

CITY COUNCIL

Gary L. Hansen, Mayor
Jim Yoder, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
Jeff Williams, Council Member



CITY MANAGER
Scott Taylor

CITY CLERK
Natalie Butler

201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL REGULAR MEETING AGENDA
Tuesday, January 12, 2016
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. **Presentations & Proclamations:**
 - a) On behalf of the Elks National Foundation, Willows Elks Lodge #1786 Exalted Ruler, Brian Tharp, will present the City with a \$1000 donation to go toward the City's Swim Pool.
 - b) Mayor Hansen will present Kerri Warren with a Certificate of Appreciation for her service as a Willows Planning Commissioner.
5. **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 a majority consensus of the Council directs staff to place the item on a future agenda. ***(Public Comment is generally restricted to three minutes).***
6. **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 Checking, Payroll Checks & Payroll Direct Deposit.
 - b) Consider approval of the City Council Minutes for the Regular Meeting held on December 8, 2015.
 - c) Consider adoption of a Resolution authorizing a Maintenance Agreement with CalTrans for a public improvement project at 301 East Wood Street.
 - d) Consider declaring certain items in the Police Department as surplus and allow staff to dispose of said items.

7. 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) Conduct a Public Hearing regarding the 2015/2016 Appropriation Limit for the City and adopt a Resolution establishing said limit.
- b) Conduct a Public Hearing and upon conclusion, introduce by title only and pass first reading of an Ordinance adding Chapter 9.20 entitled "Medical Marijuana" to the Willows Municipal Code.

8. Ordinances: Action taken under item 7 (b).

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

10. New Business:

- a) Consider approval of a Resolution awarding a construction contract to Omni Pipelines Inc. for the South Willows Sewer Project.
- b) Establish Date and Time for 2015-16 Mid-Year Budget Review Workshop.

11. Council Member Reports:

12. Executive Session: Council will convene into Executive Session pursuant to California Government Code Sections 54950 et seq. More specific information regarding the closed session item(s) is indicated below:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public will have an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. Public Comments are generally restricted to three minutes.

- a) **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**, pursuant to Gov. Code section 54957
One Case: Kelly Kuwata v. City of Willows.
Glenn County Superior Court case no. 14CV01380

13. Report out from Executive Session:

14. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before January 8, 2016.

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

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

The City of Willows is an Equal Opportunity Provider

Period

12/2/2015 TO 1/6/2016

General Checking 30337 TO 30450

Payroll Direct Deposit Z06889 TO Z06974

Payroll Checks 34483 TO 34528

APPROVAL DATE 1/12/2016

Approved _____

REPORT.: Dec 02 15 Wednesday
 RUN...: Dec 02 15 Time: 12:55
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 12-15 Bank Account.: 1050

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|---------------------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------------|
| 030337 | 12/03/15 | AIR00 | AIRGAS NCN | 102.77 | .00 | 102.77 | 501578 | OXYGEN |
| 030338 | 12/03/15 | AME02 | AMERIPRIDE UNIFORM SVCS. | 386.02 | .00 | 386.02 | B51201 | NOVEMBER STMT PER ATTACHE |
| 030339 | 12/03/15 | ATT01 | A.T. & T. | 918.66 | .00 | 918.66 | B51201 | TELEPHONE EXP. 10/19-11/1 |
| 030340 | 12/03/15 | BAK06 | BAKER & TAYLOR BOOKS | 688.60 | .00 | 688.60 | 412234 | NEW PRINT MAT. LIBRARY |
| 030341 | 12/03/15 | BAR01 | BARCELOUX BROTHERS AUTO | 436.49 | .00 | 436.49 | B51201 | NOVEMBER STMT PER ATTACHE |
| 030342 | 12/03/15 | COM16 | COMCAST CABLE | 148.82 | .00 | 148.82 | B51202 | INTERNET FD 11/19-12/18/1 |
| 030343 | 12/03/15 | COM18 | COMMUNITY WISH FOUNDATION | 1000.00 | .00 | 1000.00 | B51201 | REFUND OF CANINE DONATION |
| 030344 | 12/03/15 | DEM01 | DEMCO, INC. | 321.34 | .00 | 321.34 | 5745255 | LIBRARY SUPPLIES/FIXTURES |
| 030345 | 12/03/15 | FGL00 | FGL ENVIRONMENTAL | 21.00 | .00 | 21.00 | 578988A | BACTI ANALYSIS |
| 030346 | 12/03/15 | HIN02 | HINDERLITER DELLAMAS & AS | 684.39 | .00 | 684.39 | 24516-IN | AUDIT SERVICES-SALES TAX |
| 030347 | 12/03/15 | INK01 | THE INKWELL | 53.73 | .00 | 53.73 | 09083 | SHOP PRINTER INK |
| 030348 | 12/03/15 | IWO00 | iWorQ SYSTEMS | 600.00 | .00 | 600.00 | 7355 | SERVICE REQUEST MANAGEMEN |
| 030349 | 12/03/15 | MAT01 | MATSON & ISOM TECHNOLOGY | 720.32 | .00 | 720.32 | 0022178 | GIGABIT SMART SWITCH/MAIN |
| 030350 | 12/03/15 | MID03 | MIDWEST TAPE | 555.72 | .00 | 555.72 | 93449817 | DVDS |
| 030351 | 12/03/15 | MTS00 | MT SHASTA SPRING WATER CO | 70.70 | .00 | 70.70 | B51201 | NOVEMBER STMT WATER-PD |
| 030352 | 12/03/15 | OCL00 | OCLC, INC. | 1162.61 | .00 | 1162.61 | 414865 | MONTHLY SUBSCRIPTION |
| 030353 | 12/03/15 | PGE01 | PG & E | 11211.19 | .00 | 11211.19 | B51201 | P.G. & E. NOVEMBER 2015 |
| 030354 | 12/03/15 | RAD00 | RADIO GUYS | 253.43 | .00 | 253.43 | 15069 | KENWOOD DEPOT REPAIRED |
| 030355 | 12/03/15 | SAC08 | SACRAMENTO VALLEY MIRROR | 89.95 | .00 | 89.95 | 13693 | LEGAL AD-WALMART/PUBLIC N |
| 030356 | 12/03/15 | UNI10 | UNITED ROTARY BRUSH CORP. | 288.98 | .00 | 288.98 | CL178614 | REPAIR #16 GUTTER BROOMS |
| 030357 | 12/03/15 | USB02 | US BANK | 806.40 | .00 | 806.40 | 684008 | EQUIP. LEASE 11/20-12/20/ |
| 030358 | 12/03/15 | USB04 | U.S. BANK CORPORATE PAYME | 1937.03 | .00 | 1937.03 | B51202 | NOVEMBER STMT PER ATTACHE |
| 030359 | 12/03/15 | WAL07 | WAL-MART COMMUNITY | 325.30 | .00 | 325.30 | B51201 | NOVEMBER STMT PER ATTACHE |
| Cash Account Total.....: | | | | 22783.45 | .00 | 22783.45 | | |
| Total Disbursements.....: | | | | 22783.45 | .00 | 22783.45 | | |

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------------|
| 030360 | 12/03/15 | PAS00 | LAWRENCE PASTORINO | 411.72 | .00 | 411.72 | B51203P | REFUND WEED ABATEMENT |
| 030361 | 12/10/15 | ACT01 | ACI SPECIALTY BENEFITS | 700.00 | .00 | 700.00 | 17682 0 | PROFESSIONAL SERVICES |
| 030362 | 12/10/15 | AME02 | AMERIPRIDE UNIFORM SVCS. | 345.68 | .00 | 345.68 | B51209 | NOVEMBER UNIFORM SERVICE |
| 030363 | 12/10/15 | BEA00 | BEARING BELT CHAIN CO. | 268.82 | .00 | 268.82 | 64937 | ARM BEARINGS #11A LEAF TR |
| 030364 | 12/10/15 | CAL01 | CALIFORNIA WATER COMPANY | 6000.00 | .00 | 6000.00 | B51209 | BASIN ST WATER LINE DESIG |
| 030365 | 12/10/15 | COM16 | COMCAST CABLE | 143.82 | .00 | 143.82 | B51209 | ADMIN INTERNET 11/29-12/2 |
| 030366 | 12/10/15 | EVE00 | EVERGREEN NOTE SERVICING | 45.00 | .00 | 45.00 | B51209 | NOTE SERVICING NOVEMBER 2 |
| 030367 | 12/10/15 | GAN01 | GANDY-STALEY OIL CO. | 1988.27 | .00 | 1988.27 | B51209 | NOVEMBER STMTS PER ATTACH |
| 030368 | 12/10/15 | GLE41 | GLENN CO. ROP PRINTING | 113.95 | .00 | 113.95 | 4139 | PATIENT INFORMATION FORMS |
| 030369 | 12/10/15 | GRI01 | ROBERT GRIFFITH | 189.58 | .00 | 189.58 | B51209 | PLANNING COMMISION REIMBU |
| 030370 | 12/10/15 | HIW00 | HIWAY TRUCK & AUTO | 235.90 | .00 | 235.90 | 8-10211 | DASH VALVE #16 SWEEPER |
| 030371 | 12/10/15 | INT16 | INTERSTATE BATTERY SYSTEM | 312.40 | .00 | 312.40 | B51209 | NOVEMBER STMT PER ATTACHE |
| 030372 | 12/10/15 | ITF01 | INDUSTRIAL TRUCK & FARM | 60.53 | .00 | 60.53 | B51209 | NOVEMBER STMT PER ATTACHE |
| 030373 | 12/10/15 | LAM01 | LAMBERT INSURANCE AGENCY | 413.00 | .00 | 413.00 | 89 | INSURANCE-ADD 2016 EXPEDI |
| | | | | 184.00 | .00 | 184.00 | 90 | INSURANCE-DELETE CROWN VI |
| | | | Check Total.....: | 597.00 | .00 | 597.00 | | |
| 030374 | 12/10/15 | MEZ00 | JODY MEZA | 40.00 | .00 | 40.00 | B51209 | REIMBURSEMENT FOR LIVESCA |
| 030375 | 12/10/15 | O'R01 | O'REILLY AUTO PARTS | 34.21 | .00 | 34.21 | B51209 | NOVEMBER STMT PER ATTACHE |
| 030376 | 12/10/15 | SIL00 | SILVERTON PUMP COMPANY | 400.00 | .00 | 400.00 | 1102 | PUMP REPAIR-LABOR AND SER |
| 030377 | 12/10/15 | SPP00 | SPP FUND MASTER TENANT, L | 18298.50 | .00 | 18298.50 | 850412 | SOLAR ELECTRICITY 9/1-11/ |
| 030378 | 12/10/15 | STA29 | STATE BAR OF CALIFORNIA | 430.00 | .00 | 430.00 | 243313AA | ANNUAL MEMBERSHIP FEE |
| 030379 | 12/10/15 | TRA02 | TRACTOR SUPPLY CREDIT PLA | 182.43 | .00 | 182.43 | 3343 | NOVEMBER STMT PER ATTACHE |
| 030380 | 12/10/15 | VAL24 | VALLEY RUBBER GASKET | 30.10 | .00 | 30.10 | CIO17423 | PVC HOSE |
| 030381 | 12/10/15 | WILHD | WILLOWS HARDWARE, INC. | 562.95 | .00 | 562.95 | B51209 | NOVEMBER STMT PER ATTACHE |
| 030382 | 12/10/15 | WILHI | WILLOWS ACE HARDWARE | 177.74 | .00 | 177.74 | B51209 | NOVEMBER STMT PER ATTACHE |
| | | | Cash Account Total.....: | 31568.60 | .00 | 31568.60 | | |
| | | | Total Disbursements.....: | 31568.60 | .00 | 31568.60 | | |

