

CITY COUNCIL

Jeffrey T. Cobb, Mayor  
Terry Taylor-Vodden, Vice Mayor  
Larry Domenighini, Council Member  
Lawrence Mello, Council Member  
Gary L. Hansen, Council Member

CITY MANAGER  
Steve Holsinger

CITY CLERK  
Natalie Butler



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**CITY COUNCIL REGULAR MEETING AGENDA**

**Tuesday, December 10, 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 December 10, 2013, Agenda.
5. **Presentations & Proclamations:** None
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 City Council Minutes for the regular meeting held on October 22, 2013.
  - c) Consider approval of the City Council Minutes for the regular meeting held on November 12, 2013.
  - d) Consider adoption of 4 Resolutions affirming and updating cafeteria Plan Terms with the City of Willows and the Willows Employees Association, Willows Public Safety Association, Department Heads and Confidential Employees, and the City Manager.
8. **Public Hearings:**  
(Persons wishing to speak during a Public Hearing 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).
  - a) **Agricultural Lease:** Conduct a public hearing to solicit input on City-owned farmable real estate. Upon conclusion of the public hearing, consider, by motion, awarding an agricultural lease to Gary L. Simlness and authorize the Finance Director to negotiate the lease agreement, subject to adherence to the terms and conditions of the lease.

9. Ordinances: None
10. Items introduced by City Council or Administrative Staff for discussion purposes only:
11. New Business:
  - a) Civic Center Parking Lot Slurry Seal Project: Consider adoption of a Resolution awarding a construction contract for the Civic Center Parking Lot Slurry Seal Project to Valley Slurry Seal International in the amount of \$12,957 and establish an overall budget of \$14,000 for the project.
  - b) Parking Modifications to City-owned property: Consider adoption of a Resolution to approve minor modifications to the parking/landscape area immediately adjacent to the main entry doors on the East side of the ACE Hardware Store on Tehama Street in Downtown Willows.
  - c) Planning Commission Vacancies: Consider Council Members Taylor-Vodden and Domenighini's recommendation to appoint two individuals to the Planning Commission for a four-year term beginning January 2014 and expiring December 2017.
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 December 6, 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](http://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**  
**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 8<sup>th</sup> 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 8, 2013

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**

**November 12, 2013**

1. Mayor Cobb called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Councilmember Mello led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Domenighini, Taylor-Vodden, Mello, Hansen, & Mayor Cobb  
Absent: None

4. **Agenda Review:** The City Manager pointed out a few typographical errors on the agenda and also stated that item 5 (a) states that Dan Gupton is the 'President' of the Willows American Legion, but he is in fact the 'Commander'. Council Member Domenighini asked to have item 7 (d) (Reaffirmation of appointment of current Mayor and Vice Mayor for 2014) moved to item 11 under "New Business". It was **moved** by Council Member Domenighini and **seconded** by Council Member Hansen to accept the November 12, 2013 agenda as amended. The motion unanimously passed.
5. **Presentations & Proclamations:** Dan Gupton, Commander of the Willows American Legion, presented Ray Crabtree, President of the Willows Museum Society, a Silver Star Medal and a Purple Heart Medal which belonged to deceased Willows Resident, Corporal Russell E. Lewis. Mr. Gupton gave a brief history of Corporal Lewis and the meanings of the medals. The medals will be placed on display at the Willows Museum.
6. **Public Comment/Written Communications:**

The following person(s) spoke during public comments:

Nickie Burley announced that she and a group of "Santa's Elves" have gotten together to decorate the town for the holidays. She stated that the group will be putting out decorations and lights throughout the town, and along the entire route of the Annual Chamber of Commerce Light Parade on December 7. She requested that everybody turn on their holiday lights during the night of December 7. She stated that if people need help with decorations that they can contact her and she can arrange to get people to help with hanging lights and putting up decorations at their homes or businesses.

Gail Green stated that she was disappointed that the Council appointed Council Member Hansen to fill the remainder of former Council Member Spears' seat.

Jamie Millen, with the Chamber of Commerce, stated that some time ago the Chamber was asked to conduct a survey to determine how much community interest there is in having downtown banner poles erected and also to see if businesses would be willing to pay an extra \$10.00 for the next two years for their business license to fund the placement of new banner poles to advertise community events. She reported the results of the survey, which showed that

out of 64 surveys that were collected, 61 wanted to reestablish the banner poles and 3 wanted other means of displaying community events. Of the 22 businesses that were surveyed about the extra \$10.00 business license fee to help fund the poles, 6 stated they would be willing to pay the extra fee and 16 would not be willing to pay the fee. Mrs. Millen also gave the Council an update on other past and upcoming community and Chamber of Commerce events.

Jeff Williams stated that in regards to the \$65,000 allocation that the Council voted on at the last meeting to go toward IT upgrades, he is curious whether he misunderstood the comments made by the Finance Director at that meeting.

**7. Consent Agenda:**

It was **moved** by Council Member Hansen and **seconded** by Council Member mello to approve the Consent Agenda as amended under item 4. The motion unanimously passed. The following items were approved/adopted:

- a) Approval of General, Payroll and Direct Deposit Check Registers (26678-26724;Z04702-Z04734; 32826-32862).
- b) Approval of the Regular City Council Meeting held October 8, 2013.
- c) Approval of the City of Willows Treasurer's Report Schedule of Cash and Investments as of September 30, 2013.

**8. Public Hearings:**

- a) Conduct a Public Hearing and upon conclusion, consider adoption of a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Willows Pacific Associates to provide financing of the project:

The Pacific Company requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$8,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds will be used to finance and refinance the construction and development of a senior rental housing project located at 1324 & 1330 West Sycamore Street. In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Willows must conduct a public hearing required by the Tax and Equity Fiscal Responsibility Act (the "TEFRA Hearing") providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 175 municipalities have become members of CMFA. The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at

improving the standard of living in California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings.

