



CITY COUNCIL

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

CITY MANAGER

Steve Holsinger
Scott Taylor

CITY CLERK

Natalie Butler

201 North Lassen Street
Willows, CA 95988
(530) 934-7041
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AMENDED* CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, November 10, 2015

7:00 p.m.

* This agenda is being amended to add item 13 (a).

1. **Call to Order Willows City Council Regular Meeting – 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Review: (Requested Changes by Council or Staff).**
 - a) Consider acceptance, by motion, of the City Council's November 10, 2015 Agenda.
5. **Presentations & Proclamations:**
 - a) Police Department Service Recognition award(s).
6. **Public Comment / Written Communications:** Members of the public wishing to address the Council on any item(s) *not on the agenda* may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. (*Public Comment is generally restricted to three minutes*).
7. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
 - a) Consider approval of General Checking, Payroll Checks & Payroll Direct Deposit.
 - b) Consider approval of the City Council Minutes for the Regular Meeting held on October 13, 2015.
 - c) Consider approval of the City Council Minutes for the Special Meeting held on October 22, 2015.

8. **Public Hearings:** None scheduled.
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.
9. **Ordinances:** None.
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**
- a) **City Manager, Scott Taylor** - Review of current State Legislation and Impacts of Medical Marijuana. Staff is seeking direction as to the City Council's position and whether to place an action item on a future agenda.
 - b) **City Manager, Scott Taylor** – Brief update on Glenn County Tabletop Exercise “Operation Toxic Cloud” held on November 4, 2015. (Informational only; No Council action required).
11. **New Business:** None scheduled.
12. **Council Member Reports:**
13. **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
14. **Report out from Executive Session**
15. **Adjournment:**

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before November 6, 2015.

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

10/22/2015 TO 11/4/2015

General Checking 30200 TO 30274

Payroll Direct Deposit Z06774 TO Z06809

Payroll Checks 34401 TO 34432

APPROVAL DATE 11/10/2015

Approved _____

REPORT: Oct 21 15 Wednesday
 RUN: Oct 21 15 Time: 13:50
 Run By: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 10-15 Bank Account: 1050

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
030200	10/22/15	AB000	STEVE ABOLD	49.99	.00	49.99	B51021	UNIFORM REIMBURSEMENT
030201	10/22/15	AWA01	AWARDS COMPANY	13.90	.00	13.90	9716	DOOR PLATE
030202	10/22/15	BAR00	BARCO PRODUCTS INC.	787.35	.00	787.35	500061	CARPET RUNNERS/SMOKER'S O
030203	10/22/15	CCP00	CCP INDUSTRIES	133.07	.00	133.07	566954	GLOVES
030204	10/22/15	COD00	CODE PUBLISHING COMPANY	160.65	.00	160.65	51157	WILLOWS MUNICIPAL CODE UP
030205	10/22/15	COR02	CORBIN WILLIAMS SYSTEMS	407.87	.00	407.87	B510151	CONT.SERV. FINANCE NOVEMB
030206	10/22/15	FED00	FEDEX	24.38	.00	24.38	55226	SHIPPING EXPENSE
030207	10/22/15	FGL00	FGL ENVIRONMENTAL	57.00	.00	57.00	578344A	INORGANIC ANALYSIS
030208	10/22/15	FP000	FRANCOTYP-POSTALIA, INC.	83.85	.00	83.85	503481	POSTBASE METR 10/1-12/31
030209	10/22/15	GCS00	GCS ENVIRONMENTAL EQUIPME	3975.62	.00	3975.62	12567	STREET SWEEPER REPAIR
030210	10/22/15	GLE05	GLENN CO. FLEET SERVICES	3872.39	.00	3872.39	PL1586	VEHICLE RENTAL & MAINTENA
030211	10/22/15	GRE10	GAIL GREEN	50.00	.00	50.00	B51019	REFUND VIP DONATION
030212	10/22/15	JON01	JONES & MAYER	100.00	.00	100.00	74682	PROFESSIONAL SERVICES
030213	10/22/15	MAR11	RYAN MARTINDALE	120.00	.00	120.00	B51019	EMT CERTIFICATION
030214	10/22/15	N&S00	N&S TRACTOR	49.53	.00	49.53	IW06095	PUMP
030215	10/22/15	NOR03	NORTHNET LIBRARY SYSTEM	566.00	.00	566.00	1435	MEMBERSHIP FEES 15/16
030216	10/22/15	NOR43	ACCESS	652.50	.00	652.50	167264	SHREDDING SERVICES/BD EXT
030217	10/22/15	R&R01	R & R AUTOBODY	254.95	.00	254.95	B51020	VEHICLE SUPPLEMENTAL CLAI
030218	10/22/15	SAC08	SACRAMENTO VALLEY MIRROR	20.90	.00	20.90	13613	CLASSIFIED AD-LIBRARY CLE
030219	10/22/15	TAY25	SCOTT TAYLOR	104.82	.00	104.82	B51019	REIMBURSE MISC OFFICE SUP
Cash Account Total.....:				11484.77	.00	11484.77		
Total Disbursements.....:				11484.77	.00	11484.77		

