City of Willows will continue to contribute at the full 100% rate of the Blue Shield Access Plus HMO to the Cafeteria Plan for all unrepresented employees during Fiscal Year 2013/14; ending June 30, 2014. Thereafter, if during any Fiscal Period subsequent to FY 2013/14, the increase in premium of the cafeteria plan basis, the Blue Shield Access Plus HMO, is greater than ten percent (10%) occurs, the Cafeteria Plan Benefit will be immediately capped at the new rate.

AGENDA ITEM

August 13, 2013

TO: Steve Holsinger, City Manager
FROM: Skyler Lipski, Parks & Public Works Director
SUBJECT: Wastewater Treatment Plant Discharge Permit Update

RECOMMENDATION

Approve the allocation of \$15,000 from the Sewer Enterprise Fund to support the Basin Plan Amendment process.

SUMMARY

Under the Clean Water Act (promulgated in 1972, amended in '77 & '87), states are required to adopt water quality standards for surface waters. Water quality standards consist of: 1) designated uses; 2) water quality criteria necessary to protect designated uses; and 3) Federal antidegradation policy. In California, water quality standards are found in the Basin Plans, statewide water quality control plans adopted by the State Water Board, and the National Toxics Rule (NTR) and the California Toxics Rule (CTR).

For example, some of the designated uses (or "beneficial uses") listed in the City of Willows' discharge permit are: Agricultural supply, including irrigation and stock watering (AGR); water contact recreation, including canoeing and rafting (REC-1); warm freshwater habitat (WARM); cold freshwater habitat (COLD); migration of aquatic organisms, warm and cold (MIGR); spawning, reproduction, and/or early development, warm and cold (SPWN); and wildlife habitat (WILD). The State Water Board applies water quality standards to protect these various uses via the National Pollutant Discharge Elimination System (NPDES), or "discharge permit."

The beneficial use at issue is Municipal and Domestic Supply (MUN), or "MUN Use."

Via the Sources of Drinking Water Policy (88-63), the Central Valley Regional Water Quality Control Board Basin Plans (Basin Plans) designate MUN beneficial use to all water bodies unless they are specifically listed as water bodies that are not designated with MUN. The Basin Plans state that waters designated for MUN must not exceed Maximum Contaminant Levels (MCLs) for chemical constituents, pesticides, and radionuclides. While 88-63 does contain exceptions for the MUN designation, to utilize the exception, the Basin Plans require ". . . a formal Basin Plan amendment and public hearing, followed by approval of such an amendment by the State Water Board and the Office of Administrative Law."

During permit adoptions for the National Pollutant Discharge Elimination System (NPDES) program, there have been challenges to protecting the MUN beneficial use designation in agricultural drains due to the stated exception in 88-63. The City of Willows, for example, was deemed exempt from MUN beneficial use via the exception during a prior permitting cycle¹ (2006-2011), but then not exempt from MUN in the current permitting cycle (2011-2016). The cost for the City of Willows to comply with protecting the MUN beneficial use has been estimated at \$4 - \$8 million. The POTWs have been provided the option of pursuing a basin plan amendment as part of their permit compliance, which the City of Willows has done.

¹ City of Willows NPDES permits before 2006 make no mention of MUN beneficial use as applied to surface waters.

Concurrently, the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has identified the need to evaluate the protection of MUN beneficial uses in agriculturally dominated water bodies. CV-SALTS identified receiving waters of four POTWs (Cities of Willows, Colusa, Biggs and Live Oak) as potential archetypes (case studies) for evaluating appropriateness of a MUN designation. These same potential archetypes have challenged the MUN designation during NPDES permit renewals.

In May 2011, a draft Central Valley Water Board staff report evaluated the appropriateness of the MUN beneficial use in a water body (agricultural drain) receiving effluent. The report found that more data needs to be collected before determining if a basin plan amendment is needed. The data needs noted included: characterization of the receiving waters, water quality data for the effluent and all receiving waters, flow data for all of the receiving waters, an antidegradation analysis, and an economic and environmental analysis.

This MUN beneficial use project is the first phase of the agriculturally dominated water bodies evaluation effort. Sponsored by the Central Valley Water Board in conjunction with the CV-SALTS initiative, the project attempts to combine and leverage the work desired by four POTWs (the cities of Willows, Colusa, Live Oak, and Biggs) and the archetypes identified by CV-SALTS. The second phase of the evaluation will be focused on determining the appropriate beneficial uses for all agricultural dominated water bodies.