In order for the CMFA to have the authority to serve as the issuer of the bonds for the Project, it is necessary for the City of Willows to become a member of the CMFA. Before the Council tonight is a copy of the Joint Exercise of Powers Agreement to be executed by a designated signatory of the City. The Joint Exercise of Powers Agreement provides that the CMFA is a public entity, separate and apart from each member executing such agreement. The debts, liabilities and obligations of the CMFA do not constitute debts, liabilities or obligations of the members executing such agreement.

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California, but are to be paid for solely from funds provided by the Borrower. There are no costs associated with membership in the CMFA and the City will in no way become exposed to any financial liability by reason of its membership in the CMFA. In addition, participation by the City in the CMFA will not impact the City's appropriations limits and will not constitute any type of indebtedness by the City. Outside of holding the TEFRA hearing, adopting the required resolution and executing the Joint Exercise of Powers Agreement of the CMFA, no other participation or activity of the City or the City Council with respect to the issuance of the Bonds will be required.

The Joint Exercise of Powers Agreement expressly provides that any member may withdraw from such agreement upon written notice to the Board of Directors of the CMFA. In the case of the proposed bond financing for the Borrower, the City following its execution of the Joint Exercise of Powers Agreement, could, at any time following the issuance of the Bonds, withdraw from the CMFA by providing written notice to the Board of Directors of the CMFA.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the "Foundation"), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Willows, it is expected that 25% of the issuance fee will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City. The Borrower will be the beneficiary of the CMFA's charitable donation through a 25% reduction in issuance fees.

In light of the foregoing, and in order to support affordable senior housing, staff recommends that the City conduct the TEFRA Hearing, execute the Joint Exercise of Powers Agreement of the CMFA, and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

Mayor Cobb opened the Public Hearing at 7:25 p.m. Nickie Burley and Doug Ross spoke during the public hearing and had a few questions regarding the bonds. Their questions were addressed by the Council, Staff and Mona Dmitrenko, Financial Advisor for the CMFA. Mayor Cobb closed the Public Hearing at 7:38 p.m.

Brief Council discussion ensued and it was **moved** by Council Member Domenighini and **seconded** by Council Member Taylor-Vodden to adopt a Resolution approving, authorizing and directing execution of a joint exercise of powers agreement and approving the issuance of revenue bonds by the authority for the purpose of financing or refinancing the construction and development of certain facilities for the benefit of Willows Pacific Associates, L.P., or related entities. The motion unanimously passed.

9. **Ordinances:** None

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

Council Member Mello stated that the topic of the downtown banner poles is likely to come up for discussion after the first of the year. He believes that staff should get another estimate for replacing the banner poles.

11. **New Business:**

- a) Reaffirm the appointment of current Mayor Jeff Cobb and Vice Mayor Terry Taylor-Vodden for 2014 in conjunction with consensus discussion and direction of the Council during the regular City Council Session held October 22, 2013: (Removed from the Consent Agenda item 7 (d) per the request of Council Member Domenighini).

Council Member Domenighini stated that his preference in appointing a Mayor and Vice-Mayor is that the Council continues with the rotation as has been the tradition in previous years. He believes that it is good for the City Council and good for the citizens to have the Council rotate through the chairs of Mayor and Vice Mayor.

Vice Mayor Taylor-Vodden stated that she is happy with the current proposal to continue with the current Mayor and Vice Mayor assignments. She stated that the Council and the City has had a rough couple of years and she feels that Mayor Cobb has handled things very well and she would like him to continue in that role, so that is her preference.

Council Member Mello stated that he would like to make a nomination for a Vice Mayor and keep the current Mayor.

Council Member Hansen stated that he spoke on this topic at the last Council Meeting and he believes that Vice Mayor Taylor-Vodden and Mayor Cobb have both done a fine job and they deserve a second term in their current roles. As Vice Mayor Taylor-Vodden stated, it has been an interesting last year and they have persevered well and have both done a fantastic job. His preference is to see them both continue in those positions for one more year.

Council Member Taylor-Vodden stated that it also affects the 2014 committee assignments that were confirmed by the Council at the last Council Meeting, because there are some committee appointments that are specific to the Mayor and/or Vice Mayor. She believes that for continuity purposes, keeping the Mayor and Vice Mayor for an additional year would be the best solution.

Jeff Williams stated that he reviewed all agendas and minutes from August 2007 to present and he has found that the Mayor and Vice Mayor has rotated out every year and he believes that is the appropriate route so newer Council Members can take on different roles.

Mayor Cobb stated that he disagreed and that the positions of Mayor and Vice Mayor have not always rotated. Vice Mayor Taylor-Vodden and Council Member Hansen also agreed that the Mayor and Vice Mayor positions have not always rotated.

It was **moved** by Vice Mayor Taylor-Vodden to nominate Mayor Cobb to the position of Mayor for the year 2014. Council Member Hansen **seconded** the nomination and the motion unanimously passed.

Council Member Mello **moved** to nominate Council Member Domenighini to the position of Vice Mayor for the year 2014. The motion died for lack of a second.

Council Member Hansen **moved** to nominate Vice Mayor Taylor-Vodden to the position of Vice Mayor for the year 2014. Council Member Domenighini **seconded** the nomination and the motion unanimously passed.

Vice Mayor Taylor-Vodden **moved** to re-affirm the Committee Assignments that the Council made at the October 22 Council Meeting. Council Member Hansen **seconded** the motion. Discussion then ensued that this was not a necessary motion, as the Committee Assignments have already been confirmed, nor are they on tonight's agenda for re-affirmation. Vice Mayor Taylor Vodden **withdrew her motion** and Council Member Hansen **seconded the withdrawal** of the motion and it was the majority consensus of the Council that this item need not and should not be acted on this evening, as assignments have already been previously confirmed.

b) Holiday Closure of Administrative Offices:

In review of administrative personnel, it was determined that a large number of administrative employees were scheduled to utilize vacation or other compensatory leave for some or all of the weeks of Christmas and New Year. The remainder of the employees in this category were polled and all were in favor of closing between the declared holidays of Christmas Eve and New Year, and were willing to utilize vacation or other accrued compensatory time off, as appropriate, for those days that would otherwise be scheduled work days. Staff is requesting that Council consider declaring a closure of the administrative offices during this period to accommodate the requests noted above. As noted, there will be utilization of accrued leave for those dates in which an individual employee was otherwise scheduled to work. Based on the requested closure, City Hall administrative offices will close following the close of business (4:30 p.m.) on December 23 and reopen at 8:30 a.m. on January 2.