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
030185	11/02/15	HUN00	HUNT & JESSON ATTORNEYS	-1507.50 -607.50	.00 .00	-1507.50 -607.50	2015-09u 2015-09Au	Ck# 030185 Reversed Ck# 030185 Reversed
Check Total.....:				-2115.00	.00	-2115.00		
030224	11/01/15	AMR02	AMERIPRIDE UNIFORM SVCS.	450.60	.00	450.60	B51028	PW UNIFORM ALLOWANCE OCT
030225	11/01/15	ATF01	A.T.& T.	770.43	.00	770.43	B51028	TELEPHONE EXP. 9/19-10/18
030226	11/01/15	BAK01	AMY BAKER	40.00	.00	40.00	B51028	COED HORSESHOES 3RD PLACE
030227	11/01/15	COM16	COMCAST CABLE	148.82	.00	148.82	B51028	PD INTERNET SERVICE 10/19
030228	11/01/15	CRE01	CREATIVE COMPOSITION	77.02 154.53	.00 .00	77.02 154.53	90669 90688	BUSINESS CARDS BUSINRSS CARDS
Check Total.....:				231.55	.00	231.55		
030229	11/01/15	DAY02	DAY WIRELESS SYSTEMS (04)	498.00	.00	498.00	573797	REMOTE MOUNT
030230	11/01/15	FGL00	FGL ENVIRONMENTAL	42.00	.00	42.00	578346A	INORGANIC ANALYSIS
030231	11/01/15	GLE21	GLENN CO. SHERIFFS DEPT.	13750.00	.00	13750.00	102015-03	ANIMAL CONTROL SERVICES J
030232	11/01/15	GLE49	GLENN COUNTY IDEALISM AND II	1123.23	.00	1123.23	B51028	INVESTIGATIVE SUPPORT SER
030233	11/01/15	GRA05	GRAPHIX SHOPPE	463.10	.00	463.10	103686	VEHICLE GRAPHIC
030234	11/01/15	HUG00	KIMBERLY HUGHES	20.00	.00	20.00	B51028	COED HORSESHOES 1ST PLACE
030235	11/01/15	KUW00	KELLY KUWATA	71.67	.00	71.67	B51102	UNIFORM ALLOWANCE OCT 201
030236	11/01/15	LAC00	LACAL EQUIPMENT, INC.	346.90	.00	346.90	224515IN	HOSE
030237	11/01/15	MAT01	MATSON & ISOM TECHNOLOGY	1801.00 1396.44 252.63	.00 .00 .00	1801.00 1396.44 252.63	22147IN 22140IN 22159IN	PR ADD'L SERVER STORAGE CM COMPUTERS CM COMPUTER MONITOR
Check Total.....:				3450.07	.00	3450.07		
030238	11/01/15	MEZ00	JODY MEZA	76.41	.00	76.41	B51028	REIMBURSEMENT POSTAGE AND
030239	11/01/15	NCC01	NCCSIF	24881.25	.00	24881.25	201607G	WORKERS COMP. QUARTERLY 2
030240	11/01/15	PGE01	PG & E	11431.62	.00	11431.62	B51028	P.G. & E. 9/15-10/13/15
030241	11/01/15	RIN00	SHARI RINEHART	17.00	.00	17.00	B51028	COED HORSESHOES 2ND PLACE
030242	11/01/15	SAC08	SACRAMENTO VALLEY MIRROR	75.60	.00	75.60	13624	LEGAL AD-WASTE MGT RATES
030243	11/01/15	TAY21	LANCE TAYLOR	17.00	.00	17.00	B51028	COED HORSESHOES 2ND PLACE
030244	11/01/15	TUT00	MILO TUTSCH	20.00	.00	20.00	B51028	COED HORSESHOES 1ST PLACE
030245	11/01/15	USA02	UNDERGROUND SERVICE ALERT	162.65	.00	162.65	15070340	ANNUAL MEMBERSHIP
030246	11/01/15	WAL07	WAL-MART COMMUNITY	391.70	.00	391.70	B51028	OCTOBER STMT PER ATTACHED
030247	11/01/15	WEL00	WELLS FARGO BANK	6650.00	.00	6650.00	CSFWBC	VOL FIRE/FLIGHTER CONTRIBUT
030248	11/01/15	WILHM	WILLOWS UNITED SCHOOL DE	630.00	.00	630.00	B51028	POOL RENTAL AUG-SEPT 2015
030249	11/03/15	ABO00	STEVE ABOLD	200.00	.00	200.00	B51103	PUB. WKS. TOOL PARKS/POB.
030250	11/03/15	ATF01	A.T.& T.	150.96	.00	150.96	B51103	TELEPHONE EXP ADMIN 9/19
030251	11/03/15	BAR01	BARCELoux BROTHERS AUTO	223.35	.00	223.35	B51103	OCT STMT PER ATTACHED
030252	11/03/15	CAL01	CALIFORNIA WATER COMPANY	2920.22	.00	2920.22	B51103	WATER EXPENSE 9/15-10/14/
030253	11/03/15	COA00	COASTLAND CIVIL ENGINEER	1872.25 730.35 4610.00 128.75 826.50 1332.68 4201.41 1753.75	.00 .00 .00 .00 .00 .00 .00 .00	1872.25 730.35 4610.00 128.75 826.50 1332.68 4201.41 1753.75	38189 38165 38166 38205 38206 38210 38223 38217	TEHAMA ST RECONSTRUCTION PG&E SERVICE CENTERTHROO UPDATE CONSTRUCTION STAND STARKWATER DEVELOPMENT WILLOWS CITY ENGINEERING CAL WATER DRINKING WATER SACRAMENTO BUTTE RECONSTR WILLOWS SR APTS CERT. PAY

