



Willows City Council Regular Meeting

June 11, 2019
Willows City Hall
7:00 p.m.

Agenda

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

City Council
Gary Hansen, Mayor
Kerri Warren, Vice Mayor
Lawrence Mello, Council Member
Joe Flesher, Council Member
Larry Domenighini, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

1. **CALL TO ORDER- 7:00 p.m.**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**

a. **Public Comments:**

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 is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

5. **SCHEDULED PUBLIC AND/OR STAFF PRESENTATIONS**

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 Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of general checking, payroll & direct deposit check registers 36937-36977, Z09971-Z09997, 38062-38083.
- b. Approval of minutes of the Special Budget Meeting held on May 28, 2019.
- c. Approval of minutes of the Regular City Council Meeting held on May 28, 2019.

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

7. PUBLIC HEARINGS

- a. Conduct a public hearing and adopt the Resolution entitled:

- i. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ADOPTING THE 2019/20 CITY OF WILLOWS ANNUAL BUDGET.**

- b. Conduct a public hearing allowing the parcels indicated on Exhibit "A" to be abated by the City of Willows Contractor. Those persons returning self-abatement notices were allowed a time extension of 10 days to complete the work themselves. If after this date, these parcels have not been abated, the City Contractor will perform the work.
 - c. Conduct a public hearing and upon conclusion, consider reading by title only and the passage of the first reading and subsequent adoption of an Ordinance Amending Certain Sections of Chapter 9.20 of the Willows Municipal Code Regarding Cannabis Sales and Delivery in the City of Willows.

- i. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING WILLOWS MUNICIPAL CODE CHAPTERS 9.20.070
("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSES"), 9.20.071
("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE APPLICATIONS"),
9.20.074 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE FEES AND
TAXES"), AND 9.20.080 ("GENERAL CONDITIONS FOR ALL
RETAIL/DISPENSARY CANNABIS LICENSES") FOR THE REGULATION OF
CANNABIS USE, CULTIVATION, SALES AND OTHER CANNABIS ACTIVITIES
IN THE CITY OF WILLOWS.**

8. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. Adopt a Resolution entitled;

- i. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
MEMORIALIZING THE CITY'S INTENTION TO DIRECTLY FUND THE GLENN
GROUNDWATER AUTHORITY.**

- b. Approve the Engagement Letter submitted by the Hunt Law Offices pursuant to which Robert W. Hunt will continue to serve as the City's City Attorney, and authorize the Mayor to execute the agreement.

- c. Adopt a Resolution entitled;
 - i. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ACCEPTING CHARLES GEYER BID FOR THE PURCHASE OF SURPLUS PROPERTY;** and
 - ii. Direct Staff to Open Escrow regarding Sale.

9. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

10. RECESS TO CLOSED SESSION

- a. PUBLIC COMMENT-Pursuant to Government Code Section § 54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code Section §54956.9:
Number of cases: 1

11. ADJOURNMENT

This agenda was posted on June 6, 2019



Tara Rustenhoven, City Clerk

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. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). 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



CONSENT AGENDA



	<u>Period</u>		
	5/23/2019	TO	6/5/2019
General Checking	36937	TO	36977
Payroll Direct Deposit	Z09971	TO	Z09997
Payroll Checks	38062	TO	38083

APPROVAL DATE **6/11/2019**

APPROVED _____

REPORT.: May 23 19 Thursday
 RUN...: May 23 19 Time: 09:36
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 05-19 Bank Account.: 1045