Brief Council discussion ensued and it was **moved** by Council Member Hansen and **seconded** by Council Member Mello to approve a temporary closure of administrative offices from December 24 to January 1. The motion unanimously passed.

**12. Council Member Reports:**

Council Member Domenighini reported that he recently attended the annual Chamber of Commerce Steak & Lobster Feed. He also plans to attend the Library Board of Trustees Meeting this Thursday and the Transit & Transportation Commission meeting next week.

Council Member Hansen reported that he will be attending the Transit & Transportation Commission meeting next week.

Council Member Mello gave a brief update on the California Department of Public Health's (DPH) proposed Chromium 6 regulation. He stated that there are eight steps to the process before the regulation can get passed. The Public Hearing that he attended in Sacramento was the fourth step. Currently the plan is to get the legislation approved by October of 2014. The DPH is currently reviewing over 18,000 public comments that they have received regarding the proposed regulation but he stated that he believes the regulation will eventually get implemented.

Council Member Taylor-Vodden reported that she was unable to attend the LAFCO meeting held earlier in the day but that she plans to attend the next one. She also reported that the GWIL group has been working hard on distributing the money that is still available for façade improvement in the downtown central commercial zone. Lastly, she stated that she sits on the committee for the Farmers' Market and they are planning to have a 2014 Farmers' Market season and she believes the committee will be making some big changes to the Willows Farmers' market for next year. She urged anybody who is interested in helping to serve on the committee to contact either herself or Kandi Manhart at the Glenn County Resource Conservation District.

The Council convened into Executive Session at 8:08 p.m.

**13. Executive Session: An Executive Session was held for the following:**

PERFORMANCE EVALUATION – Pursuant to Government Code § 54957 (b) (1)  
TITLE: Police Chief

**14. Report-Out from Executive Session: No reportable action was taken by the Council and direction was provided to staff.**

**14. Adjournment: Mayor Cobb adjourned the meeting at 9:50 p.m.**

Dated: November 12, 2013

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

**AGENDA ITEM**

TO:  Steve Holsinger, City Manager

FROM: Tim Sailsbery, Finance Director 

SUBJECT: Lease of City Owned Property for Agricultural Purposes

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**RECOMMENDATION**

Award the lease contract to Gary L. Simlness and authorize the Finance Director to negotiate the lease agreement with Mr. Simlness, subject to successful agreement and adherence to the terms and conditions of the lease.

**SITUATION (or BACKGROUND):**

The City owns 58.1 of farmable real estate for which Council has authorized the lease for agricultural purposes. As noted at the October 22 City Council Meeting, the existing lease was set to expire on November 30, 2013. At that time, Council directed staff to advertise for bidders on a new lease agreement. Said advertisement was published and the bid period ran through November 21 at 2:00 p.m. The City received 6 bids, with the highest responsive bid received by Gary L Simlness.

**FINANCIAL CONSIDERATIONS:**

Revenue subject to agreed upon rent amount in signed lease.

**NOTIFICATION**

N/A

**ALTERNATE ACTIONS**

1. Award by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

**RECOMMENDATION**

Award the lease contract to Gary L. Simlness and authorize the Finance Director to negotiate the lease agreement with Mr. Simlness, subject to successful agreement and adherence to the terms and conditions of the lease agreement.

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Respectfully submitted,



Tim Sailsbery  
Finance Director

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Attachment:

Bids Result Summary  
Draft Lease Document

RICE LEASE BID RESULTS

BIDDER

FIRST YEAR BID

Gary L. Simlness	\$18,185.30
Lance L. Lambert	\$18,127.00
Tony Hobbs & Kevin Kampschmidt	\$17,502.63
Nicholas Baker	\$17,430.00
Frank Eichhorn	\$14,583.10
Ron von Bargaen	\$14,300.00

# LEASE

THIS LEASE is executed in duplicate at Willows, California, on December \_\_\_\_\_, 2013 between the CITY OF WILLOWS, a municipal corporation, hereinafter referred to as "Lessor," and \_\_\_\_\_, hereinafter referred to as "Lessee."

## WITNESSETH

DESCRIPTION OF PREMISES: 58.1 acres located in the southwest quarter of Section 15, Township 19 North, Range 3 West, M.D.B&M., located in the County of Glenn, State of California. Use by the Lessee of any connected or adjacent property, real or personal, owned by the Lessor is prohibited without expressed written consent of the Lessor.

TERM: The term of this lease shall commence December \_\_\_\_\_, 2013 and terminate on November 30, 2018. The term for this lease is hereinabove called the "Lease Term."

RENT: Lessee agrees to and shall pay to Lessor, at 201 North Lassen Street, Willows, California, or at such other place or places as Lessor shall from time to time in writing designate, as rent for the leased premises, the annual sum of \$\_\_\_\_\_, for the first year. Subsequent years' rent shall be adjusted in accordance with the Bureau of Labor Statistics, Consumer Price Index, West Urban, Size B/C Cities (February to February adjustment). Lease payments are payable in equal semi-annual installments, in advance on the 1st day of the months of April and August during each year of the term of this lease, commencing on April 1, 2014.

LEASE: The lease period is for five years; however, the Lessee and Lessor, each, shall have the option to terminate the lease with written notice by September 30 of each year.

USE: The premises are leased exclusively to the Lessee for the planting, growing and harvesting of agricultural crops. Lessee shall not use or permit to be used, any part of the premises for any purpose other than purposes for which the premises are leased, nor shall the Lessee purvey water to be made available by Glenn Colusa Irrigation District or any alternative water source. Lessee is further responsible to determine that vendors purveying goods and services to the lessee pertaining to said leased land abide by all laws, including, but not limited to Sections 5.05.010 to 5.05.390 of the Willows Code of Ordinances.