| Check Number | Check Date | Vendor Number | Vendor Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Description |
|--------------|------------|---------------|----------------------------|--------------|-----------------|------------|-----------|---------------------------|
| 030383 | 12/18/15 | AFF00 | AFFORDABLE COMPUTER SOLUT | 839.00 | .00 | 839.00 | 3710 | WINDOWS UPGRADE/PRINTER S |
| 030384 | 12/18/15 | CAL04 | CALIFORNIA DEPT. OF JUSTI | 96.00 | .00 | 96.00 | 135082 | FINGERPRINTS |
| 030385 | 12/18/15 | CAR06 | CARROT-TOP INDUSTRIES, INC | 90.66 | .00 | 90.66 | 28184300 | PURCH |
| 030386 | 12/18/15 | COA00 | COASTLAND CIVIL ENGINEERI | 687.50 | .00 | 687.50 | 38382 | SACRAMENTO-BUTTE ST THROU |
| | | | | 115.00 | .00 | 115.00 | 38408 | WWTP SWPPP UPDATE THROUGH |
| | | | | 790.00 | .00 | 790.00 | 38413 | EDA GRANT THROUGH 11/30/1 |
| | | | | 230.00 | .00 | 230.00 | 38435 | WILLOWS SR APTS PAYROLL R |
| | | | | 1850.50 | .00 | 1850.50 | 38462 | WILLOWS CITY ENGINEERING |
| | | | | 2216.60 | .00 | 2216.60 | 38493 | SACRAMENTO-BUTTE ST THROU |
| | | | | 770.00 | .00 | 770.00 | 38510 | TEHAMA ST RECONSTRUCTIO T |
| | | | | 185.00 | .00 | 185.00 | 38523 | PG&E SERVICE CENTER THROU |
| | | | | 920.00 | .00 | 920.00 | 38528 | WILLOWS ST VACATION-ALSCO |
| | | | | 2635.16 | .00 | 2635.16 | 38531 | CAL WATER DRINKING WTR TR |
| | | | Check Total..... | 10399.76 | .00 | 10399.76 | | |
| 030387 | 12/18/15 | COM16 | COMCAST CABLE | 55.15 | .00 | 55.15 | B51216 | INTERNET LIBRARY 12/03/15 |
| | | | | 52.73 | .00 | 52.73 | AB51216 | INTERNET PD12/715-1/6/16 |
| | | | Check Total..... | 107.88 | .00 | 107.88 | | |
| 030388 | 12/18/15 | CRE01 | CREATIVE COMPOSITION | 126.31 | .00 | 126.31 | 90880 | EMPLOYEE ABSENTEE REPORT |
| | | | | 131.42 | .00 | 131.42 | 90881 | LEAVE REQUEST |
| | | | Check Total..... | 257.73 | .00 | 257.73 | | |
| 030389 | 12/18/15 | DAY02 | DAY WIRELESS SYSTEMS (04) | 125.00 | .00 | 125.00 | 397941 | SERVICE CALL PD |
| 030390 | 12/18/15 | EMP00 | EMPLOYERS INVESTIGATIVE S | 1779.92 | .00 | 1779.92 | 5050036 | BACKGROUND INVESTIGATION |
| 030391 | 12/18/15 | FIR13 | FIRST BAPTIST CHURCH | 1000.00 | .00 | 1000.00 | B51216 | UTILITY REIMBURSEMENT 201 |
| 030392 | 12/18/15 | GLE09 | GLENN CO. OFFICE OF EDUCA | 17698.00 | .00 | 17698.00 | B51216 | LITERACY PASS THROUGH |
| 030393 | 12/18/15 | LIB01 | THE LIBRARY CORPORATION | 155.00 | .00 | 155.00 | 59915 | BARCODE LABELS |
| 030394 | 12/18/15 | LOM00 | TYLER LOMBARD | 284.50 | .00 | 284.50 | B51216 | TRAINING REIMBURSEMENT |
| 030395 | 12/18/15 | MAT01 | MATSON & ISOM TECHNOLOGY | 3062.00 | .00 | 3062.00 | 52656 | MANAGED PARTNER AGREEMENT |
| 030396 | 12/18/15 | MEN02 | MENDES SUPPLY COMPANY | 164.32 | .00 | 164.32 | R00794200 | PAPER ROLLS/TRASH LINERS |
| 030397 | 12/18/15 | MID03 | MIDWEST TAPE | 22.99 | .00 | 22.99 | 93459343 | TAPES |
| | | | | 120.96 | .00 | 120.96 | 93492348 | TAPES |
| | | | | 108.95 | .00 | 108.95 | 93494374 | TAPES |
| | | | | 119.97 | .00 | 119.97 | 93777318 | TAPES |
| | | | Check Total..... | 372.87 | .00 | 372.87 | | |
| 030398 | 12/18/15 | MJB01 | MJB WELDING SUPPLY, INC. | 36.00 | .00 | 36.00 | 1103642 | CYLINDER RENTAL NOV 2015 |
| 030399 | 12/18/15 | OFF05 | OFFICE DEPOT, INC. | 266.12 | .00 | 266.12 | 430001 | OFFICE SUPPLIES ADMIN |
| | | | | 38.69 | .00 | 38.69 | 635001 | PRESSBOARD RETURNED-CM AP |
| | | | | -12.66 | .00 | -12.66 | 852001C | OFFICE SUPPLIES PD |
| | | | | -9.07 | .00 | -9.07 | 853001C | CALENDAR |
| | | | | 56.58 | .00 | 56.58 | 4240001 | FRAMES |
| | | | | 43.37 | .00 | 43.37 | 6580001 | OFFICE SUPPLIES PD |
| | | | | 23.64 | .00 | 23.64 | 6590001 | STAPLER/DESKTOP |
| | | | Check Total..... | 406.67 | .00 | 406.67 | | |
| 030400 | 12/18/15 | PET02 | PETERSON TRACTOR CO. | 13.38 | .00 | 13.38 | 009213 | HOSE |
| 030401 | 12/18/15 | PGE01 | PG & E | 26.60 | .00 | 26.60 | B51216 | P.G. & E. 1600 S TEHAMA 1 |
| 030402 | 12/18/15 | SEV00 | SEVERN TRENT ENVIRONMENTA | 49116.10 | .00 | 49116.10 | 2081547 | WILLOWS OPERATIONS NOV 20 |
| | | | | 49116.10 | .00 | 49116.10 | 2082030 | WILLOWS OPERATIONS DEC 20 |
| | | | | 212.00 | .00 | 212.00 | 2082047 | WILLOWS WASTEWATER NOV 20 |
| | | | Check Total..... | 98444.20 | .00 | 98444.20 | | |
| 030403 | 12/18/15 | SHE01 | SHELBY'S PEST CONTROL | 33.00 | .00 | 33.00 | H19337 | BUILDING MAINT FIRE DEPAR |
| 030404 | 12/18/15 | SPP00 | SPP FUND MASTER TENANT, L | 7209.77 | .00 | 7209.77 | 3417929 | SOLAR ELECTRICITY NOV 201 |
| 030405 | 12/18/15 | THO00 | THOMAS HYDRAULIC AND | 179.35 | .00 | 179.35 | 375297 | TRENCHER REPAIR |

REPORT.: Dec 18 15 Friday
 RUN...: Dec 18 15 Time: 15:19
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 12-15 Bank Account.: 1050

PAGE: 002
 ID #: PY-DP
 CTL.: WIL

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Description |
|---------------------------|------------|---------------|----------------------|--------------|-----------------|------------|-----------|---------------------------|
| 030406 | 12/18/15 | VAL01 | VALLEY ROCK PRODUCTS | 372.37 | .00 | 372.37 | 1106989 | ALLEY REPAIR |
| 030407 | 12/18/15 | VER02 | VERIZON WIRELESS | 561.74 | .00 | 561.74 | B51216 | TELEPHONE EXP. NOV 2015 |
| 030408 | 12/18/15 | WIL17 | WILLDAN | 21700.00 | .00 | 21700.00 | 00711967 | PLANNING SERVICES THROUGH |
| 030409 | 12/18/15 | WIL75 | WILLOWS HIGH SCHOOL | 1000.00 | .00 | 1000.00 | B51216 | REPLACE SOCCER NITS |
| Cash Account Total.....: | | | | 166415.72 | .00 | 166415.72 | | |
| Total Disbursements.....: | | | | 166415.72 | .00 | 166415.72 | | |
| Cash Account Total.....: | | | | .00 | .00 | .00 | | |

REPORT : Dec 31 15 Thursday
 RUN : Dec 31 15 Time: 14:09
 Run By : JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 12-15 Bank Account.: 1050

PAGE: 001
 ID #: FY-DP
 CTL: WIL

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | -----Payment Information----- Invoice # | Description |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|--|---------------------------|
| 030410 | 12/31/15 | PRE02 | PREMIER ACCESS INSURANCE | 183.87 | .00 | 183.87 | B51230P | ADDITIONAL PREMIUM |
| 030411 | 12/31/15 | ABF01 | CERTIFIED/FORTRESS SECURI | 72.00 | .00 | 72.00 | 2205927 | ALARM MONITORING 1/1-3/31 |
| 030412 | 12/31/15 | ABO00 | STEVE ABOLD | 200.00 | .00 | 200.00 | B51231 | PUB. WKS. TOOL PARKS/PUB. |
| 030413 | 12/31/15 | AIR00 | AIRGAS NCN | 102.61 | .00 | 102.61 | 353408 | OXYGEN |
| 030414 | 12/31/15 | ALV04 | TRICIA ALVES | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030415 | 12/31/15 | ATT01 | A.T. & T. | 35.02 | .00 | 35.02 | B51229 | TELEPHONE EXP.EC LIBRARY |
| 030416 | 12/31/15 | BUT01 | NATALIE BUTLER | 87.36 | .00 | 87.36 | B51229 | MILEAGE 7/1-12/31/15 |
| 030417 | 12/31/15 | CAL01 | CALIFORNIA WATER COMPANY | 2229.68 | .00 | 2229.68 | A51231 | WATER EXPENS 10/15-11/12/ |
| | | | | 2805.32 | .00 | 2805.32 | B51231 | WATER EXPENSE 11/13-12/14 |
| | | | Check Total..... | 5035.00 | .00 | 5035.00 | | |
| 030418 | 12/31/15 | CHA00 | LANCE CHAPMAN | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. FIRE DEPART |
| 030419 | 12/31/15 | CHI07 | CHICO IMMEDIATE CARE | 160.00 | .00 | 160.00 | 31560 | MEDICAL SERVICE |
| 030420 | 12/31/15 | COL07 | JANE COLLINS | 89.70 | .00 | 89.70 | B51229 | MILEAGE 7/1-12/31/15 |
| 030421 | 12/31/15 | COM16 | COMCAST CABLE | 148.82 | .00 | 148.82 | B51229 | INTERNET FD 12/19/15-1/18 |
| 030422 | 12/31/15 | COR12 | SANDRA CORBIN | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030423 | 12/31/15 | COR16 | CORDICO PSYCHOLOGICAL COR | 400.00 | .00 | 400.00 | 1172 | PRE-EMPLOYMENT EVALUATION |
| 030424 | 12/31/15 | DAH00 | JASON DAHL | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030425 | 12/31/15 | DAW00 | CLAY DAWLEY | 107.50 | .00 | 107.50 | B51231 | CLOTHING EXP. BUILDING DE |
| 030426 | 12/31/15 | EDG00 | ADAM EDGINGTON | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030427 | 12/31/15 | EMB03 | EMBASSY SUITES - ANAHEIM | 281.20 | .00 | 281.20 | B51229 | HOTEL-POST JOB ANALYSIS W |
| 030428 | 12/31/15 | GLE05 | GLENN CO. FLEET SERVICES | 3716.57 | .00 | 3716.57 | FL1597 | NOVEMBER VEHICLE RENTAL & |
| 030429 | 12/31/15 | JOH07 | LUCAS JOHNSON | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. FIRE DEPART |
| 030430 | 12/31/15 | LAM01 | LAMBERT INSURANCE AGENCY | 206.00 | .00 | 206.00 | 93 | INSURANCE2006 FORD EXPLOR |
| 030431 | 12/31/15 | LEH00 | LEHR | 324.97 | .00 | 324.97 | 37391 | EXPEDITION-ADD'L EQUIPMEN |
| | | | | 3386.80 | .00 | 3386.80 | 43514 | EXPEDITION-ADD'L EQUIPMEN |
| | | | Check Total..... | 3711.77 | .00 | 3711.77 | | |
| 030432 | 12/31/15 | LEM01 | CAROL LEMENAGER | 200.00 | .00 | 200.00 | B51231 | VEHICLE ALLOW. RECREATION |
| 030433 | 12/31/15 | LIB01 | THE LIBRARY CORPORATION | 750.00 | .00 | 750.00 | 6010106 | SERVER SUPPORT 2/2016-1/2 |
| 030434 | 12/31/15 | LOM00 | TYLER LOMBARD | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. FIRE ORPART |
| 030435 | 12/31/15 | MCI01 | TROY MCINTYRE | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEP |
| 030436 | 12/31/15 | MTS00 | MT SHASTA SPRING WATER CO | 37.73 | .00 | 37.73 | 464757 | WATER PD |
| 030437 | 12/31/15 | OFF05 | OFFICE DEPOT, INC. | 114.95 | .00 | 114.95 | 252001 | OFFICE SUPPLIES PD |
| | | | | 49.23 | .00 | 49.23 | 318001 | OFFICE SUPPLIES PD |
| | | | | -9.01 | .00 | -9.01 | 412001C | DESKPAD RETURN |
| | | | | 25.78 | .00 | 25.78 | 413001 | DESK PAD PD |
| | | | | 42.98 | .00 | 42.98 | 836001 | DATA STICK |
| | | | | 22.56 | .00 | 22.56 | 863001 | CALENDAR PD |
| | | | | 58.23 | .00 | 58.23 | 891001 | FIRST AID SUPPLIES PD |
| | | | | 25.59 | .00 | 25.59 | 0892001 | WATER PD |
| | | | | 11.32 | .00 | 11.32 | 7319001 | BLACKBOARD ERASER |
| | | | | 66.95 | .00 | 66.95 | 7406001 | ADMIN OFFICE SUPPLIES |
| | | | | 167.67 | .00 | 167.67 | 8634001 | DRY ERASE BOARD |
| | | | Check Total..... | 576.25 | .00 | 576.25 | | |
| 030438 | 12/31/15 | ORL08 | ORLAND SAW & MOWER | 123.20 | .00 | 123.20 | 1219 | CARBURETOR REPAIR |
| 030439 | 12/31/15 | PGE01 | PG & E | 8668.59 | .00 | 8668.59 | B51231 | P.G. & E. 11/13-12/13/15 |
| 030440 | 12/31/15 | PRO00 | PRO FORCE LAW ENFORCEMENT | 11924.22 | .00 | 11924.22 | 258505 | TAZER REPLACEMENT |