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
Check Total.....				15455.69	.00	15455.69		
030254	11/03/15	COL05	COLUSA MOTOR SALES, INC.	120.92	.00	120.92	B51103	OCT STMT PER ATTACHED
030255	11/03/15	COM16	COMCAST CABLE	143.82	.00	143.82	B51103	ADMIN INTERNET 10/29-11/2
030256	11/03/15	COR10	CORNING LUMBER CO., INC.	104.76	.00	104.76	217857	STORM DRAIN REPAIR CONCRE
030257	11/03/15	CPO00	CPOA	90.00	.00	90.00	B51103	PD TRAINING FEES
030258	11/03/15	FGL00	FGL ENVIRONMENTAL	85.00	.00	85.00	578345A	BACTI ANALYSIS
030259	11/03/15	HOL05	STEVE HOLSINGER	300.00	.00	300.00	B51103	VEHICLE ALLOW. CITY MANAG
030260	11/03/15	HUN00	HUNT & JEFFSON ATTORNEYS	1507.50 607.50	.00 .00	1507.50 607.50	A2015-09 A32015-09	KUWATA VS CITY OF WILLOWS GENERAL PUBLIC AGENCY REP
Check Total.....				2115.00	.00	2115.00		
030261	11/03/15	LHM01	CAROL LHMENAGER	200.00	.00	200.00	B51103	VEHICLE ALLOW. RECREATION
030262	11/03/15	MEN02	MENDES SUPPLY COMPANY	279.26	.00	279.26	R007168	SHOP SUPPLIES/PAPER PRODU
030263	11/03/15	O'R01	O'REILLY AUTO PARTS	85.69	.00	85.69	B51103	OCT STMT PER ATTACHED
030264	11/03/15	OFF05	OFFICE DEPOT, INC.	580.47 31.13 9.07 13.75 164.38 71.00	.00 .00 .00 .00 .00 .00	580.47 31.13 9.07 13.75 164.38 71.00	1043001 3557001 3558001 3559001 6411001 6975001	OFFICE CHAIRS PD OFFICE SUPPLIES PD CALENDAR PD DESK PAD ADMIN OFFICE SUPPLIES PD OFFICE SUPPLIES
Check Total.....				869.80	.00	869.80		
030265	11/03/15	PRO00	PRO FORCE LAW ENFORCEMENT	404.25	.00	404.25	253373	WEAPON ACCESSORIES
030266	11/03/15	SAF03	SAFETY TIRE SERVICE	30.00 30.00	.00 .00	30.00 30.00	26780 26811	FLAT REPAIR FLAT REPAIR #16 SWAMP
Check Total.....				60.00	.00	60.00		
030267	11/03/15	SAI02	TIMOTHY L. SALISBERRY	200.00	.00	200.00	B51103	VEHICLE ALLOW. FINANCE NO
030268	11/03/15	STA28	STAR RADIATOR SHOP	222.43	.00	222.43	35410	TANK FLUSH OUT
030269	11/03/15	STO01	STONY CREEK UNIFIED SCHO	100.00	.00	100.00	B51103	RENT BLK CREEK LIBRARY NO
030270	11/03/15	TAY25	SCOTT TAYLOR	200.00	.00	200.00	B51103	VEHICLE ALLOWANCE NOV 201
030271	11/03/15	USB02	US BANK	765.77	.00	765.77	567783	EQUIPMENT LEASE 10/20-11/
030272	11/03/15	USB04	U.S. BANK CORPORATE PAYME	4611.97	.00	4611.97	B51103	OCT STMT PER ATTACHED
030273	11/03/15	VAL20	VALLEY GOLD COMPOST	330.59	.00	330.59	5931	PARK SUPPLIES
030274	11/03/15	VER02	VERIZON WIRELESS	130.08	.00	130.08	B51103	TELEPHONE EXP. EC LIBRARY
Cash Account Total.....				94014.16	.00	94014.16		
Total Disbursements.....				94014.16	.00	94014.16		