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
036937	05/23/19	AME01	AMERICAN RIVER COLLEGE	60.00	.00	60.00	22187993	FIRST AID/CPR/AED
036938	05/23/19	ATT01	A.T.& T.	1002.25	.00	1002.25	B90521	TELEPHONE EXP. 4/19-5/18/
036939	05/23/19	CAL01	CALIFORNIA WATER SERVICE	2233.29	.00	2233.29	B90521	WATER EXPENSE 4/12-5/10/1
036940	05/23/19	CLE03	CLEARWAY ENERGY LLC	8567.63	.00	8567.63	159588	SOLAR ELECTRICITY APRIL 2
036941	05/23/19	COR02	CORBIN WILLITS SYSTEMS	407.87	.00	407.87	B905151	CONT.SERV. FINANCEJUNE 20
036942	05/23/19	EWI00	EWING IRRIG. PRODUCTS, INC	408.24	.00	408.24	9995698A	IRRIGATION COMPONENTS
036943	05/23/19	LIF01	LIFE ASSIST	309.42	.00	309.42	919471	MEDIC SUPPLIES
036944	05/23/19*	MAT01	MATSON & ISOM TECHNOLOGY	2843.00	.00	2843.00	67539	MANAGED PARTNER AGREEMENT
036945	05/23/19	MEN02	MENDES SUPPLY COMPANY	97.77	.00	97.77	R03516800	TISSUE
036946	05/23/19	TON00	TONY TAPIA CONSTRUCTION	4324.00	.00	4324.00	491	CODE ENFORCEMENT 429 N SH
Cash Account Total.....:				20253.47	.00	20253.47		
Total Disbursements.....:				20253.47	.00	20253.47		

REPORT.: May 30 19 Thursday
 RUN...: May 30 19 Time: 14:34
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 05-19 Bank Account.: 1045

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036937	05/23/19	AME01	AMERICAN RIVER COLLEGE	-60.00	.00	-60.00	22187993u	Ck# 036937 Reversed
036947	05/30/19	AMB43	AMERICAN RED CROSS HEALTH	60.00	.00	60.00	22187993	FIRST AID/CPR/AED INTRUCT
036948	05/30/19	COM16	COMCAST CABLE	160.93	.00	160.93	B90530	INTERNET FD 5/19-6/18/19
036949	05/30/19	GLE21	GLENN CO. SHERIFFS DEPT.	114629.16	.00	114629.16	10221815	CONTRACTUAL LAW ENFORCEME
036950	05/30/19	GLE26	COUNTY OF GLENN	15.00	.00	15.00	B90530	ANNUAL BURN PERMIT
036951	05/30/19	LAN03	LANNIE'S SEPTIC TANK SERV	95.45	.00	95.45	20735	PORTABLE TOILETS
036952	05/30/19	PGE01	PG & E	9901.04	.00	9901.04	B90530	P.G. & E. 4/16-5/14/19
036953	05/30/19*	RAY03	RAY MORGAN COMPANY	63.28	.00	63.28	2539766	PROF. SERVICES GENERAL OF
				152.67	.00	152.67	2539767	PROF. SERVICES GENERAL OF
			Check Total.....:	215.95	.00	215.95		
036954	05/30/19	SAC08	SACRAMENTO VALLEY MIRROR	114.80	.00	114.80	15959	LEGAL AD CANNABIS/CUP
				75.00	.00	75.00	B90530	ELK CREEK LIBRARY SUBSCRI
			Check Total.....:	189.80	.00	189.80		
036955	05/30/19	SUN07	SUN LIFE FINANCIAL	2800.90	.00	2800.90	B90530	GAP PREMIUM 5/1-5/31/19
036956	05/30/19	WAL07	WAL-MART COMMUNITY	246.16	.00	246.16	B90530	MAY STMT PER ATTACHED
036957	05/30/19	WILHQ	WILLOWS AUTO PARTS	28.90	.00	28.90	B90530	MAY STMT PER ATTACHED
			Cash Account Total.....:	128283.29	.00	128283.29		
			Total Disbursements.....:	128283.29	.00	128283.29		
			Cash Account Total.....:	.00	.00	.00		

REPORT.: Jun 04 19 Tuesday
 RUN...: Jun 04 19 Time: 14:30
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 06-19 Bank Account.: 1045