REPORT.: Dec 31 15 Thursday
 RUN...: Dec 31 15 Time: 14:09
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 12-15 Bank Account.: 1050

PAGE: 002
 ID #: PY-DP
 CTL.: WIL

| Check Number | Check Date | Vendor Number | Vendor Name | Gross Amount | Discount Amount | Net Amount | -----Payment Information----- | |
|---------------------------|------------|---------------|---------------------------|--------------|-----------------|------------|-------------------------------|---------------------------|
| | | | | | | | Invoice # | Description |
| 030441 | 12/31/15 | SAI02 | TIMOTHY L. SALLSBERY | 200.00 | .00 | 200.00 | B51231 | VEHICLE ALLOW. FINANCE JA |
| 030442 | 12/31/15 | STO00 | MICHAEL STOVER | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030443 | 12/31/15 | STO01 | STONY CREEK UNIFIED SCHOO | 100.00 | .00 | 100.00 | B51231 | RENT ELK CREEK LIBRARY JA |
| 030444 | 12/31/15 | SYK01 | GENE SYKES | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. FIRE DEPART |
| 030445 | 12/31/15 | TAB02 | TAB PRODUCTS CO. LLC | 46.33 | .00 | 46.33 | 2314039 | LABELS |
| 030446 | 12/31/15 | TAY25 | SCOTT TAYLOR | 200.00 | .00 | 200.00 | B51231 | VEHICLE ALLOWANCE CITY MG |
| 030447 | 12/31/15 | TRA01 | TRANSUNION RISK AND ALTER | 3.75 | .00 | 3.75 | B51229 | INVESTIGATIVE SOFTWARE 10 |
| 030448 | 12/31/15 | VES01 | RAY VESSELS JR. | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| 030449 | 12/31/15 | WAL07 | WAL-MART COMMUNITY | 462.06 | .00 | 462.06 | B51229 | DECEMBER STMT PER ATTACHE |
| 030450 | 12/31/15 | WILHN | SHAWN WILLIAMS | 30.00 | .00 | 30.00 | B51229 | POST JOB ANALYSIS WORKSHO |
| | | | | 215.00 | .00 | 215.00 | B51231 | CLOTHING EXP. POLICE DEPT |
| Check Total.....: | | | | 245.00 | .00 | 245.00 | | |
| Cash Account Total.....: | | | | 40439.55 | .00 | 40439.55 | | |
| Total Disbursements.....: | | | | 40439.55 | .00 | 40439.55 | | |
| Cash Account Total.....: | | | | .00 | .00 | .00 | | |

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD December 8, 2015

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Vice Mayor Hansen led the Pledge of Allegiance.
3. **ROLL CALL:**
Present: Williams, Yoder, Mello, Hansen & Mayor Domenighini.
Absent: None
4. **Agenda Review:**
 - a) Consider acceptance of December 8, 2015 agenda:

M/S – Yoder/Hansen to accept the December 8, 2015 agenda as presented. The motion unanimously passed 5/0.
 - b) Discussion of possible action of retaining the “Agenda Review” item on future agendas:

City Attorney Bob Hunt informed the Council that although “Agenda Review” appears to be a common item placed on many Municipalities’ agendas, he stated that he has some concerns about it and actually has questions as to its legality. He stated that, pursuant to California’s Brown Act, once the agenda is posted, it is locked and set and there cannot be any further changes or additions made to its content after that point. He stated that it is purely up to the discretion of the Mayor as far as removing items, tabling items, or making other minor modifications to the content listed on the agenda. He suggested that the Council consider eliminating this item from future agendas as to avoid any potential issues of liability. After brief discussion, it was the unanimous consensus of the Council to have “Agenda Review” removed from future City Council agendas.
5. **Presentations & Proclamations:** None.
6. **Public Comment/Written Communications:** None
7. **Consent Agenda:**
M/S –Mello/Yoder to approve the Consent Agenda as presented. The motion unanimously passed 5/0 and the following items were approved/adopted:
 - a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30275-30336; Z06810-Z06888; 34433-34482).
 - b) Approval of City Council Minutes for the Regular Meeting held on October 27, 2015.

- c) Approval of City Council Minutes for the Special Meeting held on November 10, 2015.

8. **Public Hearings:** None

9. **Ordinances:** None.

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

- City Manager Scott Taylor announced to the Council that beginning on January 1, 2016, the City's payroll will be converted from bi-monthly to bi-weekly.
- Vice Mayor Hansen wanted to publicly thank Public Works Director Steve Soeth and the entire Public Works team for doing an outstanding job with the annual leaf pick-up and for keeping the City streets looking clean.
- Vice Mayor Hansen announced that the Museum's annual Christmas open house will take place on December 10 from 5:00 p.m. to 7:00 p.m.
- Mayor Domenighini echoed Vice Mayor Hansen's comments about the outstanding job that the Public Works department is doing keeping the city cleaned up nicely.
- Council Member Williams asked if it would be possible for staff to place the leaf pick-up schedule on the City's website. City Manager Taylor stated that this is something that he will see to is taken care of.

11. **New Business:** None

- a) Staff is seeking specific direction from Council relative to the drafting of an Ordinance for introduction and eventual adoption commensurate with their wishes pertaining to the regulation of medical marijuana within the City of Willows:

At the November 10 City Council meeting the Council discussed the recent State legislation related to the regulation of medical marijuana and impacts on local government should local government fail to enact an ordinance regulating the cultivation and/or deliver of medical marijuana within the Willows jurisdiction. The State Legislature introduced three bills comprising the Medical Marijuana Regulatory and Safety Act (MMRSA). These bills are designed to impose additional regulatory mechanisms related to medical marijuana. The legislation allows cities that wish to regulate cultivation and/or transportation and sale of medical marijuana to do so; however there are critical time constraints. At the November 10 meeting, Council directed staff to bring back options associated with the regulation of medical marijuana for consideration and action by the Council at tonight's meeting. To that end, the City Manager presented the following options for Council's consideration and action:

Option One: Prohibit cultivation but allow, regulate and tax the delivery of Medical Marijuana:

As discussed previously, cultivation is the physical growing of medical marijuana. Under State Legislation, local government has the authority to regulate or prohibit the cultivation and delivery of medical marijuana within its jurisdiction. This option would strictly prohibit any cultivation of medical marijuana within the city limits. This equates to no growing of medical marijuana in any capacity or quality within city limits. Further, this option would provide for the regulation and taxation of delivery of marijuana within city limits. As discussed, “delivery” means the transfer of medical marijuana from the grower to the end user. This delivery may occur from a brick and mortar location or perhaps in the form of mobile delivery. Additionally, regulation and taxation would include requisite licensing (including business licensing) and permits from both the City of Willows and the State under the MMRSA.

Option Two: Regulate cultivation and allow, regulate and tax the delivery of Medical Marijuana:

This option would be similar to option one with the difference being the permissive cultivation. Allowing cultivation within the city limits brings with it additional dynamics to be considered. These dynamics include the nuisance aspect of cultivation including offending odors and perhaps additional police resources related to open growth. However, if approval is considered, substantial restrictions can be imposed to significantly regulate those possible side effects associated with permitted cultivation.

Option Three: Regulate cultivation and Prohibit Delivery of Medical Marijuana:

This option provides for the regulation of cultivation of medical marijuana as previously outlined with similar concerns and regulatory possibilities. However, option three would prohibit the delivery of medical marijuana in its entirety. This option would strictly prevent any options of delivery including marijuana dispensaries, mobile delivery and related methods of end user distribution within city limits.

Option Four: Prohibit both cultivation and delivery of Medical Marijuana:

This option would strictly prohibit any cultivation of any kind within the city limits. It would not allow for growth of medical marijuana in any capacity for cooperatives and collectives. Further this option would strictly prohibit the delivery of medical marijuana within the city limits. Thus, under this option, no delivery in any form would be permitted thereby prohibiting dispensaries, brick and mortar locations and mobile delivery.

Council discussion ensued and Council Member Williams inquired whether the City could modify an ordinance once the Council was to adopt an ordinance addressing medical marijuana regulations. The City Manager told Council Member Williams yes, that whatever ordinance the Council chooses to adopt, it could be modified in the future.

Mayor Domenighini then read a letter into the record that was received by Willows resident Robert Faust, who was unable to attend this evening's meeting. Mr. Faust's letter expressed his opposition for the Council allowing any type of cultivation or delivery of medical marijuana at all in the City of Willows.

Willows resident and Planning Commissioner Robert Griffith addressed the Council and stated that he is also opposed to the City Council allowing any type of cultivation or delivery of medical marijuana in the City.

Willows resident Doug Ross addressed the Council and although he didn't express whether he was in favor of or opposed to Medical Marijuana, he stated that he disagreed with a comment in Mr. Faust's letter opposing Medical Marijuana. The comment he was referring to was "For those who need to find marijuana, travel to one of the large apartment complexes in town." Mr. Ross stated that he believed that comment unfairly casts dispersion on the apartments in Willows.

Council Member Yoder agreed with Mr. Ross' comments and he added that he also took offense to a comment in Mr. Faust's letter when he stated that "Morality of Willows is slowly declining..." Council Member Yoder stated that the City Council doesn't set policy on morality.

Council discussion continued, focusing on the four options presented to them by the City Manager.

Council Member Yoder indicated that he favored Option 1 to prohibit cultivation in the City, but to allow for regulation and taxation of delivery of Medical Marijuana.