MINUTES OF THE WILLOWS CITY COUNCIL
SPECIAL MEETING HELD October 22, 2015

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **ROLL CALL:**

Present: Williams, Yoder, Mello, Hansen & Mayor Domenighini.
Absent: None
4. **Public Comment:** Pursuant to Government Code Section 54954.3 the public was allowed an opportunity to address the legislative body on the item(s) below prior to the Council convening into Closed Session.

Finance Director Tim Sailsbery stated that he wanted to go on record as stating that there was an inadvertent omission on the face of tonight's agenda, in which Steve Holsinger's name and current title of "City Manager" were not noted on the Agenda face, so he wanted to go on record to apologize for this oversight. No members of the public chose to speak on the Closed Session item, and Mary Domenighini & the City Council entered into Closed Session at 7:06 p.m. pursuant to Government Code Sections 54950 et seq. on the following topic:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.
Number of potential cases: One (1)
5. **Adjourn Closed Session, Reconvene to Open Session and Report-Out, if any, on Closed Session:** The City Council reconvened into open session at 8:45 p.m. and stated that the Council gave direction to the City Attorney.
6. **Adjournment of Special Meeting:** Mayor Domenighini adjourned the meeting at 8:46 p.m.

The City of Willows is an Equal Opportunity Provider

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD October 13, 2015

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** City Manager Scott Taylor led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Williams, Yoder, Mello, Hansen & Mayor Domenighini.
Absent: None
4. **Agenda Review:** M/S – Yoder/Hansen to accept the October 13, 2015 Agenda as presented. The motion unanimously passed 5/0.
5. **Presentations & Proclamations:** None Scheduled.
6. **Public Comment/Written Communications:**
The following person(s) spoke during the Public Comment period:
 - Willows citizen Alan Schauer spoke about the Economic Development Assistance Grant for \$2.5 million that the City was recently awarded. He also spoke about the upcoming Butte & Sacramento Streets Reconstruction project.
 - Jamie Millen, President of the Willows Chamber of Commerce updated the Council on past and upcoming Chamber of Commerce & Community activities, events & fundraisers.
7. **Consent Agenda:**
M/S –Yoder/Mello 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 (30063-30169; Z06699-Z06734; 34362-34383).
8. **Public Hearings:** None
9. **Ordinances:** None.
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**

Fire Chief Wayne Peabody informed the Council of a Glenn County Tabletop Exercise known as “Operation Toxic Cloud” that will be taking place on Wednesday, November 4, 2015 from 9:00 a.m. – 2:00 p.m. The discussion-based exercise will explore the City and County’s response to a fixed facility hazardous

chemical release. This exercise is designed to be a precursor to a future full-scale exercise to take place in 2016.

11. New Business:

- a) Consider approval of a Resolution authorizing adoption and implementation of the Glenn County Emergency Operational Plan:

This plan was prepared for the Operational Area of Glenn County, California; including the County and the Cities of Orland and Willows. It was developed as a joint project by the Glenn County Sheriff's Office – Office of Emergency Services (OES) and Glenn County Public Health's Emergency Preparedness Program. The plan development was funded by a grant from the Department of Homeland Security. The plan was developed utilizing the "best Practices" from numerous Emergency Operations Plans from counties across California including Trinity, Sutter and Siskiyou and it follows the guidelines and practices of the National Incident Management System (NIMS) and California's Standardized Emergency Management System (SEMS).