WATER: Lessor and Lessee acknowledge that the premises are within the Glenn-Colusa Irrigation District and that water for the irrigation of the crops to be grown on the property is available only from the Glenn-Colusa Irrigation District. Lessee accepts the risk as to the availability of water from the Glenn-Colusa

Irrigation District and acknowledges that there will be no reduction of the rent during the term hereof by reason of unavailability or reduction in irrigation water.

Lessee shall pay all district taxes and assessments levied against the premises. All water tolls and charges shall be paid by Lessee. All costs and expenses arising from the operation, maintenance and repairs necessary to diversion structures, canals, laterals, drains or other water works related to the irrigation water system on the premises shall be paid by Lessee.

LEASE SUBJECT TO EXISTING AND FUTURE RIGHTS OF OTHERS: This lease is subject to (a) all existing easements, servitudes, licenses, and rights-of-way for canals, ditches, levees, roads, highways, and telegraph, telephone, and electric power lines, railroads, pipelines, and other purposes, whether recorded or not; (b) the rights of other lessees under any existing or future oil, gas, and mineral lease or leases from Lessor affecting the entire or any portion of the premises, whether recorded or not.

ENTRY BY OWNER: Lessee shall permit Lessor, and Lessor's agents and assigns, at all reasonable times, to enter the leased premises, and to use the roads established on the premises now or in the future, for the purposes of inspection, in compliance with the terms of this lease, exercise of all rights under this lease, posting notices, and all other lawful purposes.

Lessee shall supply Lessor, and his agents and assigns, with keys and other instruments necessary to affect entry on the premises.

Lessee shall make and keep pertinent records of all operations and conduct under this lease and shall make them available to Lessor and Lessor's agents and assigns at all reasonable times for inspection.

TERMINATION OF LEASE/SURRENDER OF LEASED PROPERTY: Should the Lessee or Lessor terminate this lease prior to expiration submit a bid for a subsequent lease, or be unsuccessful for same, Lessee shall make the premises available to the new lessee not later than two weeks after completion of harvest. Notification of harvest completion shall be given to Lessor in writing.

CONDITION OF PREMISES: By entry under this lease Lessee accepts the premises in their present condition; and Lessee agrees, on the last day of the term or on sooner termination of this lease, to surrender the premises and the appurtenances to Lessor in the same condition as when received, reasonable use, wear, and damage by fire, act of God, or the elements excepted and to remove all of Lessee's property from the premises.

Prior to conclusion of this lease agreement, the lessee shall be responsible for leaving the leased property available and usable for the next growing season. This specifically requires the lessee to remove the crop stubble from the previous harvest by an approved agricultural process to include stomping and flooding, plowing, cutting and bailing, and burning when specifically permitted. The property is on a one-in-four burn rotation schedule and will not be available for burn until the 2016 crop year. This availability is subject to change without notification by the Lessor.

WASTE: Lessee shall not commit, or permit others to commit, on the premises, waste, or a nuisance, or any other act that could disturb the quiet enjoyment of Lessor or any other tenant of Lessor on reserved or adjacent property.

OIL, GAS, AND MINERAL RIGHTS: All rights in all minerals, oil, gas, and other hydrocarbons located on or under the leased premises are particularly reserved to Lessor and are particularly excepted from the property covered by the terms of this lease. Lessee expressly grants to Lessor, and to Lessees of these oil, gas, and mineral rights, and to Lessor's agents and licensees, a right of entry and a right-of-way for ingress and egress in and to, over and on, the leased premises during the term of this lease for the exploration, drilling, and mining of minerals, oil, gas, and other hydrocarbons on the leased premises; provided that Lessor shall reimburse Lessee for any reasonable damages that Lessee sustains as a result of any interference with the agricultural operations conducted on the leased premises under the terms of this lease arising from exploration, drilling, or mining operations.

HUNTING RIGHTS: All hunting rights and privileges on the leased premises are particularly reserved to Lessor.

MAINTENANCE: Lessee shall care for both the leased premises and the approaches to and appurtenances of the leased premises, including, but not limited to, all fences, corrals, wells, ditches, and roadways, and maintain them in the same order and condition in which received, ordinary wear and tear excepted.

INDEMNITY AGREEMENT: Lessee shall indemnify and hold Lessor and the property of Lessor free and harmless from any and all liability, claim, loss, damages, or expenses resulting from Lessee's occupation and use of said premises. Specifically including, but not limited to, any liability, claim, loss, damage, or expense rising by reason of (a) the death or injury of any person from any cause; (b) straying of livestock from the leased premises; or (c) flooding of county roads or neighboring lands because of improper or inadequate drainage or escaping irrigation waters.

INSURANCE: Lessee shall provide to the City a certificate of insurance duly executed by the Lessee's liability insurance carrier which names the City of Willows as an additional insured against loss or liability caused by or connected with the Lessee's occupation and use of said premises under this lease in the amounts not less than:

(a) \$1,000,000.00 for injury to or death of one person and, subject to such limitation for the injury or death of one person, of not less than \$2,000,000.00 for injury to or death of two or more persons as result of any one accident or incident; and

(b) \$100,000.00 for damage to or destruction of any property of others. Lessee shall keep fully insured at his own expense all persons employed by him in connection with this agreement as required under California Worker's Compensation Laws and shall hold the City free and harmless from all liabilities that may arise by reason of the injuries to any of the employees of the Lessee who are injured while performing work or labor on or about the premises.

REMEDIES OF OWNER ON DEFAULT: If Lessee breaches this lease, Lessor shall have, in addition to other rights or remedies, the right of reentry, after having given fifteen (15) days' notice, and the right to take possession of all crops, harvested or unharvested, and to remove all persons and property from the premises; Lessor may store the property, including crops and all other property, removed in a public warehouse or elsewhere at Lessee's expense and for his account. Lessor, at his election, shall become the owner of all crops of which he has so taken possession.

If Lessor elects to reenter, as provided above, or to take possession under legal proceedings or under any notice provided for by law, Lessor may (1) terminate this lease or (2) from time to time, without terminating this lease, relet the entire or any part of the premises for such terms (which may extend beyond the term of this lease) and at such rentals and other conditions as Lessor in Lessor's sole discretion deems advisable. Lessor also has the right to make alterations and repairs to the premises.