Vice Mayor Hansen favored Option 4 and wants no part of Medical Marijuana cultivation or regulation & taxation in the City. He believes the City is currently on a positive track and in an up-trend and he feels that Medical Marijuana should not be allowed legally and that is not what he envisions Willows to be known for.

Council Member Mello also favored Option 4 and stated that once the ordinance is adopted it can always be changed or modified in the future.

Council Member Williams echoed Council Member Mello’s statement and stated that his preference was also Option 4.

Mayor Domenighini also stated that as a guardian of the community, he strongly favored Option 4 and he is not convinced that there are any medical benefits of marijuana.

With that, the Council directed the City Manager to bring forward an item at the next City Council Meeting to be held January 12, 2016, to consider passage of first reading of an ordinance prohibiting both cultivation and delivery of Medical Marijuana in the City of Willows. City Manager Taylor confirmed that he will bring this item before the Council on January 12, 2016, as directed.

b) Planning Commissioner Appointments:

Three Planning Commission terms (Commissioners Robert Griffith, Kerri Warren & Candis Woods) are due to expire at the end of December, 2015. Council Member Yoder and Vice Mayor Hansen at the City Council’s August 25, 2015, Regular Meeting, volunteered to interview candidates and report back to the full Council with their recommendations to select three individuals to serve on the Planning Commission beginning January 2016 and expiring December 2019. The City received only two applications from current Commissioners Robert Griffith and Candis Woods. Council Member Yoder and Vice Mayor Hansen elected to waive interviews for these two candidates, as they have already served on the board and have been doing well in their current roles as Commissioners. Therefore it is the recommendation of Council Member Yoder and Vice Mayor Hansen to reappoint Robert Griffith and Candis Woods to additional four-year terms on the Planning Commission. **M/S – Yoder/Hansen** to reappoint Robert Griffith and Candis Woods to serve additional four-year terms on the Willows Planning Commission and also to direct staff to continue to recruit for one remaining vacant seat on the Commission. The motion unanimously passed.

c) Appointments to various committees, commissions and/or panels for 2016:

Following are the City Council’s appointments to various boards, committees, commissions and/or panels for the year 2016:

| COMMITTEE | MEMBER(S) | WHEN APPT. | TERM EXP. |
|--|-----------------|------------|-----------|
| *Airport Land Use Committee | Domenighini | 12/09/2014 | 5/1/2017 |
| *Glenn County Waste Management Regional Agency | Hansen Mello | 12/08/2015 | 01/2017 |

| | | | |
|--|---|------------|---------|
| | Williams (Alternate) | | |
| *Transit Committee | Hansen Williams Yoder (Alternate) | 12/08/2015 | 01/2017 |
| *Transportation Commission | Hansen Williams | 12/08/2015 | 01/2017 |
| LAFCO (Term is four years) | Domenighini | 12/08/2015 | 05/2017 |
| City Select Committee | Mayor | 12/2004 | 12/2016 |
| Countywide Mosquito & Vector Committee | Mayor | 12/08/2015 | 12/2016 |
| Finance Committee | Williams Mello | 12/08/2015 | 12/2016 |
| GCID Voting Delegate | Mayor | 12/2000 | 12/2016 |
| League Legislative Delegate | Mayor | 12/2004 | 12/2016 |
| Library Board | Domenighini | 12/08/2015 | 12/2016 |
| 3CORE (Formerly known as Tri- Counties Economic Development Committee) | Mello Yoder (Alternate) | 12/08/2015 | 12/2016 |
| CDBG Loan Committee | Domenighini Hansen | 12/08/2015 | 12/2016 |
| Public Safety (Police & Fire) Committee | Hansen Yoder Williams (Alternate) | 12/08/2015 | 12/2016 |
| City & Counties Economic Development Steering Committee | Hansen Yoder Williams (Alternate) | 12/08/2015 | 12/2016 |

* The City Selection Committee makes the final selections to the committees marked with an asterisk (*). The City Selection Committee is scheduled to meet in order to ratify the 2016 appointments on January 4, 2016 at 8:30 a.m. in the Board of Supervisors Chambers at 525 West Sycamore Street. The Mayor appointed to serve the City for 2016 is expected to attend this meeting.

- d) Receive nominations, and by motion appoint a Mayor and Vice Mayor to serve for the year 2016.

Mayor Domenighini announced that nominations for Mayor for 2016 were now open. Council Member Yoder nominated Vice Mayor Hansen. Council Member Mello nominated Mayor Domenighini to serve a second term as Mayor. Council Member Williams also nominated Mayor Domenighini to serve a second term as Mayor. Mayor Domenighini thanked his fellow Council Members for their nominations, but stated that he is declining the nomination. Hearing no further nominations for Mayor for 2016, Mayor Domenighini closed the nominations. It was the unanimous consensus of the Council to appoint Council Member Hansen to serve as the Mayor for 2016.

Mayor Domenighini then opened nominations for Vice Mayor for 2016. Vice Mayor Hansen nominated Council Member Yoder. Hearing no further nominations for Vice Mayor for 2016, Mayor Domenighini closed the nominations. It was the unanimous consensus of the Council to appoint Council Member Yoder to serve as the Vice Mayor for 2016.

12. Council Member Reports:

- Vice Mayor Hansen reported that he attended the most recent Transit & Transportation board meetings. He also reported that he attended the recent Christmas light parade in downtown Willows.
- Council Member Mello announced that he planned to attend a workshop in Rancho Cordova on the 16th of the month to learn about the most recent adopted legislation regarding medical marijuana.
- Council Member Williams announced that he recently attended the Swearing-In ceremony for Officer Michael Stover who was recently promoted from the position of Detective to the position of Sergeant in the Police Department. He also reported that he attended the recent Christmas light parade downtown.

13. Executive Session:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public spoke and the council convened into Executive Session at 8:28 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Pursuant to Government Code Section 54957
One Case: Kelly Kuwata v. City of Willows.
Glenn County Superior Court case no. 14CV01380

14. Reconvene to Open Session & Report out, if any, on Closed Session:

The Council reconvened into open session at 8:28 p.m. Mayor Domenighini stated that there was no reportable action taken.

15. **Adjournment:** Mayor Domenighini adjourned the meeting at 9:54 p.m.

Dated: December 8, 2015

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

AGENDA ITEM

TO: Scott Taylor, City Manager
FROM: Steve Soeth, Public Works Director
SUBJECT: CalTrans maintenance agreement

RECOMMENDATION

Approve, by resolution a maintenance agreement with CalTrans for the improvements in front of 310 East Wood Street.

SITUATION

Pacific Gas and Electric is improving their service center located at 310 East Wood Street. This project includes improvement of the sidewalk in Caltrans' right of way. CalTrans requires the City to maintain the improvements. This is not a new requirement the City has entered into agreements at Walmart and the Morgan Car Wash.

FINANCIAL CONSIDERATIONS

Fiscal impacts are minimal in the short term.

NOTIFICATION

None

ALTERNATE ACTIONS

None

Respectfully submitted,



Steve Soeth

Public Works Director

Attachments:

Resolution

RESOLUTION # XX-2016

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WILLOWS, STATE OF CALIFORNIA,
APPROVING THE MAINTENANCE AGREEMENT WITH CALTRANS FOR A
PORTION OF SIDEWALK ALONG THE FRONTAGE OF WOOD STREET
ASSOCIATED WITH THE PG&E SERVICE CENTER PROJECT**

WHEREAS, PG&E is making improvements to the service center located at 310 East Wood Street, and

WHEREAS, the State of California through the Department of Transportation requires cities to enter into maintenance agreements for the proposed improvements prior to issuing encroachment permits, and

WHEREAS, in order to properly maintain the new sidewalk improvements, Caltrans has required that the Maintenance Agreement with the City be executed to include the maintenance of the new sidewalk improvements and said agreement has been submitted by Caltrans, reviewed by City staff and found to be in an acceptable format.

NOW, THEREFORE, BE IT RESOLVED The City Council hereby approves the Maintenance Agreement with the California Department of Transportation (Caltrans) for maintenance of public improvements in Wood Street associated with this project and hereby authorizes the City Manager to sign said agreement on behalf of the City.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this 12th day of January, 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Natalie Butler, City Clerk

DEPARTMENT OF TRANSPORTATION**DISTRICT 3**

Maintenance Engineering
703 B STREET
MARYSVILLE, CA 95901-0911
PHONE (530) 741-5396
FAX (530) 741-4072
TTY (530) 741-4509



*Serious drought.
Help save water!*

December 30, 2015

Steve Soeth
Public Works Director
201 N Lassen Street
Willows, CA 95988

I attached the electronic files of the Exhibit "A" and the Maintenance Agreement between the City of Willows and the State of California for the PG&E project on GLE 162 PM 66.72 near N Colusa Street. Please print 3 sets single sided for signatures.

Please ensure all copies are signed and returned to me along with a certified copy of the resolution authorizing the Agreement and the proof of insurance as required in the Agreement.

Please **do not** put a date on the first page of the Agreement. A date will be put on the first page after Caltrans District 3 director signs the Agreement. Then a copy of the fully executed Agreement will be sent to City for its files.

If you have any questions, please contact me at telephone (530) 741-5396 or email at Nancy.Xu@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Xu".

Nancy Xu
District 3 Agreement Engineer

Enclosure

**SIDEWALK MAINTENANCE AGREEMENT
WITHIN STATE HIGHWAY RIGHT OF WAY
ON ROUTE 162 WITHIN THE CITY OF WILLOWS**

THIS AGREEMENT is made effective this _____ day of _____, 20_____, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the CITY of Willows; hereinafter referred to as "CITY" and collectively referred to as "PARTIES".

SECTION I

RECITALS

1. PARTIES desire to work together to allocate their respective obligations relative to newly constructed or revised improvements within STATE's right of way by Permit Number 0315-6CS0921.
2. This Agreement addresses CITY responsibility for the sidewalk, driveway, and curb ramp (collectively the "SIDEWALK") placed within State Highway right of way on State Route 162, as shown on Exhibit A, attached to and made a part of this Agreement.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

SECTION II

AGREEMENT

1. In consideration of the mutual covenants and promises herein contained, CITY and STATE agree as follows:
 - 1.1. PARTIES have agreed to an allocation of maintenance responsibilities that includes, but is not limited to, inspection, providing emergency repair, replacement, and maintenance, (collectively hereinafter "MAINTAIN/MAINTENANCE") of SIDEWALK as shown on said Exhibit "A."
 - 1.2. When a planned future improvement is constructed and/or a minor revision has been effected with STATE's consent or initiation within the limits of the STATE's right of way herein described which affects PARTIES' division of maintenance responsibility as described herein, PARTIES will agree upon and execute a new dated and revised Exhibit "A" which will be made a part hereof and will thereafter supersede the attached original Exhibit "A" to thereafter become a part of this Agreement. The new exhibit can be executed only upon written consent of the PARTIES hereto acting by and through their authorized representatives. No formal amendment to this Agreement will be required.