The plan is based on the authority of the local government(s) for emergency response and contains specific emergency support functions to be provided during an emergency disaster and it applies to all jurisdictions and agencies that operate within Glenn County. The plan delegates Glenn County's Sheriff's Office – OES – the authority and responsibility for the coordination and administration of emergency operations for the Operational Area of Glenn County. Any agency and jurisdiction within the Operational Area have the responsibility to develop and maintain plans, policies, and procedures pertaining to emergency and disaster response operations of their agencies and/or jurisdiction.

The Operational Area Operations Plan (EOP) has been revised and updated to address changes in State and Federal requirements. The EOP integrates with existing response plans, including the Hazardous Materials Emergency Response plan and all Public Health and Medical Response plans. This plan provides the basis for an integrated response and recovery to all hazards that threaten our City and County. The revision encompasses lessons learned and improvements documented from exercises and responses to real incidents. The plan is organized to be user friendly by using bullet pointed checklists and pre-written initial action plans specific to a hazard. New material has been added to support a more informed decision making process; including river flood stage levels, flood zone maps, and utilities disruption information – including access to the Pg&E First Responder Portal for maps of critical infrastructure.

The plan is organized into five Sections:

1. Basic Plan: Provides an overview of Emergency Organization, preparedness phase activities, as well as State and National required Data element.
2. Response Plan: Covers response and recovery phase procedures such as activation and operations of the Emergency Operations Center (EOC), Public Information and Warning and Evacuation and Emergency Declarations.

3. Annexes: Function Specific annexes – provides procedures related to specific hazards such as flood, multi-casualty incidents, pandemics and other hazards.
4. Appendices: Provides supportive documents for the response such as Contact Directories, reports and forms.
5. EOC Guidebook: Provides operational procedures for the EOC and specific forms and job action sheets for the positions in the EOC.

This plan is currently adopted by the Glenn County Board of Supervisors and is scheduled for adoption by the Orland City Council. Staff is recommending the City Council adopt the Resolution before them this evening for approval and implementation of the 2015 Emergency Operations Plan.

M/S – Hansen/Yoder to adopt a Resolution approving the adoption and implementation of the Glenn County Emergency Operations Plan. By roll-call vote the motion unanimously passed 5/0.

- b) Consider approval of Police Chief Dahl's request to indefinitely suspend the Willows Police K-9 program and dispose of Rocko the K-9, as is customary practice in Law Enforcement agencies:

This is a request by Police Chief Dahl that the City Council approve a temporary suspension to the Willows Police Department's K-9 program, due to the program no longer being cost effective to continue this service. Additionally, Chief Dahl is recommending that Council approve the decommission/retirement of the current - nearly 6 year old K-9 - Rocko, and that Rocko be sold as a family pet to his handler, K-9 Officer Kelly Kuwata, with a waiver of liability and hold harmless agreement. Chief Dahl also pointed out that in the original agenda packet there was an error on the "Bill of Sale, Waiver of Liability and Harmless Agreement for retired Police Services Canine" marked as "Exhibit A". The Exhibit contains a paragraph that reads "It is understood that this canine was removed from police service and is no longer qualified for further police services". Chief Dahl provided the Council with an amended Exhibit A with the removal of that paragraph and he asked that if the Council approves this item, that they include mention of the amendment in their motion.

Brief Council discussion ensued and one question raised was that since the K-9 program has been funded by personal donations from the public, could the City return those funds that were collected? Finance Director Tim Sailsbery stated that upon an individual's request and with proof of payment, funds would be refunded. Beyond that, the remaining funds in that account would be frozen. Mayor Domenighini then gave the members of the public an opportunity to speak on this item.

Jamie Millen of the audience inquired about what happens to the K-9's badge once the dog is decommissioned. Chief Dahl stated that the badge would be retired, as is normal protocol with Police K-9's.

RoseMarie Thrailkill of the audience asked how the money for the K-9 fund is handled. Finance Director Tim Sailsbery stated that the money is handled through the Volunteers In

Police Services (VIPS) budget and there is approximately only \$6000 remaining in that budget currently. Ms. Thraikill also asked how much money it would take to reinstate the K-9 program. It was explained that in order to reinstate the program, it is estimated to be roughly \$30K or more for the cost of a new K-9, trainings, veterinary costs, a new K-9-equipped Sport Utility Vehicle and other incidental costs.