On each reletting, either Subparagraph (a) or (b) shall apply:

(a) Lessee shall be immediately liable for payment to Lessor of (1) Lessor's expenses of reletting and making alterations and repairs, (2) the amount by which the rent specified in this lease for the period of the reletting (up to but not beyond the term of this lease) exceeds the amount agreed to by the new Lessee to be paid as rent for the leased premises, and (3) all other indebtedness due under the lease; or,

(b) At Lessor's option rents received by Lessor from reletting shall be applied: First, to the payment of any indebtedness, except rent, due under this lease from Lessee to Lessor; second, to the payment of expenses of

reletting and of alterations and repairs; third, to the payment of rent due under the lease and unpaid, with the residue, if any, being held by Lessor and applied in payment of future rent as it becomes due and payable under the lease.

If Lessee has been credited with rent to be received by reletting under the option in Subparagraph (a) above and the rent shall not be promptly paid to Lessor by the new tenant; or if the rentals received from reletting under the option in Subparagraph (b) above during any month are less than to be paid during that month by Lessee under the lease, Lessee shall pay the deficiency to Lessor. This deficiency shall be calculated and paid monthly.

No reentry or taking possession of the premises by Lessor shall be construed as an election by Lessor to terminate this lease unless written notice of such an intention is given to Lessee or the lease is declared to be terminated by a court of competent jurisdiction. Even though the reletting was without termination by Lessor, Lessor may at any future time elect to terminate the lease for the previous breach by Lessee. If Lessor terminates the lease for a breach, in addition to any other remedy Lessor may have, Lessor may recover from Lessee all damages Lessor incurs by reason of the breach, including both the cost of recovering the premises and the worth, at the time of termination, of the excess of the amount of rent and charges equivalent to rent specified in this lease, for the remainder of the stated term, over the then reasonable rental value of the premises for the remainder of the term. All of these amounts shall be immediately due from Lessee to Lessor.

All of these rights shall be concurrent and cumulative and are in addition to, and not in derogation of, all other rights and remedies available to Lessor.

Nothing contained in this lease, and no security or guarantee of the Lessee that Lessor holds now or in the future under the lease, shall in any way constitute a bar or defense to an action by Lessor in unlawful detainer or for recovery of the premises.

ASSIGNMENT OR SUBLETTING: Lessee shall not assign this lease or any rights under it, and shall not sublet the entire or any part of the premises, or any right or privilege appurtenant to the premises, or permit any other person (the agents and servants of Lessee excepted) to occupy or use the entire or any portion of the premises, without first obtaining Lessor's written consent; provided that Lessor shall not unreasonably withhold consent to assignment, sublease, or other transfer of use or possession of the premises. A consent to one assignment, subletting, occupation, or use by another person is not a consent to a future assignment, subletting, occupation, or use by another person. An assignment or a subletting without Lessor's consent shall be void, and shall, at Lessor's option, terminate this lease. No interest of Lessee in this

lease shall be assignable by operation of law without Lessor's written consent.

NOTICE OF POSSESSORY INTEREST: The possessory interest created by this lease may be subject to property taxes and the lessee may be subject to the payment of such property taxes. If any property taxes are assessed against the lessee's interest in this lease, lessee shall be solely responsible for payment thereof.

ATTORNEY'S FEES: In any action or proceeding by either party to enforce this lease or any provision thereof, the prevailing party shall be entitled to all costs incurred and to reasonable attorney's fees.

NOTICES: Any notice to be given to either party by the other shall be in writing and shall be served either personally or by certified, return receipt requested, mail addressed as follows:

Lessor: CITY OF WILLOWS  
201 North Lassen Street Willows, California 95988

Lessee: \_\_\_\_\_  
\_\_\_\_\_

LEGAL EFFECT: All covenants of Lessee contained in this lease are expressly made conditions.

WAIVER: The waiver by Lessor of a breach of any term, covenant, or condition contained in this lease shall not be treated as a waiver of such terms, covenants, or conditions, or as a waiver of a future breach of the same or any other term, covenant, or condition contained in this lease. The acceptance of rent by Lessor shall not be treated as a waiver of a previous breach by Lessee of any term, covenant, or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of a previous breach at the time of acceptance of rent.

POSSESSORY INTEREST TAXES: Lessee recognizes and understands that this lease may create a possessory interest subject to property taxation and that the Lessee may be subject to the payment of property taxes levied on such interest.

BINDING ON SUCCESSORS: The covenants and conditions herein contained shall, subject to the provisions as to assignment, apply to and bind the heirs, successors, executors,

administrations, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this lease the day and year first hereinabove written.

LESSOR:

\_\_\_\_\_  
Timothy L. Sailsbery, City Treasurer for CITY OF WILLOWS, a municipal corporation

LESSEE:

\_\_\_\_\_

The City of Willows is an Equal Opportunity Provider

**AGENDA ITEM**

TO:  Steve Holsinger, City Manager

FROM: Tim Sailsbery, Finance Director 

SUBJECT: Updating Cafeteria Plan Terms

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**RECOMMENDATION**

Approve Resolutions Affirming and Updating Cafeteria Plan Terms With the City of Willows and the Willows Employees Association, Willows Public Safety Association, Department Heads and Confidential Employees, and City Manager

**SITUATION (or BACKGROUND):**

The City has provided various employee benefits via a cafeteria plan since the late 1990's. Part of the process of maintaining the cafeteria plan is to update the terms and conditions of the plan periodically. The attached resolutions provide the proper update to the terms, conditions, and amounts provided to all full-time, benefitted employees through November 30, 2014. Such resolutions will continue on a periodic "housekeeping" basis to reflect terms and conditions of the plan.

Staff acknowledges that four resolutions are somewhat cumbersome. However, each resolution recognizes a distinct group within the City's employ in accordance with the original cafeteria plan resolutions. As such, resolutions are provided for each grouping.

**FINANCIAL CONSIDERATIONS:**

No additional appropriation currently. The effect of the cafeteria plan and corresponding health insurance rates are already factored into the 2013-14 adopted budget.

**NOTIFICATION**

N/A

**ALTERNATE ACTIONS**

1. Authorize as presented
2. Reject affirmation and update
3. Request additional information and postpone authorization consideration to a future date.