2. CITY agrees, at CITY expense, to do the following:
 - 2.1. CITY may install, or contract, authorizing a licensed contractor with appropriate class of license in the State of California, to install and thereafter will MAINTAIN SIDEWALK conforming to those plans and specifications (PS&E) pre-approved by STATE.
 - 2.2. The degree or extent of maintenance work to be performed, and the standards therefore, shall be in accordance with the provisions of Section 27 of the Streets and Highways Code and the then current edition of the State Maintenance Manual.
 - 2.3. CITY will submit the final form of the PS&E, prepared, stamped and signed by a licensed engineer, for SIDEWALK to STATE's District Permit Engineer for review and approval and will obtain and have in place a valid necessary encroachment permit prior to the start of any work within STATE's right of way. All proposed SIDEWALK must meet STATE's applicable standards.
 - 2.4. CITY shall ensure that SIDEWALK areas designated on Exhibit "A" are provided with adequate scheduled routine MAINTENANCE necessary.
 - 2.5. An Encroachment Permit rider may be required for any changes to the scope of work allowed by this Agreement prior to the start of any work within STATE's right of way.
 - 2.6. CITY contractors will be required to obtain an Encroachment Permit prior to the start of any work within STATE's right of way.
 - 2.7. To remove SIDEWALK and restore STATE owned areas to a safe and attractive condition acceptable to STATE in the event this Agreement is terminated as set forth herein.
 - 2.8. To inspect SIDEWALK on a regular monthly basis to ensure the safe operation and condition of the SIDEWALK.
 - 2.9. To expeditiously MAINTAIN, replace, repair any SIDEWALK component that has become unsafe.
 - 2.10. To MAINTAIN SIDEWALK within the Agreement limits of the STATE highway right of way, as shown on Exhibit A, at CITY expense. MAINTENANCE includes, but is not limited to, concrete repair, replacement and to grind or patch vertical variations in elevation of SIDEWALK for an acceptable walking surface, and the removal of dirt, debris, graffiti, weeds, and any deleterious item or material on or about SIDEWALK in an expeditious manner.
 - 2.11. To allow random inspection of SIDEWALK by a STATE representative.
 - 2.12. All work by or on behalf of CITY will be done at no cost to STATE.

3. STATE agrees to do the following:

3.1. May provide CITY with timely written notice of unsatisfactory conditions that require correction by the CITY. However, the non-receipt of notice does not excuse CITY from maintenance responsibilities assumed under this Agreement.

3.2. Issue encroachment permits to CITY and CITY contractors at no cost to them.

4. LEGAL RELATIONS AND RESPONSIBILITIES:

4.1. Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not party to this Agreement, or affect the legal liability of either PARTY to this Agreement by imposing any standard of care respecting the design, construction and maintenance of these STATE highway improvements or CITY facilities different from the standard of care imposed by law.

4.2. If during the term of this Agreement, CITY should cease to MAINTAIN the SIDEWALK to the satisfaction of STATE as provided by this Agreement, STATE may undertake to perform that MAINTENANCE on behalf of CITY at CITY's expense. CITY hereby agrees to pay said STATE expenses, within thirty (30) days of receipt of billing by STATE. However, prior to STATE performing any MAINTENANCE, STATE will provide written notice to CITY to cure the default and CITY will have thirty (30) days within which to affect that cure.

4.3. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless CITY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement with the exception of those actions of STATE necessary to cure a noticed default on the part of CITY.

4.4. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.

5. PREVAILING WAGES:

5.1. Labor Code Compliance- If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771. CITY must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY's own forces is exempt from the Labor Code's Prevailing Wage requirements.

5.2. Requirements in Subcontracts - CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts

6. INSURANCE :

6.1. SELF-INSURED - CITY is self-insured. CITY agrees to deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement in a form satisfactory to STATE, along with a signed copy of the Agreement.

6.2. SELF-INSURED using Contractor - If the work performed on this Project is done under contract CITY shall require its contractors to maintain in force, during the term of this agreement, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement.

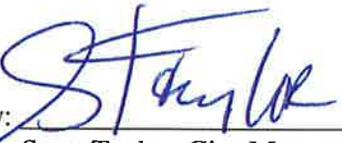
7. TERMINATION - This Agreement may be terminated by timely mutual written consent by PARTIES, and CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

8. TERM OF AGREEMENT -This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code Section 114 & 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF WILLOWS

By: 

Scott Taylor, City Manager

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

MALCOLM DOUGHERTY
Director of Transportation

By: _____
Amarjeet S. Benipal, District 3 Director

ATTEST:

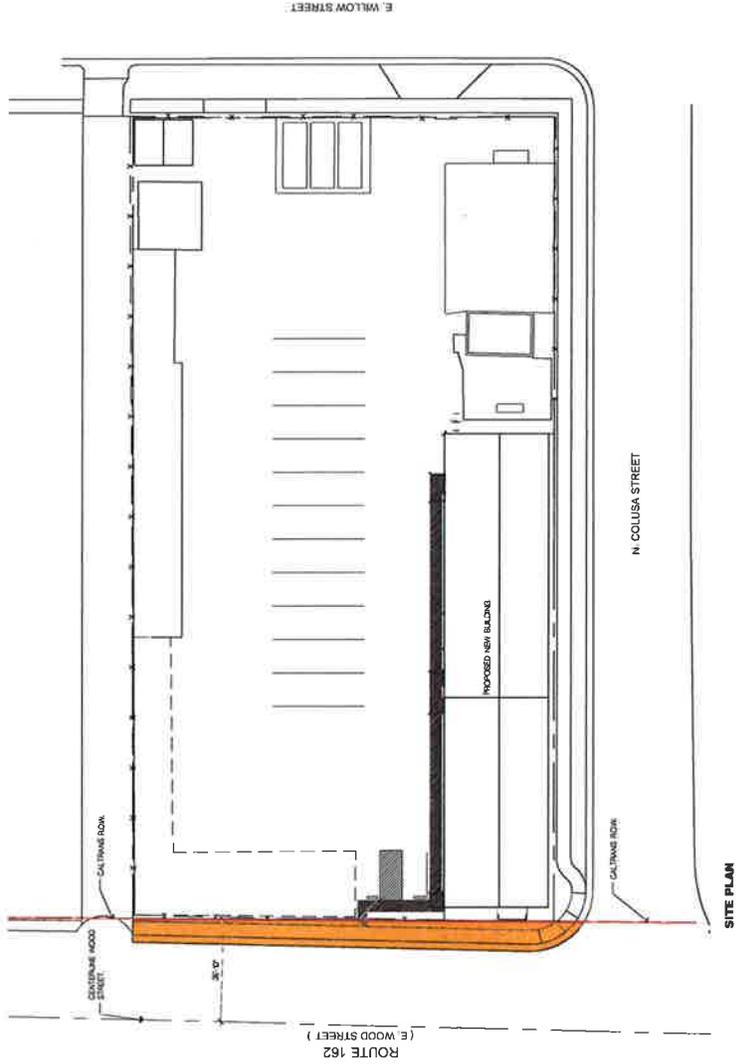
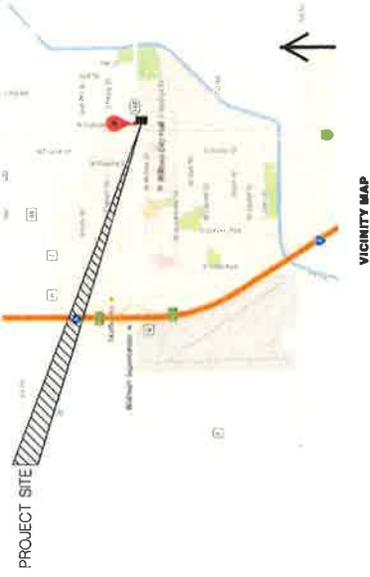
By: _____
Natalie Butler, City Clerk

SIDEWALK MAINTENANCE AGREEMENT
WITH
CITY OF WILLOWS

MAINTENANCE AGREEMENT WITH CITY OF WILLOWS EXHIBIT "A"

GLE 162 PM 66.72

Encroachment Permit #0315-6CS0921



LEGEND

STATE RIGHT OF WAY
TO BE MAINTAINED BY CITY
AT CITY'S EXPENSE



AGENDA ITEM

December 17, 2015

TO: Scott Taylor, City Manager
FROM: Jason Dahl, Chief of Police
SUBJECT: Surplus Property

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

SUMMARY

The Police Department has identified City property listed in Exhibit A which are no longer used or which have become obsolete or worn out. Pursuant to Willows Municipal Code 3.05.120, staff is requesting the City Council declare the items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

The Police Department requests the proceeds from surplus go back into their respective budgets.

ALTERNATE ACTIONS

Reject recommendation

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

Respectfully submitted,



Jason Dahl
Chief of Police

Approved by,



Scott Taylor
City Manager

Attachments:
Exhibit A

EXHIBIT A

POLICE DEPT.

"Taser" X26 Electronic Control Devices

| ECD Serial Number | Condition |
|-------------------|-------------|
| X00-193029 | Working |
| X00-262146 | Working |
| X00-120017 | Working |
| X00-262017 | Working |
| X00-674932 | Working |
| X00-262131 | Working |
| X00-193147 | Working |
| X00-262358 | Working |
| X00-262022 | Working |
| X00-254428 | Working |
| X00-302628 | Not Working |
| X00-057097 | Not Working |

AGENDA ITEM

TO: Willows City Council and Scott Taylor, City Manager



FROM: Tim Sailsbery, Finance Director

SUBJECT: 2015/16 Appropriation Limit

RECOMMENDATION

Conduct a Public Hearing regarding the 2015/2016 Appropriation Limit for the City of Willows and adopt resolution establishing said limit.

SITUATION (or BACKGROUND):

The City is required to establish its appropriations limit annually by Council resolution. The appropriation limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on the actual appropriations during the 1978-79 fiscal year and is increased each year using the growth of population and inflation. Not all revenues are restricted by the limit, only those that are designated as "proceeds of taxes" are included.

The City's appropriation limit for fiscal year 2015/16 is \$8,670,883. With qualified proceeds of taxes \$3,171,813 for the year, the City is \$5,499,070 under the limit. The City Auditor has applied testing procedures to the worksheets.

FINANCIAL CONSIDERATIONS:

No direct financial consideration as the City is below the Appropriation Limit for 2015/16.

NOTIFICATION

Notice of Public Hearing published in local newspaper

ALTERNATE ACTIONS

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

RECOMMENDATION

Conduct a Public Hearing regarding the 2015/2016 Appropriation Limit for the City of Willows and adopt resolution establishing said limit.

Respectfully submitted,



Tim Sailsbery
Finance Director

Attachment:
Resolution
City of Willows Appropriations Limit Worksheets-Fiscal Year 2015/16

RESOLUTION NO. XX-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ESTABLISHING 2015/2016 APPROPRIATION LIMIT

WHEREAS, Proposition 4 which was on the ballot at a special election held on November 6, 1979, added Article XIII B to the Constitution to place various limitations on the fiscal powers of local government; and

WHEREAS, Proposition 111 amended Article XIII B requiring the city to choose adjustment factors annually; and

WHEREAS, the adjustment factors used to determine the 2015/16 appropriation limit are the California per capita income increase and county population growth.

NOW, THEREFORE, BE IT RESOLVED that the City of Willows' 2015/16 Appropriation Limit is \$8,670,833.

PASSED AND ADOPTED by the City Council of the City of Willows this 12th day of January, 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Gary Hansen, Mayor

ATTEST:

NATALIE BUTLER, City Clerk

**CITY OF WILLOWS
APPROPRIATIONS LIMIT WORKSHEETS
FISCAL YEAR 2015/2016**

ROY R. SEILER
CERTIFIED PUBLIC ACCOUNTANT

201 C. North Tehama
Willows, CA 95988

Phone: 530-934-8841
Fax: 530-934-8849
E mail: Roy.Seiler@yahoo.com

**Independent Accountant=s Report on Agreed Upon Procedures
Applied to Appropriations Limit Worksheets**

City Council
City of Willows, California

I have applied the procedures enumerated below to the accompanying Appropriations Limit Worksheets No.1 through No.7 for the City of Willows, California (City) for the 2015/2016 fiscal year. These procedures, which were agreed to by the City and the League of California Cities (as presented in the League publication entitled *Article XIIB Appropriations limitation Uniform Guidelines*) were performed solely to assist the City in meeting the requirements of Section 1.5 of Article XIIB of the California Constitution.

This engagement to apply agreed-upon procedures was performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, I make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and my findings were as follows:

1. I obtained completed worksheets No. 1 through No. 7 and compared the limit and annual adjustment factors included in those worksheets to the limit and annual adjustment factors that were adopted by resolution of the City Council. I also compared the population and inflation options included in the aforementioned worksheets to those that were selected by a recorded vote of the City Council.

Finding: No exceptions were noted as a result of the procedures.

2. For the accompanying Appropriations Limit worksheet No. 6, I added line A of last=s year=s limit, to line E, total adjustments, and compared the resulting amount to line F, this year=s limit.