Gail Green of the audience stated that she is in support of keeping the K-9 program and she thinks it is a waste to get rid of Rocko.

Officer Kelly Kuwata, the handler of the Police K-9, wanted it on the record that Rocko is currently 5 years old and not 6 as was indicated. Additionally, his color is Sable and not black as was indicated on the Bill of Sale, and he is a German Shepherd, not a "Dutch Shepherd" as was also indicated on the Bill of Sale. Since Officer Kuwata will be purchasing Rocko, she stated that she wanted to make sure everything on the Bill of Sale was correct and legal. Staff assured Officer Kuwata that those items would be corrected prior to execution of the agreement.

M/S – Hansen/Mello to approve the indefinite suspension of the Willows Police Department's K-9 Program and to decommission and retire Rocko the K-9 (Glenn County Dog License #51808) and allow him to be sold as a family pet with a Bill of Sale, Waiver of Liability and Hold Harmless Agreement, with the aforementioned revisions/changes to the Bill of Sale. The motion unanimously passed 5/0.

- c) Discussion and direction to staff regarding City Attorney attendance at Council Meetings and review of agenda prior to distribution/publication:

Council recently appointed Robert Hunt as the new City Attorney following the announcement of the retirement of Gary Krup. Mr. Hunt inquired as to the preference of the Council regarding his attendance at Council meetings and his review of agendas prior to their distribution and publication.

Past practice of the Council was to not have the City Attorney attend every Council meeting and there has never been any indication or desire by the Council to have agendas reviewed by the City Attorney prior to distribution. Staff offered the following options for Council's consideration:

- Council could choose to have the Attorney attend each Council meeting. This option would provide immediate legal advice if it should become necessary during any meeting. This choice would have a significant financial impact on the City associated with additional Attorney fees not currently within the adopted budget. The Council may choose to continue its current practice of not having the City Attorney attend each Council meeting, but in an event where formal legal advice may become necessary, the Council would have options available to address the timing of such a need; including carrying an item over to a future meeting to allow for sufficient legal review. This approach would be most cost effective in that additional financial impacts would be incurred on an as-needed basis.

- Council has previously requested to have agendas provided to them on the Thursday prior to the upcoming Tuesday evening meeting. This process has worked well for the City as it allows appropriate time for staff to consider items to be placed on the agenda and research and prepare the necessary staff reports. Council may choose to have the agenda reviewed by the City Attorney prior to publication, but this choice may require changes to the timeline for preparation of the agenda packet and subsequent staff reports. This choice could potentially create delays in delivery of the agenda to the Council in the event that the City Attorney would not have time for agenda review as a result of other matters within his firm. If such delays should occur, it could potentially create conflicts with meeting publication timeframes outlined in the Brown Act. Alternatively, Council may choose to continue its current practice of not having the Attorney review the agenda prior to publication. This process has worked well for the Council, including meeting the Thursday agenda packet delivery deadlines with no issues, conflicts or problems as a result.
- Council may choose to consider providing staff with direction and authority to exercise discretion on having the Attorney review the agenda on an as-needed basis. Essentially this choice would allow staff to consider the items on the agenda and make an informed decision on whether it requires the review of legal Counsel.

Mr. Hunt was in attendance at the meeting and he stated that if he was asked to review the agendas he assured the Council that his review would be timely – generally no more than a half an hour. Mr. Hunt also informed the Council that according to California Government Code Section 41801, et seq., the City Attorney is required to draft and/or review all Resolutions & Ordinances; something of which the Council was unaware. That said, and since many meetings have Resolutions proposed for adoption, the City Council was in unanimous agreement that Mr. Hunt shall review all Resolutions that will be placed on the agendas. After further staff and Council discussion it was the unanimous consensus of the Council that Mr. Hunt shall review all future Resolutions and Ordinances that will go before the Council for their consideration and action and that he shall also review the agenda for legal accuracy prior to its dissemination to the public and the press and he shall also attend at least one City Council per month for at least the first three months.

12. Council Member Reports:

- Vice Mayor Hansen reported that he attended a Museum Board meeting on October 8 and he also thanked the Public Works Department Director Steve Soeth and his staff for their work on tidying up the landscaping at the Museum.
- Council Member Mello thanked City Manager Steve Holsinger for putting together such a well-organized and professional recruitment and interview process to find a new City Manager. He also thanked former Council Member and Mayor Vince Holvik for serving as the Chair on the interview subcommittee that he sat on.