**RECOMMENDATION**

Approve Resolutions Affirming and Updating Cafeteria Plan Terms With the City of Willows and the Willows Employees Association, Willows Public Safety Association, Department Heads and Confidential Employees, and City Manager

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Respectfully submitted,



Tim Sailsbery  
Finance Director

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Attached: Cafeteria Plan Document  
Resolutions (4)

RESOLUTION NO. \_\_\_\_\_

**Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and the Willows Employees' Association**

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the Willows Employees' Association ("Association") believe it to be in the best interest of the City and the Association's represented employees to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City's Cafeteria Plan; and

WHEREAS, the City and the Association have met and conferred to discuss the update of the cafeteria plan amounts,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the Association reflecting the following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2013 and continue through November 30, 2014.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the Association will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2013

The City will provide payment for health insurance premiums in the amount of \$119 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481.00 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$610.76 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,340.62 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,778.38 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council this 10th day of  
December, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:

---

Jeff Cobb, Mayor

ATTEST:

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City Clerk

RESOLUTION NO. \_\_\_\_\_

**Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and the Willows Public Safety Association**

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the Willows Public Safety Association (“Association”) believe it to be in the best interest of the City and the Association’s represented employees to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City’s Cafeteria Plan; and

WHEREAS, the City and the Association have met and conferred to discuss the update of the cafeteria plan amounts,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the Association reflecting the following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2013 and continue through November 30, 2014.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the Association will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2013

The City will provide payment for health insurance premiums in the amount of \$119 per employee, per month, towards enrollment in the City’s sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City’s sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows’ sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows’ sponsored CalPERS health plan will not receive the City’s payment for health insurance premiums provided to other employees who are enrolled in the City’s sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City’s sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481.00 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$610.76 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,340.62 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,778.38 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council, this 10th day of  
December 10, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:

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Jeff Cobb, Mayor

ATTEST:

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City Clerk

RESOLUTION NO. \_\_\_\_\_

**Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and Department Heads and Confidential Employees**

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the Department Heads and Confidential Employees believe it to be in the best interest of the City to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City's Cafeteria Plan

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the Department Heads and Confidential Employees reflecting the following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2013 and continue through November 30, 2014.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the Association will continue in effect through the duration of this agreement.

3. **Health Insurance:**

Effective December 1, 2013

The City will provide payment for health insurance premiums in the amount of \$119 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Operating Engineers Local No. 3
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481.00 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$610.76 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,340.62 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,778.38 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council this 10th day of December, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:

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Jeff Cobb, Mayor

ATTEST:

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City Clerk

RESOLUTION NO. \_\_\_\_\_

**Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and the City Manager**

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the City Manager believe it to be in the best interest of the City to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City's Cafeteria Plan

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the City Manager following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2013 and continue through November 30, 2014.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the Association will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2013

The City will provide payment for health insurance premiums in the amount of \$119 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481.00 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

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TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,340.62 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,778.38 per month effective December 1, 2013. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council this 10th day of  
December, 2013 by the following vote:

AYES:  
NOES:  
ABSENT:

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Jeff Cobb, Mayor

ATTEST:

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City Clerk

**AGENDA ITEM**

December 10, 2013

**TO:** Honorable Mayor Cobb and Members of City Council

**FROM:** John Wanger, City Engineer

**SUBJECT:** Award of the Civic Center Parking Lot Slurry Seal Project

**RECOMMENDATION**

Staff recommends that the City Council approve the resolution awarding a construction contract for the Civic Center Parking Lot Slurry Seal Project to Valley Slurry Seal International (VSSI) in the amount of \$12,957, and that an overall budget of \$14,000 be established for this project.

**SUMMARY**

The Civic Center parking lot is in need of resurfacing. The parking lot has not received treatment in a number of years. City Public Works staff have recently crack sealed the parking lot and the Council recently approved a budget allocation for slurry sealing the parking lot to provide an extra wearing course that will extend the life of the parking lot, as well as provide for disabled parking stalls that will be in conformance with current state and federal standards.

Bid documents were completed for the project and the project was advertised for public bid in October in accordance with the Public Contract Code. Bids were opened on Wednesday, November 13, 2013. Two bids were received ranging in price from \$12,957 to \$13,707.18. The low bid was received from VSSI of West Sacramento.

Staff has reviewed VSSI's bid and determined that it satisfies the bidding requirements for the Project. Per the bid documents, the overall project must be awarded on the lowest responsible bid received. Staff is recommending awarding this project to VSSI.

**FINANCIAL CONSIDERATIONS** -

The estimated construction costs are summarized below:

Construction Contract	\$12,957
Construction Contingency	<u>\$1,043</u>
Total Estimated Construction Cost	\$ 14,000

This project is being funded as follows:

Property Tax Assessment Fee Settlement Funds= \$10,000  
 Civic Center Building Maintenance Fund (301 4100 080) = \$1,000  
 Public Works Streets General Special Dept. Expend (301 4030 160) = \$3,000

The overall projected budget for this project is within the funds available. The project is scheduled to be completed within 10 working days.

**NOTIFICATION**

None required

**ALTERNATE ACTIONS**

None recommended

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**RECOMMENDATION**

Staff recommends that the City Council approve the resolution awarding a construction contract for the Civic Center Parking Lot Slurry Seal Project to VSSI in the amount of \$12,957 and that an overall budget of \$14,000 be established for this project.