Finding: No exceptions were noted as a result of the procedures.

3. I compared the current information presented in the accompanying Appropriations Limit worksheet No. 6 to the prior year appropriation limit adopted by the City Council for the prior year.

Finding: No exceptions were noted as a result of the procedures.

4. I compared the prior year appropriations limit presented in the accompanying Appropriations Limit worksheet No. 6 to the prior year appropriations limit adopted by the City Council for the prior year.

Finding: No exceptions were noted as a result of the procedures.

I was not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on the accompanying Appropriations Limit worksheets No. 1 through No. 7. Accordingly, I do not express such an opinion. Had I performed additional procedures, other matters might have come to my attention that would have been reported to you. No procedures have been performed with respect to the determination of the appropriation limit for the base year, as defined by the League publication entitled *Article XIII B Appropriations Limitation Uniform Guidelines*.

This report is intended solely for the information of the City of Willows Council and management and is not intended to be and should not be used by anyone other than those specified parties.

Roy R. Seiler,
Certified Public Accountant

December 21, 2015

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

USERS FEES VERSUS COSTS (Enterprise Funds)

WORKSHEET #1
BUDGET X ACTUAL

Program Areas

| | Water | Sewer | Sewer Industries | TOTAL |
|--|---------|-----------|---------------------|-----------|
| A. COSTS REASONABLY BORNE | 7,692 | 1,815,877 | | 1,823,569 |
| B. FEES: | 5,000 | 1,627,750 | | 1,632,750 |
| | | | | |
| FEE REVENUE | 5,000 | 1,627,750 | | 1,632,750 |
| C. AMOUNT FEE EXCEEDS COST (i.e., TAX PROCEEDS) | (2,692) | (188,127) | 0 | (190,819) |
| D. AMOUNT OF FEE REVENUE GREATER THAN COST | | | | (190,819) |
| E. Use the results to complete Worksheet #2 | | | | |

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

CALCULATION OF PROCEEDS OF TAXES

WORKSHEET #2

BUDGET X ACTUAL

| REVENUES | PROCEEDS OF TAXES | NON-PROCEEDS OF TAXES | TOTAL |
|-------------------------|------------------------------|----------------------------------|--------------|
| TAXES: | | | |
| PROPERTY TAX | 802,447 | | 802,447 |
| SALES & USE TAX | 1,325,000 | | 1,325,000 |
| BUSINESS LICENSE TAX | 22,500 | | 22,500 |
| UTILITY USERS TAX | | | 0 |
| TRANSIENT OCCUPANCY TAX | 500,000 | | 500,000 |
| SPECIAL POLICE OR FIRE | 13,500 | | 13,500 |
| ADMISSIONS TAX | | | 0 |
| PARKING TAX | | | 0 |
| OTHER TAXES | | | 0 |
| FROM STATE: | | | |
| MOTOR VEHICLE IN LIEU | 482,000 | | 482,000 |
| TRAILER COACH IN LIEU | | | 0 |
| OFF-HIGHWAY VEHICLES | | | 0 |
| GASOLINE TAX | | 250,586 | 250,586 |
| TRANSPORTATION | | 881,000 | 881,000 |
| CIGARETTE TAX | | | 0 |
| HOMEOWNERS' RELIEF TAX | 8,453 | | 8,453 |
| WILLIAMSON OPEN SPACE | | | 0 |
| TIDELANDS TRUST | | | 0 |
| POST REIMBURSEMENTS | | 6,108 | 6,108 |
| REPEALED SUBVENTIONS: | | | 0 |
| LIQUOR LICENSE TAX | | | 0 |
| HIGHWAY CARRIERS | | | 0 |
| FINANCIAL AID TO LOCALS | | | 0 |
| BUSINESS INVENTORY | | | 0 |
| LIBRARY GRANTS | | 61,000 | 61,000 |
| REAL PROP TRANSFER TAX | 7,500 | | 7,500 |
| OTHER | | 115,756 | 115,756 |

**APPROPRIATIONS LIMIT GUIDELINES
WORKSHEET # 2
CONTINUED**

OTHER GOVERNMENTS:

**COUNTY LIBRARY ALLOCATION
COMMUNITY DEVELOPMENT
HOUSING
DISASTER RELIEF
OTHER**

| | | |
|--|-----------|-----------|
| | 65,659 | 65,659 |
| | 2,500,000 | 2,500,000 |
| | | 0 |
| | | 0 |
| | 2,934 | 2,934 |

LOCALLY RAISED:

**SPECIAL BEN ASSESSMENTS
LICENSES AND PERMITS
BUSINESS LICENSES
FRANCHISE FEES
DEVELOPMENT FEES
RENTS, ROYALTIES, PENALTIES
FINES AND FORFEITURES
CHARGES FOR SERVICES
USER FEES (From Worksheet # 1)
OTHER MISC.**

| | | |
|--|-----------|-----------|
| | 11,125 | 11,125 |
| | 41,800 | 41,800 |
| | | 0 |
| | 159,500 | 159,500 |
| | 1,500 | 1,500 |
| | 20,000 | 20,000 |
| | 21,500 | 21,500 |
| | 182,170 | 182,170 |
| | 1,632,750 | 1,632,750 |
| | 2,500 | 2,500 |

SUB-TOTAL (For Worksheet # 3)

| | | |
|-----------|-----------|-----------|
| 3,161,400 | 5,955,888 | 9,117,288 |
|-----------|-----------|-----------|

**INTEREST EARNINGS
(From Worksheet # 3)**

| | | |
|--------|--------|--------|
| 10,413 | 19,587 | 30,000 |
|--------|--------|--------|

**TOTAL REVENUE
(use for worksheet #4)**

| | | |
|-----------|-----------|-----------|
| 3,171,813 | 5,975,475 | 9,147,288 |
|-----------|-----------|-----------|

RESERVE WITHDRAWALS

| | | |
|--|--|--|
| | | |
|--|--|--|

TOTAL OF THESE FUNDS

| | | |
|-----------|-----------|-----------|
| 3,171,813 | 5,975,475 | 9,147,288 |
|-----------|-----------|-----------|

OTHER FUNDS NOT INCLUDED

| | | |
|--|--|---|
| | | 0 |
|--|--|---|

GRAND TOTAL

| | | |
|-----------|-----------|-----------|
| 3,171,813 | 5,975,475 | 9,147,288 |
|-----------|-----------|-----------|

CITY OF WILLOWS
 FISCAL YEAR 2015-2016

APPROPRIATIONS LIMIT GUIDELINES

INTEREST EARNINGS PRODUCED BY TAXES

WORKSHEET #3

| | AMOUNT | SOURCES |
|--|-----------|----------------|
| A. TAX PROCEEDS NOT INCLUDING INTEREST | 3,161,400 | (WORKSHEET #2) |
| B. MINUS EXCLUSIONS | 0 | (WORKSHEET #7) |
| C. NET INVESTED TAXES | 3,161,400 | (A-B) |
| D. TOTAL REVENUES NOT INCLUDING INTEREST | 9,147,288 | (WORKSHEET #2) |
| E. TAX PROCEEDS AS A PERCENT OF BUDGET | 34.56% | |
| F. INTEREST EARNINGS | 30,000 | |
| G. AMOUNT OF INTEREST EARNED FROM TAXES | 10,413 | (E*F) |
| H. AMOUNT OF INTEREST EARNED FROM NON-TAXES | 19,587 | (F-G) |

**CITY OF WILLOWS
FISCAL 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

APPROPRIATIONS SUBJECT TO LIMITATION

WORKSHEET #4

| | AMOUNT | SOURCES |
|---|--------------------|-----------------------|
| A. PROCEEDS OF TAXES | 3,171,813 | (WORKSHEET #2) |
| B. EXCLUSIONS | 0 | (WORKSHEET #7) |
| C. APPROPRIATIONS SUBJECT TO LIMITATIONS | 3,171,813 | (A-B) |
| D. CURRENT YEAR LIMIT | 8,670,883 | (WORKSHEET #6) |
| E. OVER/(UNDER) LIMIT | (5,499,070) | (C-D) |

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

POPULATION INCREASE

WORKSHEET #5

| LIMITATION COMPUTATION: | CITY | | COUNTY | |
|-------------------------|------------|---------|------------|---------|
| | POPULATION | PERCENT | POPULATION | PERCENT |
| 1987-1988 | 01/01/86 | 5154 | 22875 | |
| | 01/01/87 | 5238 | 22867 | -0.03% |
| 1988-1989 | 01/01/87 | 5206 | 22867 | |
| | 01/01/88 | 5273 | 23180 | 1.37% |
| 1989-1990 | 01/01/88 | 5269 | 23180 | |
| | 01/01/89 | 5302 | 23588 | 1.76% |
| 1990-1991 | 01/01/89 | 5331 | 23588 | |
| | 01/01/90 | 5479 | 24473 | 3.75% |
| 1991-1992 | 01/01/90 | 5936 | 24473 | |
| | 01/01/91 | 6092 | 25241 | 3.14% |
| 1992-1993 | 01/01/91 | 6082 | 25241 | |
| | 01/01/92 | 6167 | 25693 | 1.79% |
| 1993-1994 | 01/01/92 | 6180 | 25693 | |
| | 01/01/93 | 6324 | 26240 | 2.13% |
| 1994-1995 | 01/01/93 | 6310 | 26240 | |
| | 01/01/94 | 6325 | 26431 | 0.73% |
| 1995-1996 | 01/01/94 | 6335 | 26431 | |
| | 01/01/95 | 6472 | 26990 | 0.73% |
| 1996-1997 | 01/01/95 | 6290 | 26219 | |
| | 01/01/96 | 6357 | 27195 | 1.02% |
| 1997-1998 | 01/01/96 | 6367 | 26529 | |
| | 01/01/97 | 6388 | 26695 | .63% |
| 1998-1999 | 01/01/97 | 6382 | 26673 | |
| | 01/01/98 | 6388 | 26861 | .70% |
| 1999-2000 | 01/01/98 | 6364 | 26759 | |
| | 01/01/99 | 6387 | 26943 | .29% |

The Demographic Research Unit has adopted a revised method of estimating population for the cities and counties. This revised method has been used to adjust the 1/1/95 population figures.

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

POPULATION INCREASE

WORKSHEET #5

| LIMITATION COMPUTATION: | | CITY | | COUNTY | |
|-------------------------|----------|------------|---------|------------|---------|
| | | POPULATION | PERCENT | POPULATION | PERCENT |
| 2000-2001 | 01/01/99 | 6370 | | 26765 | |
| | 01/01/00 | 6392 | .36% | 27107 | 0.84% |
| 2001-2002 | 01/01/01 | 6286 | | 26688 | |
| | 01/01/02 | 6251 | -0.56% | 26707 | 0.07% |
| 2002-2003 | 01/01/02 | 6236 | | 26635 | |
| | 01/01/03 | 6282 | 0.74% | 26952 | 1.19% |
| 2003-2004 | 01/01/03 | 6355 | | 27273 | |
| | 01/01/04 | 6385 | 0.47% | 27630 | 1.31% |
| 2004-2005 | 01/01/04 | 6400 | | 27824 | |
| | 01/01/05 | 6438 | 0.59% | 28197 | 1.34% |
| 2005-2006 | 01/01/05 | 6456 | | 28155 | |
| | 01/01/06 | 6432 | -0.37% | 28540 | 1.37% |
| 2006-2007 | 01/01/06 | 6392 | | 28364 | |
| | 01/01/07 | 6469 | 1.20% | 28791 | 1.51% |
| 2007-2008 | 01/01/07 | 6453 | | 28709 | |
| | 01/01/08 | 6502 | 0.76% | 29085 | 1.31% |
| 2008-2009 | 01/01/08 | 6472 | | 29070 | |
| | 01/01/09 | 6486 | 0.22% | 29239 | 0.58% |
| 2009-2010 | 01/01/09 | 6480 | | 29212 | |
| | 01/01/10 | 6505 | 0.39% | 29434 | 0.76% |
| 2010-2011 | 01/01/10 | 6165 | | 28004 | |
| | 01/01/11 | 6144 | -0.34% | 28153 | 0.53% |
| 2011-2012 | 01/01/11 | 6165 | | 28004 | |
| | 01/01/12 | 6144 | -0.34% | 28153 | 0.53% |
| 2012-2013 | 01/01/12 | 6129 | | 28116 | |
| | 01/01/13 | 6161 | 0.52% | 28247 | 0.47% |
| 2013-2014 | 01/01/13 | 6137 | | 28136 | |
| | 01/01/14 | 6154 | 0.28% | 28255 | 0.42% |
| 2014-2015 | 01/01/14 | 6226 | | 28596 | |
| | 01/01/15 | 6206 | -0.32% | 28630 | 0.12% |

The Demographic Research Unit has adopted a revised method of estimating population for the cities and counties. This revised method has been used to adjust the 1/1/95 population figures.