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
036961	06/04/19	CIT06	CITY OF ORLAND	19490.76	.00	19490.76	134	CONT.SERV. LIBRARY APR-JU
036962	06/04/19	COM16	COMCAST CABLE	301.87	.00	301.87	B90604	ADMIN INTERNET APR-MAY 20
036963	06/04/19	COR10	CORNING LUMBER CO., INC.	115.78	.00	115.78	B90604	MAY STMT PER ATTACHED
036964	06/04/19	ELK00	ELK CREEK CITIZEN'S LIBRA	10082.75	.00	10082.75	B90604	ELK CREEK LIBRARY TRUST
036965	06/04/19	ESO00	ESO SOLUTIONS, INC	825.00	.00	825.00	16820	ANNUAL SUPPORT CONTRACT
036966	06/04/19	HIW00	HIWAY TRUCK & AUTO	175.39	.00	175.39	1900532	#9 DUMP TRUCK REPAIR
036967	06/04/19	MAT01	MATSON & ISOM TECHNOLOGY	240.00	.00	240.00	68551	WEBSITE DESIGN
				20.00	.00	20.00	23784IN	DOMAIN REGISTRATION
			Check Total.....:	260.00	.00	260.00		
036968	06/04/19	O'R01	O'REILLY AUTO PARTS	30.21	.00	30.21	487824973	#9 DUMP TRUCK REPAIR
036969	06/04/19	OFF05	OFFICE DEPOT, INC.	176.19	.00	176.19	526604001	OFFICE SUPPLIES
				166.23	.00	166.23	526724001	OFFICE SUPPLIES
			Check Total.....:	342.42	.00	342.42		
036970	06/04/19	PAR15	HANNA PARISIO	35.00	.00	35.00	B90604	REFUND PARK PERMIT
036971	06/04/19	SAC08	SACRAMENTO VALLEY MIRROR	75.00	.00	75.00	B90604	BAYLISS LIBRARY SUBSCRIPT
036972	06/04/19	SEC00	SECRETARY OF STATE	35.00	.00	35.00	B90604	FILING/CERTIFICATION ARTI
036973	06/04/19	SPR00	FOREST SPRAGUE	273.60	.00	273.60	B90604	REQUEST FOR PUBLIC INFORM
036974	06/04/19	USB02	US BANK	522.12	.00	522.12	385844683	EQUIP. MAINT.5/20-6/20/19
036975	06/04/19	USB04	U.S. BANK CORPORATE PAYME	1935.81	.00	1935.81	B90604	MAY STMT PER ATTACHED
036976	06/04/19	VER02	VERIZON WIRELESS	191.17	.00	191.17	983096257	TELEPHONE EXP. APR 27-5/2
			Cash Account Total.....:	34691.88	.00	34691.88		
			Total Disbursements.....:	34691.88	.00	34691.88		

REPORT.: Jun 04 19 Tuesday
RUN...: Jun 04 19 Time: 15:07
Run By.: JANE COLLINS

CITY OF WILLOWS
Cash Disbursement Detail Report
Check Listing for 06-19 Bank Account.: 1045

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
136973	06/04/19	SPR00	FORREST SPRAGUE	-273.60	.00	-273.60	B90604u	Ck# 036973 Reversed
136977	06/04/19	SPR00	FORREST SPRAGUE	273.60	.00	273.60	B90604y	Ck# 036977->036973 Repla
Cash Account Total.....:				.00	.00	.00		



ACTION MINUTES OF THE WILLOWS CITY COUNCIL SPECIAL BUDGET MEETING HELD MAY 28, 2019

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.

Please visit www.cityofwillows.org for free PodBean recordings.

Mayor Hansen called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Administrative Services Director Tim Sailsbery.

Roll Call:

Council Members Present: Council Members Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, Steve Soeth, Jody Meza, Intern Nick Bandeira and City Clerk Tara Rustenhoven.

Public Comment/ Written Communications:

Jeff Williams, citizen of Willows had questions on the Proposed Budget.

FY 2019/2020 Proposed Budget With 2020/2021 Projections

- Budget Overview
- Operations
- Capital
- Enterprise Funds
- Carryover Items
- Items for Council Consideration

-Direct Staff Regarding Bringing Forward the Budget for Adoption

a. Auto Allowance-Recreation Coordinator

Action:

Motion: Council Member Domenighini /Second: Council Member Flesher

Approved by motion approve a \$100 per month auto allowance for the Recreation Coordinator, effective 7/1/19.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

NOES:

ABSENT:

ABSTAIN:

Adjournment:

The Meeting was adjourned at 5:56 p.m.