---

Respectfully submitted,

John Wanger  
City Engineer

Attachments: Resolution

Approved,



Steve Holsinger  
City Manager

**RESOLUTION No. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF WILLOWS, STATE OF CALIFORNIA,  
AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH VALLEY SLURRY  
SEAL INTERNATIONAL INC. (VSSI) FOR THE CIVIC CENTER PARKING LOT SLURRY  
SEAL PROJECT**

**WHEREAS**, in accordance with California Public Contract Code Section 20162 and other applicable law, the City of Willows solicited bids for the Civic Center Parking Lot Slurry Seal Project ("Project"); and

**WHEREAS**, bids for the Project were opened on November 13, 2013 in accordance with California Public Contract Code Section 4105.5 and other applicable laws; and

**WHEREAS**, 2 bids were received ranging in price from \$12,957 to \$13,707.18 with the low bid received from VSSI; and

**WHEREAS**, staff has determined that VSSI's bid satisfies the bidding requirements for the Project; and

**WHEREAS**, staff has verified that VSSI possesses valid California Contractor's Licenses under the requested Class A, B and C-12, number 293727 (expires 3/31/15) as required to qualify to perform the Project; and

**WHEREAS**, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the following authorities: Section 15301(c) of Title 14 of the California Code of Regulations for repair and maintenance of existing streets.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLOWS AS FOLLOWS:**

1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Willows.
2. The Project is exempt from CEQA in accordance with Sections 15301(c) of the CEQA Guidelines.
3. In accordance with California Public Contract Code Section 20160 and following and other applicable laws, the City Council of the City of Willows hereby finds the bid of VSSI for the Civic Center Parking Lot Slurry Seal Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
4. The contract for the Civic Center Parking Lot Slurry Seal Project is hereby awarded to VSSI, in the amount of \$12,957, conditioned on VSSI's timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.

5. The City Manager is hereby authorized and directed to execute with VSSI for performance of the Project in accordance with the bid documents and applicable law upon submission by VSSI of all documents required pursuant to the Project bid documents.

6. That the overall budget for the Project be established at \$14,000.

7. The City Manager is hereby authorized to execute any contract change orders in accordance with the Project contract documents so long as the total Project cost does not exceed the total funding for this Project in the adopted budget.

8. City staff is hereby directed to issue a Notice of Award to VSSI.

9. This Resolution shall become effective immediately.

10. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Willows hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on this 10<sup>th</sup> day of December, 2013, by the following vote:

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

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Mayor Cobb

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Natalie Butler, City Clerk

**AGENDA ITEM**

December 10, 2013

**TO:** Honorable Mayor Cobb and Members of City Council

**FROM:** Steve Holsinger, City Manager

**SUBJECT:** Consider approval of parking area modifications at former Holiday/Sunshine Market on Tehama Street to accommodate outside sales area for proposed ACE Hardware Store location.

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**RECOMMENDATION**

By Resolution, approve minor modifications to the parking/landscape area immediately adjacent to main entry doors on East side of the ACE Hardware Store on Tehama Street in Downtown Willows.

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**SUMMARY**

Charles Geyer and Margaret Corona, business partners with AlSCO-Geyer Irrigation Systems in Arbuckle, CA have entered a lease agreement for retail space in the former Holiday/Sunshine Market Building located on Tehama Street in Downtown Willows. They plan to open a multi-purpose business operation; to include a new ACE Hardware retail center and a Willows extension of their existing AlSCO-Geyer Agricultural Irrigation outlet.

Both projects/proposals are fully entitled for this location and do not require review or approval before the Planning Commission, nor City Council. However, because the City of Willows, under the auspices of the former Willows Redevelopment Authority had acquired ownership of the parcels surrounding all private development in the Willow Walk Mall area, modification to these common areas require approval from the owner of record; the City of Willows. Therefore, ACE Hardware is requesting authority to complete minor modifications to the parking area; by relocating two currently existing handicapped-parking stalls and removal of adjacent landscaping to accommodate an outdoor Retail/Specialty Sales and storage area. This is common practice in this industry.

The two handicapped-parking stalls would be relocated to the center of common parking area, immediately adjacent to main entry way of the ACE Hardware Outlet. In fact, these spaces would be returned to exactly the location they maintained during some period while this location housed the former Safeway/Holiday Market Grocery Outlets. Moving these stalls will accommodate removal of a small area of landscape materials immediately adjacent to the building's East exterior wall and located between the main entry doors and the common Mall entry area doors to South of the main entry. This would allow development of a well-defined and fenced off area between the two entry areas to house the outdoor retail display location. Plans are currently under review by the City Building, Planning and Engineering Depts. and construction will be professionally completed in accordance with approved specifications. Staff is recommending Council approval of this request.

**FINANCIAL CONSIDERATIONS**

None, all expense is the responsibility of the Developer/ACE Hardware, Inc.

**RECOMMENDATION**

By Resolution, approve minor modifications to the parking/landscape area immediately adjacent to main entry doors on East side of the ACE Hardware Store on Tehama Street in Downtown Willows.

---

Respectfully submitted,



Stephen A Holsinger  
City Manager

Attachments: Resolution approving modification of city owned property, within the Willow Walk Mall common area.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS  
APPROVING MINOR MODIFICATIONS TO PARKING AND LANDSCAPE  
AREAS IMMEDIATELY ADJACENT TO THE WILLOWS ACE HARDWARE  
RETAIL SALES LOCATION AT 255 N TEHAMA STREET IN  
DOWNTOWN WILLOWS**

**WHEREAS**, the City of Willows owns real property around the location at 255 N Tehama Street, currently used as public parking areas to facilitate commerce in the Downtown Commercial Core; and

**WHEREAS**, the CITY wishes to maintain the continuity of service to its residents and visitors accessing businesses in the Downtown Commercial Core; and

**WHEREAS**, a newly proposed business development at this location, could benefit the community; and

**WHEREAS**, the new business owners have requested a minor modification to the parking & landscaped areas adjacent to their proposed business site; and

**WHEREAS**, the City Council finds it is in the best interest of the city to accommodate the minor modifications to the parking & landscape areas to facilitate new business activities in the downtown commercial core.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Willows does hereby approve the requested modifications to the parking & landscape areas as specified in the plans approved by the City Building and Engineering Depts.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on this 10th day of December, 2013, by the following vote:

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

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Mayor Jeffrey Cobb

---

Natalie Butler, City Clerk



December 10, 2013

**AGENDA ITEM**

**TO: Honorable Mayor Cobb and Members of City Council**

**FROM: Natalie Butler, City Clerk**

**SUBJECT: PLANNING COMMISSION APPOINTMENTS**

**RECOMMENDATION**

Consider Council Members Terry Taylor-Vodden's and Larry Domenighini's recommendation to appoint two individuals to the Planning Commission for a four-year term beginning January 2014 and expiring December 2017.