In an effort to expedite the basin plan amendment process, State Water Board staff has requested financial assistance from CV-SALTS to complete the environmental and economic studies by an outside contractor. If the State Water Board staff were to take on this task alone, it would add another two years to the basin plan amendment process, exceeding the compliance deadline for at least the City of Willows (December 1, 2016). CV-SALTS in turn, has approached staff at each of the four POTWs listed above with a request to contribute \$15,000 each to help pay for the economic and environmental studies. It should be noted this is only about 30% of the overall cost of a case study for just one of the four sites (estimated by State Water Board staff to cost around \$50,000 for each case study).

Staff finds this request to be reasonable, and aligned with our overall goal of completing a basin plan amendment by then end of our current NPDES permitting cycle (12/1/16). However, staff recommends that Council allocate this \$15,000 under two conditions; 1) Once State Water Board staff declares to pursue a basin plan amendment (probably October 2013), and 2) the \$15,000 shall be paid in two equal installments over two fiscal years (\$7,500 in FY 13/14, and \$7,500 in FY 14/15).

ALTERNATE ACTIONS

- 1) Deny approval
- 2) Request more information from staff

RECOMMENDATION

Approve the allocation of \$15,000 from the Sewer Enterprise Fund to support the Basin Plan Amendment process.

Respectfully submitted,



Skyler Lipski
Parks & Public Works Director

Approved by,



Steve Holsinger
City Manager

Attachments: 1) INVOICE, CV-SALTS (\$15,000)
2) SWRCB Fact Sheet

July 11, 2013

Skyler Lipski
City of Willows
201 N. Lassen Street
Willows, CA 95988

Dear Skyler Lipski,

Thank you for your commitment to fund a share of the Regional Board MUN POTW project. Because your area will be listed and analyzed in the technical work and included in the intended basin plan amendment, your area was requested to participate in the funding. The attached invoice for \$15,000 supports a portion of the technical work needed to perform this effort. The Regional Water Quality Control Board has estimated the technical work cost for each area at approximately \$50,000. The remainder will come from Cleanup and Abatement Account funds secured by CV-SALTS and Central Valley Salinity Coalition (CVSC) member contributions.

CV-SALTS and CVSC are funding this project because we believe it provides the basis for modification of beneficial uses in Ag dominated water bodies. This can be helpful to both POTWs and agricultural dischargers who will find it impossible to meet many of the existing unnecessary water quality standards in these water bodies.

Attached to this letter is an invoice for your organization's contribution. Please contact me if you have any questions. You will need to continue to stay involved in the project directly or through consultants or others to insure this work meets your needs.



Daniel B. Cozad, Executive Director
Central Valley Salinity Coalition Inc.

Attached:
Invoice for Contribution

Central Valley Salinity Coalition Inc.
360 Lakeside Avenue
Redlands, CA 92373

Invoice

Invoice #: 2013-32
Invoice Date: 7/11/2013
Due Date: 8/10/2013
P.O. Number: per agreement

Bill To:
City of Willows
201 N. Lassen Street
Willows, CA 95988

Date	Description	Amount
7/11/2013	Contribution to the Regional Board MUN POTW project	\$15,000.00

Total	\$15,000.00
<hr/>	
Payments/Credits	
<hr/>	
Balance Due	\$15,000.00

Federal ID Number	26-3103060
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Agricultural Water Bodies Evaluation

Overview: In order to ensure appropriate beneficial use protection, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has initiated a project to incorporate a process into our water quality control plans (Basin Plans) for determining appropriate beneficial uses and level of protection for agricultural (Ag) surface water bodies.

Phase 1

Categorize Water Body Types

for Agricultural water bodies
(see Flow chart 1 on Page 2)

Evaluate appropriate designation and level of protection for **Municipal and Domestic Supply (MUN)**

Phase 2

Evaluate appropriate designation and level of protection for **other beneficial uses** in Agricultural water body categories

Other beneficial uses include
Aquatic Life (AQUA) and Recreation (REC-1, REC-2)

Timeline: December 2011 – December 2014

January 2014 – December 2017 (tentative)

Phase 1: The Central Valley Water Board, in partnership with CV-SALTS (Central Valley Salinity Alternatives for Long Term Sustainability) and a diverse stakeholder group, is currently developing a proposed Basin Plan Amendment to:

- Develop a process for categorizing Ag water body types, including constructed conveyances as well as modified and Ag dominated natural water bodies (Flow chart 1 on the next page shows a proposed alternative). This process to categorize Ag water body types is anticipated to provide the foundation for the Phase 2 effort.
- Incorporate a process to determine the appropriate application and level of protection of the Municipal and Domestic Supply (MUN) beneficial use in Ag water bodies. The process is currently anticipated to propose MUN beneficial use designation by water body category; identify water quality objectives to protect the use; and identify any needed implementation requirements to ensure the objectives are met. The receiving waters of four Publically Owned Treatment Works (POTWs) in the Sacramento River Basin (cities of Willows, Colusa, Biggs and Live Oak) are currently being used as a case study for this process.