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

APPROPRIATIONS LIMIT

WORKSHEET #6

| | <u>Amount</u> | <u>Source</u> |
|---|---------------|---|
| A. LAST YEARS LIMIT | 8,341,832 | |
| B. ADJUSTMENT FACTORS | | |
| 1. Population % | 1.0012 | Worksheet #5 State Finance or Assessor |
| 2. Inflation % | 1.0382 | |
| Total Adjustment % | 1.03944584 | |
| C. ANNUAL ADJUSTMENT | 329,051 | (B*A) |
| D. OTHER ADJUSTMENTS | | |
| 1. Lost Responsibility | 0 | |
| 2. Transfers to Private | 0 | |
| 3. Transfers to Fees | 0 | |
| 4. Assumed Responsibility | 0 | |
| Subtotal | 0 | |
| E. TOTAL ADJUSTMENT | 329,051 | (C+D) |
| F. THIS YEAR'S APPROPRIATION LIMIT | 8,670,883 | (A+E) |

**CITY OF WILLOWS
FISCAL YEAR 2015-2016**

APPROPRIATIONS LIMIT GUIDELINES

EXCLUDED APPROPRIATIONS

WORKSHEET # 7

| <u>EXCLUSION CATEGORY</u> | <u>AMOUNT</u> |
|-----------------------------|--------------------------------|
| A. COURT ORDERS | <input type="text" value="0"/> |
| B. FEDERAL MANDATES | <input type="text" value="0"/> |
| C. QUALIFIED CAPITAL OUTLAY | <input type="text" value="0"/> |
| D. QUALIFIED DEBT SERVICE | <input type="text" value="0"/> |
| TOTAL EXCLUDABLE | <input type="text" value="0"/> |

AGENDA ITEM

January 12, 2016

TO: Honorable Mayor Hansen and Members of City Council
FROM: Scott Taylor, City Manager
SUBJECT: Consideration of amendment to the Willows Municipal Code adding Chapter 9.20.

RECOMMENDATION

Conduct a Public Hearing and Introduce an Ordinance for consideration of passage of first reading by title only, adding Chapter 9.20 entitled "Medical Marijuana" imposing an express ban on Marijuana cultivation, processing, delivery and Marijuana Dispensaries in the City.

SITUATION (OR BACKGROUND):

On December 8, 2015, staff provided several options for Council's consideration regarding the regulation of medical marijuana as a result of newly passed state legislation. As a result of the discussion, Council directed staff to bring back to Council, at the next regularly scheduled meeting, a proposed ordinance commensurate with Council's position and policy desires.

Based upon the direction of Council, staff now submits for consideration and approval, an addition to the Willows Municipal Code prohibiting the cultivation, sale and delivery of medical marijuana.

FINANCIAL CONSIDERATIONS

None anticipated at this time.

NOTIFICATION

Notice of the January 12, 2016 City Council public hearing was published in the Sacramento Valley Mirror on Saturday, January 2, 2016.

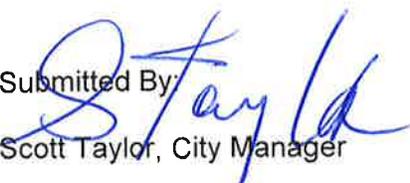
RECOMMENDATION

Conduct a Public Hearing and Pass first reading by title only, an Ordinance entitled "**An Ordinance of the City Council of the City of Willows, California, adding chapter 9.20 entitled "Medical Marijuana" imposing an express ban on Marijuana Cultivation, Marijuana Processing, Marijuana Sales and Delivery, and Marijuana Dispensaries in the City**".

ALTERNATE ACTIONS

There are no alternatives recommended.

Submitted By:


Scott Taylor, City Manager

ORDINANCE NO. 2016 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, CALIFORNIA, ADDING CHAPTER 9.20 ENTITLED "MEDICAL MARIJUANA" IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 *et seq.* and entitled "The Compassionate Use Act of 1996" referred to herein as the "CUA");

WHEREAS, the intent of the CUA was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law once a physician has deemed the use beneficial to a patient's health;

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 *et seq.*, which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction;

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al.*, holding that cities have the authority to ban medical marijuana land uses;

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 *et seq.*, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need;

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" (" Act"), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law;

WHEREAS, the Act becomes effective January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients. The Act also contains new statutory provisions that:

- Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent

not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));

- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and
- Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a));

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests;

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors;

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City of Willows ("City");

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery;

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and

excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants;

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime;

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing and distribution activities;

WHEREAS, California State Constitution and California Government Code Title 4 (commencing at §34000) vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the State Constitution and California General laws, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, the Willows Municipal Code ("WMC") does not expressly address the cultivation, processing, delivery, and distribution of medical marijuana, instead, Section 1.05.125 provides that "any use, entitlement, authorization, license or permit allowed or issued under this code shall be consistent with applicable state and federal law."

WHEREAS, prior to the effective date of this ordinance, the cultivation, processing and distribution of medical marijuana is prohibited in the City to the extent such activities are prohibited by the Federal Controlled Substances Act or other law;

WHEREAS, based on the findings above, the potential establishment of the cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities as described above;

WHEREAS, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for marijuana cultivation, processing, delivery, and/or distribution will result in the aforementioned threat to public health, safety, and welfare; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses, that the City adopts this ordinance to expressly prohibit the establishment and operation of marijuana cultivation, processing, delivery, and dispensary activities as well as the issuance of any use permit, variance, building permit, or any other

entitlement, license, or permit for any such activity, except where the City is preempted by federal or state law from enacting a prohibition on any such activity or a prohibition on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity.

NOW THEREFORE, the City Council of the City of Willows does ordain as follows:

Section 1. The City Council of the City of Willows hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

Section 2: The City Council hereby adds Chapter 9.20 entitled "Medical Marijuana" to the City of Willows Municipal Code to read as follows:

9.20.010 Legislative Findings and Statement of Purpose.

A. The City Council finds that the prohibitions on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council under State law as a general law city.

B. On October 9, 2015, the governor signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act becomes effective January 1, 2016 and contains new statutory provisions that:

1. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));

2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));

3. Expressly provide that the Act does not limit the authority or remedies of a local government under any

provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and

4. Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a)).

C. The City Council finds that this chapter: (1) expresses its intent to prohibit the cultivation of marijuana in the City and to not administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana in the City; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community; and (4) expressly prohibits the delivery of marijuana in the City.

9.20.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Marijuana" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

B. "Marijuana Cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.

C. "Marijuana Processing" means any method used to prepare marijuana or its by-products for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

D. "Marijuana Dispensary" or "Marijuana Dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business & Professions Code section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

E. "Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

9.20.030 Prohibited Activities.

Marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit,

variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

9.20.040 Public Nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

9.20.050 Violations.

Any violation of this chapter shall be punishable as provided in Section 1.05.080 of this Code or any successor section thereto.

9.20.060 Severability.

If any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

Section 4: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 5: This ordinance shall be in full force and effect thirty (30) days after its adoption by a majority vote of the City Council. The Mayor shall sign and the City Clerk

shall attest to the passage of this ordinance. The City Clerk shall cause this ordinance, or a summary thereof, to be published pursuant to applicable state law.

This ordinance was introduced at a regular meeting of the City Council of the City of Willows, held on January 12, 2016, and adopted at a regular meeting of the City Council of Willows, held on the January 26th, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

GARY HANSEN, MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ROBERT HUNT, CITY ATTORNEY

ATTEST:

NATALIE BUTLER, CITY CLERK

AGENDA ITEM

January 12, 2016

TO: Honorable Mayor Hansen and Members of City Council

FROM: John Wanger, City Engineer

SUBJECT: Award of the South Willows Sewer Project

RECOMMENDATION

Staff recommends that the City Council approve the resolution awarding a construction contract for the South Willows Sewer Project to Omni Pipelines, Inc. in the amount of \$29,815.00, and that an overall budget of \$32,797 be established for this project and an appropriation, by motion, of \$32,797 be made from Fund 318 Sewer Maintenance Enterprise Fund.

SUMMARY

The City recently received a grant from the Economic Development Administration (EDA) for constructing improvements in the southerly part of the City, primarily associated with the South Willows Commercial development. The improvements to be partially funded by the grant include roadway, flood control, sewer and water improvements. Basin Street Development, developer of the South Willows Commercial project, are contributing funds and have funded the engineering associated with the project. The City is projecting that the project improvements will be placed out to bid sometime during the summer of 2016. Construction of the improvement will most likely take 4-5 months. If work begins late summer, construction could be completed around January 2017. As Basin Street has Rumiano Cheese wanting to begin construction on a new facility in the proposed commercial development, timing of completing the improvements is critical.

One of the components of the project is the construction of a new sewer line that connects to a manhole in the driveway to the Wastewater Treatment Plant, extends under Lateral 26-2 GCID Canal, under the railroad to Tehama Street, then proceeds northerly to connect to the proposed Basin Street development projects. The initial part of the sewer main construction must go under Lateral 26-2 GCID Canal. Due to the location of existing sewer facilities and the railroad tracks, the line must be open cut (trenched) and cannot use a jack and bore method under the existing irrigation canal. Open cutting a trench across the GCID canal presents some significant time constraints to the overall project. GCID lowers the water in their canals around the Willows area from the beginning of January for approximately 6 weeks. All other times of the year, the irrigation channels run full of water. Accordingly, if construction of the sewer line crossing under the canal does not coincide with the dewatering of the canal, construction is delayed an entire year.

Taking this critical timing under consideration, staff determined in mid-December that in order to make this year's window of opportunity to construct the sewer line under Lateral 26-2, a project needed to be bid to construction a small segment of the proposed sewer system to get under the GCID canal this year, so it won't hold up overall construction and delay the EDA project. As the engineering for this segment had already been completed, staff was able to split out a small project for this work quickly and place the project out to receive bids. Please note that the realization that this small segment of the overall project had to take place now was determined after the

Council meeting in December. Staff felt it was essential that this project move forward and took the necessary action to allow this to happen.

Staff advertised the project for public bid in accordance with the Public Contract Code in June, with a bid opening date of January 5, 2016. The engineer's estimate for the base bid of the project was \$25,000 to \$30,000.

Bids were opened on January 6, 2016. Six (6) bids were received ranging from a low bid of \$29,815 to a high of \$103,870. The low bid was received from Omni Pipelines, Inc. Based on the bids received, staff has completed a check of Omni Pipelines, Inc. bid and found that their contractor's license is active and valid, that they possess a Class A license as required by the bid documents, that Omni Pipelines, Inc. and their proposed subcontractor are registered with the Department of Industrial Relations (as required by the recently passed legislation), that the bid submitted is mathematically correct and that the bid contained the required information per the bid documents.

Based on information contained in Omni Pipeline's bid, staff has determined that it satisfies the bidding requirements for the Project. Accordingly, staff is recommending award of the project to Omni Pipelines, Inc.