**SUMMARY**

Two Planning Commission terms (Commissioners Peggy White and Amy Alves) are due to expire at the end of December, 2013. Council Members Taylor-Vodden and Domenighini, at the City Council's October 22, 2013, Regular Meeting, volunteered to interview candidates and report back to the full Council with their recommendation to select two individuals to serve on the Planning Commission beginning January 2014 and expiring December 2017. The City received three applications from City Residents Peggy White, Shirley Benningfield and Robert Griffith. The candidates were interviewed on December 4 and Council Members Taylor-Vodden and Domenighini will be making their recommendation to the Council on which two individual they believe to be best suited to fill these terms. .

**NOTIFICATION**

Shirley Benningfield  
Robert Griffith  
Peggy White

**ALTERNATE ACTIONS**

No alternatives are recommended.

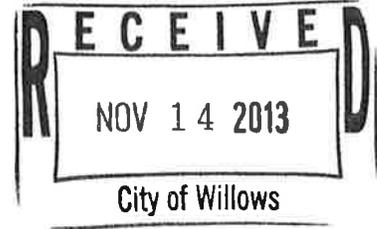
**RECOMMENDATION**

Consider Council Members Terry Taylor-Vodden's and Larry Domenighini's recommendation to appoint two individuals to the Planning Commission for a four-year term beginning January 2014 and expiring December 2017.

Submitted by:  
  
Natalie Butler, City Clerk

Approved By:  
  
Steve Holsinger, City Manager

3:00 Wed.



**APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION  
\*\*THIS DOCUMENT IS A PUBLIC RECORD\*\***

Name: Peggy White

Residence Address: 812 Madrone Manor, Willows, CA 95988

Mailing Address: 812 Madrone Manor, Willows, CA 95988

E-Mail Address: ryansolo@sbcglobal.net

Home Phone: 934-7349 Business Phone: \_\_\_\_\_

\* Are you a registered voter? Yes

Please list all prior experience on City or local service commissions, committees, boards, clubs, etc.:

Current member of the City of Willows Planning Commission and GWIL

Secretary for the Willows Community Thrift Store

Member of the Willows Lions Club and currently secretary

Prior to retirement from Glenn County, staff to the Local Transportation Commission, Regional Transit Committee. Worked in County Planning for 15 years

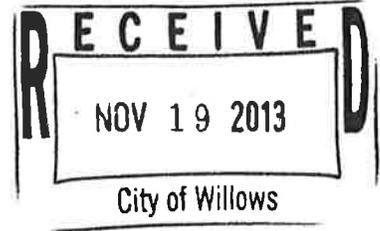
Please provide a statement as to why you wish to serve on the Planning Commission of the City of Willows at this time:

I would like to serve on the Planning Commission to assist with development of Willows and share my knowledge and insight from my work with the County. I would like to give back to the community that I have lived in for 40 years.

Applicant Signature Peggy White Date & Time Received by City Clerk \_\_\_\_\_

The City of Willows is an Equal Opportunity Provider

3:20 Wed.



APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION

**\*\*THIS DOCUMENT IS A PUBLIC RECORD\*\***

Name: ROBERT L. GRIFFITH

Residence Address: 1039 NORTHGATE DR

Mailing Address: SAME

E-Mail Address: GRIFF97CA@HOTMAIL.COM

Home Phone: 530-361-9073 Business Phone: N/A

\* Are you a registered voter? YES

Please list all prior experience on City or local service commissions, committees, boards, clubs, etc.:

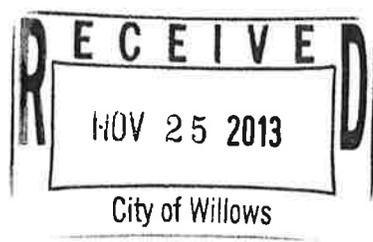
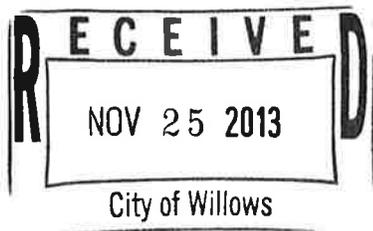
WHEN WE MOVED TO WILLOWS, WE FELL IN LOVE WITH THE CITY AND THE PEOPLE WHO ENBRACED US WITH OPEN ARMS. MY SON-IN-LAW HAS TOLD US OF THE CITIES PAST GLOW, AS HE GREW UP HERE. I WANT TO HELP GROW THE CITY IN A APPORATE MANNER, TO ENCOURAGE LOCAL SHOPING AND CREATING JOBS AND REVENUE.

Please provide a statement as to why you wish to serve on the Planning Commission of the City of Willows at this time:

KIWANIS PRESIDENT AND BOARD MEMBER  
HELD VARIOUS POSITIONS IN VARIOUS CHURCHES  
RETIRED AND HAVE PLENTY OF TIME TO WORK

Applicant Signature Robert Griffith Date & Time Received by City Clerk

3:40 Wed.



APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION

\*\*THIS DOCUMENT IS A PUBLIC RECORD\*\*

Name: Shirley Benningfield

Residence Address: 739 E. Oak St.

Mailing Address: same

E-Mail Address: jb and rocket@att.net

Home Phone: 530-934-2221 Business Phone: N/A

\* Are you a registered voter? yes

Please list all prior experience on City or local service commissions, committees, boards, clubs, etc.:

- Treasurer - Glenn Co. Republican Central Committee
- Treasurer - Glenn Baptist Church
- Secretary - Portola High School Student Council

Please provide a statement as to why you wish to serve on the Planning Commission of the City of Willows at this time:

I have had the privilege of being an employee of the City of Willows for over 30 yrs. As a retiree, I would like to give back to the city that has given so much to me, by serving on the Planning Commission. I feel that my experience in helping the public with zoning and other planning issues during my years of employment would

Applicant Signature Shirley Benningfield Date & Time Received by City Clerk (over)

make me an asset to the Planning Commission. If I am appointed, I will do my best to assist the City Planner, and to serve the City and its citizens with integrity and fairness.