Dated: May 30, 2019

Tara Rustenhoven, City Clerk



ACTION MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD MAY 28, 2019

*Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.
Please visit www.cityofwillows.org for free PodBean recordings.*

Mayor Hansen called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Community Services Director Steve Soeth.

Roll Call:

Council Members Present: Council Members Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, Community Services Director Steve Soeth, Intern Nick Bandeira, City Planner Karen Mantele and City Clerk Tara Rustenhoven.

GCSO Staff: Sheriff Warren

Public Comment/ Written Communications:

Jeff Williams wanted to give Kudos to the Band Director for the Willows High School.

Scheduled Public And/Or Staff Presentations:

Ben Richie with De Novo Planning Group gave a brief presentation on the General Plan.

Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers 36903-36936, Z09946-Z09970, 38045-38061.
- b. Approval of minutes of the Special Public Safety Meeting held on May 7, 2019.
- c. Approval of minutes of the Regular City Council Meeting held on May 14, 2019.

Action:

Motion: Council Member Mello/Second: Council Member Flesher

Moved to approve the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

NOES:

ABSENT:

ABSTAIN:

Regular Business:

- a. Staff Recommends Council to discuss and provide comments for future adoption of the R-1 Design Guidelines.

By consensus this will be brought back for a future meeting.

Doug Ross, resident of Willows had questions on the design guidelines.

Bob Faust, resident of Willows voiced concerns on the design guidelines.

- b. Adopt a resolution entitled:

ANNUAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS CONSENTING TO THE EXTENSION OF SERVICE CHARGES IMPOSED ON IMPROVED REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY OF WILLOWS FOR FISCAL YEAR 2019/2020 FOR THE USE AND/OR ABILITY TO USE THE GLENN COUNTY SOLID WASTE SYSTEM.

Jeff Williams had a question for Interim City Manager regarding the Glenn County Landfill.

Action:

Motion: Council Member Domenighini /Second: Council Member Mello

Moved to adopt a resolution entitled, Annual Resolution of the City Council of the City of Willows consenting to the extension of service charges imposed on improved real property within the incorporated area of the City of Willows for Fiscal Year 2019/2020 for the use and/or ability to use the Glenn County Solid Waste System.

The motion passed unanimously 5/0 carried by the following roll call vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

NOES:

ABSENT:

ABSTAIN:

Council/Staff Reports/Comments:

- a. Staff Reports/Comments:

- Chief Peabody Public Works is doing a great job on our, and also working on getting the pool ready for the summer. Chief Peabody also announced our intern for the next couple of weeks.
- Sheriff Warren announced there is a new deputy sheriff in training Roy Garcia. Also another deputy in backgrounds and will be putting one of the correctional deputies through the next academy.

- b. City Council Reports/Comments:

Mayor Hansen:

- Wanted to congratulate the Willows High School class of 2019.
- May 16th attended the Regional Transit Committee and Glenn County Transportation Commission Meeting.

Vice Mayor Warren:

- May 27th Attended the Memorial Service. The Band was terrific.
- Attended the Scholarship Ceremony at the Willows High School.

Council Member Mello:

- Commented on the new 11' lawn mower, Looks great.
- Congratulations to Bucky Squire for the 12 scholarships he received.

Adjournment:

The Meeting was adjourned at 7:46p.m.

Dated: May 31, 2019

Tara Rustenhoven, City Clerk



PUBLIC HEARING

AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Administrative Services Director
SUBJECT: Adoption of 2019/20 City of Willows Budget

RECOMMENDATION

Conduct a public hearing and adopt the Resolution of the City Council of the City of Willows Adopting the 2019/20 City of Willows Budget

SITUATION (or BACKGROUND):

The City Council conducted a budget review and analysis session workshop on May 28, 2019. As part of the budget workshop sessions, the Council received input from staff in an open, public session. As a result, Council, by consensus, directed Staff to add two capital items (Civic Center repair and accounting finance/HR software) to General Fund Expenditures and adjust Sewer Enterprise activity to match projections, and then bring the preliminary 2019/20 budget and forwarded it to a June 11 public hearing for final adoption.