FINANCIAL CONSIDERATIONS -

The estimated construction costs are summarized below:

| | |
|--|------------------------------------|
| Construction Contract | \$29,815.00 |
| Estimated Construction Management/Inspection | \$ 0.00 (done with existing staff) |
| Construction Contingency (10%) | <u>\$ 2,982.00</u> |
| Total Estimated Construction Cost | \$32,797.00 |

As this small segment of the overall project is proceeding ahead prior to the EDA approval of the overall plans, funding through EDA will not cover this work. Accordingly, the project is proposed to be funded through Fund 318 Sewer Maintenance Enterprise Fund. As this project had not authorized a fund allocation in the past, an appropriation from Fund 318 is necessary. There is sufficient funds in Fund 318 to support these costs, and an additional appropriation of \$32,797 is proper.

Based on our analysis of the bids received and the funds available, staff is recommending that the Council award the project to Omni Pipelines, Inc. and approve the overall proposed budget for the project.

NOTIFICATION

None required

ALTERNATE ACTIONS

None recommended

RECOMMENDATION

Staff recommends that the City Council approve the resolution awarding a construction contract for the South Willows Sewer Project to Omni Pipelines, Inc. in the amount of \$29,815.00, and that an overall budget of \$32,797 be established for this project and an appropriation, by motion, of \$32,797 be made from Fund 318 Sewer Maintenance Enterprise Fund.

Respectfully submitted,

John Wanger
City Engineer

Approved,

Scott Taylor
City Manager

Attachments: Resolution

RESOLUTION No. XX-2016

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WILLOWS, STATE OF CALIFORNIA,
AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH OMNI PIPELINES,
INC. FOR THE SOUTH WILLOWS SEWER PROJECT AND APPROVE AN OVERALL
BUDGET FOR THE PROJECT**

WHEREAS, in accordance with California Public Contract Code Sections 20162-20164 and other applicable law, the City of Willows solicited bids for the South Willows Sewer Project ("Project"); and

WHEREAS, bids for the Project were opened on January 6, 2016 in accordance with California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, six bids were received with the bids ranging in price from \$29,815 to \$103,870, with the low bid being from Omni Pipelines, Inc.; and

WHEREAS, staff has determined that Omni Pipelines, Inc. bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Omni Pipelines, Inc. possesses valid California Contractor's Licenses under the requested Class A, number 405642 (expires 6/3/2017) as required to qualify to perform the Project; and

WHEREAS, an environmental document was prepared, circulated and approved for the South Willows Commercial Project and this project implements any identified measures as outlined in the approved environmental document for the portion of work associated with this project.

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 in compliance with the approved environmental document for the South Willows Commercial project.
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 Omni Pipelines, Inc. for the South Willows Sewer Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
4. The contract for the South Willows Sewer Project is hereby awarded to Omni Pipelines, Inc., in the amount of \$29,815.00, conditioned on Omni Pipeline'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 Omni Pipelines, Inc. for performance of the Project in accordance with the bid documents and applicable law upon submission by Omni Pipelines, Inc. of all documents required pursuant to the Project bid documents.

6. That the overall budget for the Project be established at \$32,797.

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 Omni Pipelines, Inc.

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 12th day of January 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Gary L. Hansen, Mayor

Natalie Butler, City Clerk

AGREEMENT

The City of Willows, ("City") enters into this agreement, dated for reference purposes only, with Omni Pipelines, Inc. ("Contractor").

RECITALS

- A. NOTICE INVITING BIDS. The City gave notice inviting bids to be submitted by January 6, 2016 for the **South Willows Sewer Project** by published notice and/or posting in accordance with California Public Contract Code Section 20164 and other applicable law.
- B. BID OPENING. On January 6, 2016, City representatives opened the bids for the **South Willows Sewer Project** and read the bids aloud.
- C. PROJECT AWARD. On January 12, 2016, the City Council awarded the **South Willows Sewer Project** to the Contractor and directed City staff to send the Contractor written notice of award of the project. The City Council conditioned award of the project on the Contractor's providing executed copies of all documents specified in the contract check list included in the bid package within ten (10) working days of receiving written notice of award of the project.
- D. REQUIRED DOCUMENTS. The Contractor has provided the City executed copies of all documents specified in the contract check list included in the bid package within ten (10) working days of receiving written notice of award.

AGREEMENT TERMS

The City and the Contractor agree as follows:

1. THE WORK. The Contractor shall furnish all equipment, tools, apparatus, facilities, material labor, and skill necessary to perform and complete in a good and workmanlike manner the **South Willows Sewer Project** ("Work") as shown in the Technical Specifications and Project Plans in accordance with the Contract Documents and applicable law.
2. LOCATION OF WORK. The Work will be performed at the following location:
Adjacent to the City's Wastewater Treatment Plant in Willows, California
3. TIME FOR COMPLETION. The Contractor must complete the Work in accordance with the Contract Documents within **Fifteen (15) working days** from the date specified in the City's Notice to Proceed ("Time for Completion").
4. REMEDIES FOR FAILURE TO TIMELY COMPLETE THE WORK. If the Contractor fails to fully perform the Work in accordance with the Contract Documents by the Time for Completion, as such time may be amended by change order or other modification to this agreement in accordance with its terms, and/or if the Contractor fails, by the Time for

Completion, to fully perform all of the Contractor's obligations under this agreement that have accrued by the Time for Completion, the Contractor will become liable to the City for all resulting loss and damage in accordance with the Contract Documents and applicable law. The City's remedies for the Contractor's failure to perform include, but are not limited to, assessment of liquidated damages of **\$1400 per day** in accordance with California Government Code Section 53069.85 and the Contract Documents, and/or obtaining or providing for substitute performance in accordance with the Contract Documents.

5. CONTRACT PRICE AND PAYMENT. As full compensation in consideration of completion of the Work in accordance with the Contract Documents and in consideration of the fulfillment of all of the Contractor's obligations under the Contract Documents, the City will pay the Contractor in lawful money of the United States the total price of \$29,815.00 (the "Contract Price") as specified in the Contractor's completed Bid Schedule dated January 6, 2016, and attached to and incorporated in this agreement. Payment to the Contractor under this agreement will be for Work actually performed in accordance with the Contract Documents and will be made in accordance with the requirements of the Contract Documents and applicable law. The City will have no obligation to pay the Contractor any amount in excess of the Contract Price unless this agreement is first modified in accordance with its terms. The City's obligation to pay the Contractor under this agreement is subject to and may be offset by charges that may apply to the Contractor under this agreement. Such charges include but are not limited to, charges for liquidated damages and/or substitute performance in accordance with the Contract Documents.
6. PREVAILING WAGES. In accordance with California Labor Code Section 1771, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the Work is to be performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in the California Labor Code must be paid to all workers engaged in performing the Work. In accordance with California Labor Code Section 1770 and following, the Director of Industrial Relations has determined the general prevailing wage per diem rates for the locality in which the Work is to be performed. In accordance with California Labor Code Section 1773, the City has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the project. In accordance with California Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at the City of Willows and will be made available on request. Throughout the performance of the Work the Contractor must comply with all provisions of the Contract Documents and all applicable laws and regulations that apply to wages earned in performance of the Work.
7. THE CONTRACT DOCUMENTS. This agreement consists of the following documents ("Contract Documents"), all of which are incorporated into and made a part of this agreement as if set forth in full. In the event of a conflict between or among the Contract Documents, precedence will be in the following order:
 - 7.1 This agreement and change orders and other amendments to this agreement signed by authorized representatives of the City and the Contractor.

- 7.2 The General Provisions and change orders and other amendments to the General Conditions signed by authorized representatives of the City and the Contractor.
- 7.3 The Special Provisions, addenda to the Special Provisions signed by authorized representatives of the City and issued prior to bid opening, Equal Product Proposals accepted by the City and signed by authorized City representatives prior to bid opening, and change orders and other amendments to the Technical Specifications signed by authorized representatives of the City and the Contractor.
- 7.4 The Project Plans, addenda to the Project Plans signed by authorized representatives of the City and issued prior to bid opening, Equal Product Proposals accepted by the City and signed by authorized City representatives prior to bid opening, and change orders and other amendments to the Project Plans signed by authorized representatives of the City and the Contractor.
- 7.5 Notice Inviting Bids.
- 7.6 Instructions to Bidders.
- 7.7 The successful bidder's completed Proposal Form and Bidder's Sheet.
- 7.8 The successful bidder's completed Contractor License Information.
- 7.9 The successful bidder's completed List of Proposed Subcontractors.
- 7.10 The successful bidder's Workers Compensation Insurance Certification.
- 7.11 The successful bidder's completed Non-Collusion Declaration.
- 7.12 The successful bidder's Debarment Certification.
- 7.13 The successful bidder's completed Certificates of Insurance and Endorsements.
- 7.14 The successful bidder's executed Performance Bond.
- 7.15 The successful bidder's executed Payment Bond.
- 7.16 The Maintenance Bond form included in the bid package that the Contractor must execute prior to release of final payment under the Contract.
- 7.17 The successful bidder's Qualification Statement, if any.
- 7.18 The successful bidder's signed Signature Form.

8. INTERPRETATION OF CONTRACT DOCUMENTS. Any question concerning the intent or meaning of any provision of the Contract Documents, including, but not limited to, the Technical Specifications or Project Plans, must be submitted to the City Engineer, or his/her

designee, for issuance of an interpretation and/or decision by the authorized City Engineer in accordance with the requirements of the Contract Documents. Interpretations or decisions by any other person concerning the Contract Documents will not be binding on the City. The decision of the City Engineer, or his/her designee, shall be final.

9. ASSIGNMENT PROHIBITED. The Contractor may not assign part or all of this agreement, or any moneys due or to become under this agreement, or any other right or interest of the Contractor under this agreement, or delegate any obligation or duty of the Contractor under this agreement without the prior written approval of an official authorized to bind the City and an authorized representative of Contractor's surety or sureties. Any such purported assignment or delegation without such written approval on behalf of the City and the Contractor's sureties will be void and a material breach of this agreement subject to all available remedies under this agreement and at law and equity.
10. CERTIFICATION RE CONTRACTOR'S LICENSE. By signing this Agreement the Contractor certifies that the Contractor holds a valid Type A license issued by the California State Contractors Licensing Board, and that the Contractor understands that failure to maintain its license in good standing throughout the performance of the Work may result in discipline and/or other penalties pursuant to the California Business and Professions Code, and may constitute a material breach of this agreement subject to all available remedies under this agreement and at law and equity.
11. SEVERABILITY. If any term or provision or portion of a term or provision of this Agreement is declared invalid or unenforceable by any court of lawful jurisdiction, then the remaining terms and provisions or portions of terms or provisions will not be affected thereby and will remain in full force and effect.

Executed on January 12, 2016, by

CONTRACTOR

CITY

By: _____

By: _____

Title: _____

Title: _____

[Attach Notary Page]

Attest:

By: _____

Natalie Butler, City Clerk

AGENDA ITEM

TO: Willows City Council and Scott Taylor, City Manager
FROM: Tim Sailsbery, Finance Director
SUBJECT: 2015/16 Mid-Year Budget Review-Establish Date and Time



RECOMMENDATION

By Consensus, Establish Date and Time for 2015-16 Mid-Year Budget Review. Preference is for the Week of February 8 or February 15

SITUATION (or BACKGROUND):

Staff is requesting that Council set a date and time during the week of February 8 or February 15 for a mid-year budget review session, primarily consisting of review of the General Fund. Staff requests that the meeting be scheduled for a workshop format with a morning start. Please note that the Finance Director will be out of town on February 11 and 12, and February 15 is an observed Holiday (Presidents' Day).

FINANCIAL CONSIDERATIONS:

None- Action Items pertaining to mid-year review, if any, will be agendized for a following, regularly scheduled, meeting.

NOTIFICATION

Agenda to be posted in accordance with the Brown Act.

ALTERNATE ACTIONS

1. Establish Date and Time for Mid Year Budget Review
2. Request additional information from staff

RECOMMENDATION

By Consensus, Establish Date and Time for 2015-16 Mid-Year Budget Review. Preference is for the Week of February 8 or February 15

Respectfully submitted,

Handwritten signature of Tim Sailsbery in blue ink.
Tim Sailsbery
Finance Director