- Council Member Williams reported that he attended the recent Chamber of Commerce and Veteran's Tri-Tip and Prawns fundraiser. He stated that it was a very nice night and the food was excellent.
- Mayor Domenighini reported that he attended a LAFCO meeting yesterday and there has not been a Library Meeting since the last Council Meeting so there was nothing for him to report about the Library.

13. **Executive Session:** Pursuant to Government Code Section 54954.3, the public had an opportunity to directly address the legislative body on the items below prior to the Council convening into Closed Session. No members of the Public spoke and the City Council convened into Executive Session at 8:06 p.m. for the following:

PERFORMANCE Evaluation - pursuant to Section 54957(b)1
 Title: City Manager

14. **Reconvene to Open Session & Report out from Executive Session:**

The City Council reconvened into open session at 9:10 p.m. and Mayor Domenighini reported that no formal action was taken by the Council and direction had been provided to staff.

15. **Adjournment:** Mayor Domenighini adjourned the meeting at 9:11 p.m.

Dated: October 13, 2015

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

AGENDA ITEM

November 10, 2015

TO: Honorable Mayor Domenighini and Members of City Council

FROM: Scott Taylor, City Manager

SUBJECT: Review of Legislation and Impacts thereof of Medical Marijuana - Discussion and Direction to Staff.

Staff will discuss recent State legislation associated with regulating the cultivation, delivery/sales, and transportation of medical marijuana, seeking direction from the City Council as to City position and subsequent ordinances, if any.

BACKGROUND

The State of California has enacted legislation dating back to approximately 2007 relative to the regulation of medical marijuana. Several cities have passed local legislation regulating and/or prohibiting the cultivation of marijuana within their respective cities. Cities have also banned the sales and distribution of medical marijuana from fixed or mobile locations.

In 2009, Willows added Willows Municipal Code ("WMC") §1.05.125 which provides:

"Notwithstanding any provision of this code to the contrary, any use, entitlement, authorization, license or permit allowed or issued under this code shall be consistent with applicable state and federal law."

Although, this ordinance arguably provides for the prohibition of any use or permit in violation of state or federal law, it does not specifically address the changes in state law at a future point. Willows has no other ordinances or regulations in place addressing medical marijuana in any capacity.

DISCUSSION

Recently, Governor Brown signed into law legislation that allows for local government (cities) to regulate cultivation and delivery of medical marijuana and the associated business activity. Further, the legislation provides for a dual licensing system whereby a licensee is required to obtain a permit from the State and the city to be able to operate.

Cities that lack ordinances effectively regulating or prohibiting cultivation will, starting March 1, 2016, concede authority to the State as the sole licensing authority. Similarly, if a city does not expressly prohibit "delivery" of medical marijuana, delivery will be allowed. The State is expected to begin issuing dispensary licenses in January 2018. Cities may limit the number of marijuana delivery businesses, and may tax their sales.

In terms of regulating, licensing, and taxing medical marijuana, The Council may also wish to consider:

- Some cities including Sacramento (10%), Rancho Cordova (15%) and Shasta Lake are regulating and taxing dispensaries with reported success as to tax revenue and enforcement.
- Some cities like Redding allowed dispensaries but failed to implement licensing and taxation measures. Redding is now reversing their action and beginning to regulate and tax.
- Oregon, Washington, Alaska and Colorado allow and tax recreational use of marijuana.
- Despite Prop 9 failing in 2010, statewide polling in favor of recreational marijuana use is now trending greater than 60%. The subject has qualified for the Nevada ballot in 2016 and is expected to be on the ballot in California and Arizona.
- Transportation across state lines and access to minors are topics in the conversation about marijuana legalization.

The City Council may wish to consider implementing specific policies/ordinances given the legal and political environment of the subject, and should use this opportunity to check its policies against new State legislation.

Attachments (2):

1. The League of California Cities publication October 27, 2015
2. WMC 1.05.125

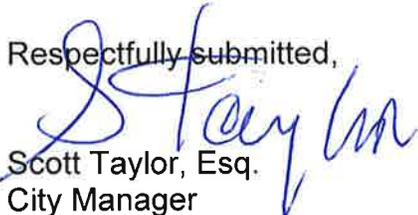
FINANCIAL CONSIDERATIONS

None at this time unless City moves in the direction of regulation and taxation. If so, then undetermined and uncertain new revenues could be anticipated to offset cost associated with regulation and enforcement.