The budget, as presented for adoption, includes the following expenditure levels:

	2019/20
General Fund	\$ 4,286,512
Special Revenue Funds	\$ 805,466
Sewer Enterprise Fund	\$ 1,975,295
Water Enterprise Fund	\$ <u>7,692</u>
Total Expenditures	\$ <u>7,074,965</u>

The proposed budget carries a General Fund operating deficit 2019/20 of \$187,542 to be covered by General Fund Reserves currently estimated to be at \$1,324,516.

This Budget is presented for adoption without consideration of actions recently taken by the State of California or yet to be taken by the County of Glenn regarding their respective 2019/20 budgets. The budget is also prepared with the proposed sewer rate structure in place. Should actions taken by these agencies, or the City of Willows, have

Access to the 2019/20 Proposed budget (up for consideration in this public hearing) is available at <https://www.cityofwillows.org/assets/resources/Budget-2019-2020-Proposed.pdf> . It is also available (in this case, pre-Council directed adjustments) as part of the May 28, 2019 agenda under the Minutes and Agendas tab. Select the Tuesday May 28, 2019 Special Budget Meeting tab.

FINANCIAL CONSIDERATION

As noted, total appropriation of \$7,074,965 for 2019/20.

NOTIFICATION

- Notice of Public Hearing posted in newspaper of general circulation

ALTERNATE ACTIONS

1. Approve by Resolution
2. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Conduct a public hearing and adopt the Resolution of the City Council of the City of Willows Adopting the 2019/20 City of Willows Budget

Respectfully submitted,

/s/ Tim Sailsbery

Tim Sailsbery
Administrative Services Director

Attachments:

- Resolution of the City Council of the City of Willows Adopting the 2019/20 City of Willows Budget

RESOLUTION NO. XX-2019



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADOPTING THE 2019/20
CITY OF WILLOWS ANNUAL BUDGET**

WHEREAS, the Willows City Council has reviewed and analyzed the preliminary budget for fiscal year 2019/20 with opportunity for input from the City Staff and interested citizens; and

WHEREAS, as a result of this review and evaluation the City Council has established the fiscal policy for the 2019/20 budget; and

WHEREAS, these policies will be reflected in the document entitled 2019/20 Adopted Budget with 2020/21 Projections: and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows hereby adopts the 2019/20 annual budget in the amount of \$7,074,965.

BE IT FURTHER RESOLVED that the budget as detailed is a guide to the annual revenue and expenditures, and the City Manager may exceed the expenditures from a particular line item account when, at the City Manager's discretion, it is deemed prudent and efficient for the general operation of the City. However, in no event is the City Manager authorized to exceed the total amount of budget without approval of the City Council.

PASSED AND ADOPTED by the City Council of the City of Willows this 11th day of June, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

GARY HANSEN, MAYOR

TARA RUSTENHOVEN, CITY CLERK

AGENDA ITEM

TO: Honorable Mayor Warren and Members of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: 2019 Weed Abatement- Public Hearing

RECOMMENDATION

This is a public hearing and it is in order at this time for the Council to declare that the parcels indicated on Exhibit "A" to be abated by the City contractor. Those persons returning self-abatement notices were allowed a time extension of 10 days to complete the work themselves. If after this date these parcels have not been abated, the City contractor will perform the work.

SITUATION (or BACKGROUND):

On April 23, 2019 the City Council adopted a resolution declaring rubbish, refuse, and weeds to be a public nuisance. The City Fire Department has made a survey of the areas in the City that are a nuisance and has notified the property owners that they must remove this nuisance or the City will perform this task and bill the property owner accordingly.