Phase 2: The initial MUN beneficial use evaluation will be followed by a larger effort to evaluate the appropriate protection of all applicable beneficial uses in Ag water bodies.

Website for more information:

http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/mun_beneficial_use/index.shtml

How to get involved: Stakeholder meetings are held approximately every other month at the Central Valley Water Board Rancho Cordova office. Meetings are webcast to allow participation from remote locations. Check the website for more information or subscribe to the "Beneficial Uses of Agriculturally Dominated Water Bodies" email notification list at:

http://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.shtml

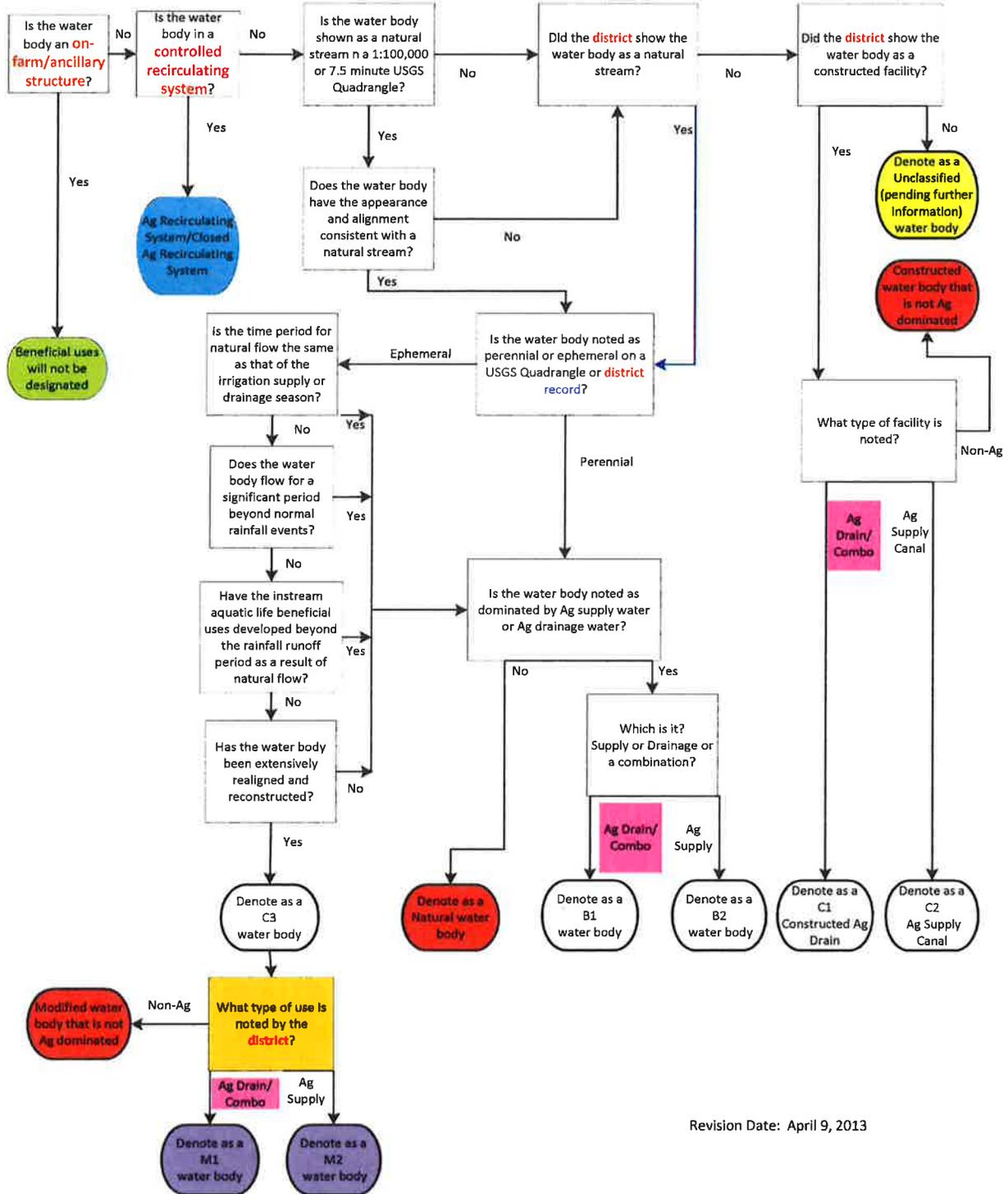
Questions? Comments?

Contact Anne Littlejohn at (916) 464-4840 or alittlejohn@waterboards.ca.gov

Flowchart 1

Potential Categorization of Water bodies Flowchart

(Based on the flowchart from the 1992 Inland Surface Water Plan Staff Report)



Revision Date: April 9, 2013