RECOMMENDATION

Provide direction to staff.

Respectfully submitted,


Scott Taylor, Esq.
City Manager

Medical Marijuana Regulation and Safety Act¹

What Cities Need to Know About the New Law

Overview -- Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, or transport – must have a State license².
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State **and** permission from the city (“dual licensing”).
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

Cultivation -- Here's what you need to know:

If your city does **not** have a land use ordinance in place regulating or prohibiting the cultivation of marijuana, *either expressly or otherwise under the principles of permissive zoning*, or chooses not to administer a conditional permit program, then commencing **March 1, 2016**, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants.

Cultivation -- Here's what you need to do:

Determine if your city fits within City #1 or City #2 as described below:

- **City #1:** Municipal Code that does not expressly prohibit nor expressly regulate cultivation of medical marijuana and is not a “permissive zoning” code. **Need to take action.**

ACTION REQUIRED: Adopt a land use ordinance regulating or prohibiting the cultivation of medical marijuana. The ordinance must be effective by February 28, 2016. The ordinance may be adopted as an “urgency ordinance,” or second reading must occur on or before January 29, 2016.

¹ AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

² The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

- City #2: Municipal Code that is a “permissive zoning” code and does not enumerate cultivation of medical marijuana as a permitted or conditional use. **Need to take action.**

ACTION REQUIRED: (1) Check and confirm that your city’s zoning code is adopted and implemented under the principles of permissive zoning. If not, take action recommended for City #1. (2) If confirmed, adopt a resolution that includes the following provisions:

- States that Health & Safety Code section 11362.777(b)(3) provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation under principles of permissive zoning;
- Re-affirms and confirms that the Zoning Code is adopted and operates under the principles of permissive zoning;
- States this means that cultivation of marijuana is not allowed within City #2 because it is not expressly permitted; and
- Therefore, the State is not allowed to issue a license for the cultivation of medical marijuana within City #2.

Delivery -- Here’s what you need to know:

If a city does not expressly prohibit the delivery of medical marijuana within its jurisdiction, delivery will be allowed (with a State dispensary license). This means that if your city wishes to prohibit the delivery of medical marijuana within its jurisdiction, the city must adopt an ordinance expressly prohibiting delivery services and mobile dispensaries.

Delivery -- Here’s what you need to do:

- Determine whether your city currently bans delivery services for medical marijuana.
- If you have a ban, determine whether it is an affirmative ban, or a ban enacted via permissive zoning (i.e., it is not listed in your zoning or other codes as a permitted activity within the city limits).
- If you have an affirmative ban specifically identifying marijuana deliveries as a prohibited activity, you do not need to take further action.
- If you wish to prohibit delivery services but do not have an express ban, **you need to take further action.**

ACTION REQUIRED: Adopt an ordinance expressly banning deliveries within your jurisdiction. If you do not adopt an express ban ordinance before the State begins issuing any State licenses, a State-licensed dispensary will be able to deliver medical marijuana within your jurisdiction. Therefore, any ordinance must be in place before the State begins issuing State licenses. The State currently estimates that it will begin issuing dispensary licenses in January 2018, but that could certainly happen sooner.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.

League of California Cities®
October 27, 2015

ORDINANCE NO. 687-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ADDING SECTION 1-05-125 TO THE WILLOWS MUNICIPAL CODE REGARDING
CONSISTENCY OF ANY USE,
ENTITLEMENT, AUTHORIZATION, LICENSE OR PERMIT
WITH STATE AND FEDERAL LAW**

The City Council of the City of Willows does ordain that the Code of Ordinances, City of Willows, California, is hereby amended by adding a section, to be numbered 1.05.125 as follows:

SECTION 1. Chapter 1.05 of Title 1 of the Willows Municipal Code is hereby amended to add Section 1.05.125 to read as follows:

“1.05.125. CONSISTENCY WITH STATE AND FEDERAL LAW.

Notwithstanding any provision of this code to the contrary, any use, entitlement, authorization, license or permit allowed or issued under this Code shall be consistent with applicable state and federal law.”

SECTION 2. *Severability.* Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. *Effective Date.* This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 4. *Certification.* The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 27th day of October 2009 and passed and adopted at a regular meeting thereof, held on the 10th day of November, 2009, by the following vote:

AYES: Baker, Holvik, Yoder, Hansen & Towne
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

ATTESTED:

Peter Towne, Mayor

Natalie Butler, City Clerk