It is required by the Government Code 39560 thru 39588 that there is to be a fixed time for any appeals to be considered by the Council from any of the property owners. The time fixed for this appeal was 7:00 p.m., Tuesday July 23, 2019. At this time the Council shall hear any objections from the property owner, and by motion, upon the conclusion of the hearing, the Council shall allow or overrule any objections. The Council may continue the hearing if they desire any additional information on any particular site. If no objections have been made, or after the City Council has disposed of those made, it shall order the Fire Chief to abate the nuisance.

FINANCIAL CONSIDERATIONS

Properties that the City Contractor abates will be billed to the property owner. For the property owners that do not pay, there will be a lien placed against their property and it will appear on their tax statement from the county.

NOTIFICATION

Local Media Outlets
Willows PSA
Willows Public Works

ALTERNATE ACTIONS

1. Request additional information from staff
 2. Reject staff recommendation and/or direct item to be returned.
-

RECOMMENDATION

This is a public hearing and it is in order at this time for the Council to declare that the parcels indicated on Exhibit "A" to be abated by the City contractor. Those persons returning self-abatement notices were allowed a time extension of 10 days to complete the work themselves. If after this date these parcels have not been abated, the City contractor will perform the work.

Respectfully submitted,



Wayne Peabody
Interim City Manger

Attachments:

- Exhibit A: 2019 Weed Abatement Parcel list
(attachment to be distributed on the
Night of the meeting)

2019 Weed Abatement

Book	Pg.	Sect.	Lot	Description of Nuisance	Street Number	Street	Location	Card Received	Pic # Before	Pic # After	Done
1	1	10	27	GW, second lot south of	199	N Humboldt	Lot				
1	1	10	28	GW, first lot south f	199	N Humboldt	Lot	Returned			
1	1	10	29	GW, west edge	199	N Humboldt	west side				
1	5	51	5	GW	1341	W Sycamore	Lot				
1	5	51	11	GW, BP lot east of	1340	W Sycamore	Lot	X			
1	6	61	33	GW, BP lot east of	1252	W Sycamore	rear				
1	7	71	12	GW	350	S Humboldt	Front				
1	7	71	30	GW	310	El Dorado	N side alley				
1	10	103	3	GW	712	S Tehama	rear				
1	10	103	4	GW	750	S Tehama	Front	X			
1	12	121	1	GW, BP lot east of	210	Fern	F,S, Rear	X			
1	12	121	8	GW, corner of 53 and Tehama		S Tehama	Lot	X			
1	12	121	9	GW, Car, BP	135	Co. Rd. 53	F, S, R				
1	12	121	14	GW	158	Fern	F				
1	12	121	23	GW, trailers	134	Fern	F, R				
1	12	121	24	GW	130	Fern	alley side				
1	12	122	1	GW	828	S Tehama	R	X			
1	12	122	2	GW, lor S of	828	S Tehama	R	X			
1	12	122	7	GW	808	S Tehama	R				
1	13	132	3	GW	314	N Enright	F, R				
1	16	162	3	Mattress	144	S Enright	F	X			
1	16	162	20	GW	138	S Enright	R				
1	19	192	10	GW	805/815	W Willow	F, S, R				
1	20	203	1	GW	203	N Merrill	R				
1	20	203	2	GW	215	N Merrill	R				
1	20	203	7	GW	255	N Merrill	F, R				
1	29	291	16	GW	911	Cedar	Alley	X			
1	31	311	5	GW	10	Sunset	F, R				
1	31	311	7	GW	14	Sunset	R				
1	32	321	3	GW	31	Donnie Ln.	F, R				
1	32	321	5	GW	27	Donnie Ln.	R				

A=Appliance(s)

B=Brush

J=Junk

D=Debris

G=Grass

W=Weeds

2019 Weed Abatement

Book	Pg.	Sect.	Lot	Description of Nuisance	Street Number	Street	Location	Card Received	Pic # Before	Pic# Completed	Done
2	5	52	3	BP	139	S Murdock	R	X- No sig.			
2	9	93	3	GW	235	N Plumas	R	X			
2	11	113	2	GW	125	S Plumas	R				
2	14	141	6	GW	335	N Shasta	F, R				
2	15	151	15	BP	229	N Shasta	R				
2	15	152	2	GW	243	W Walnut	F, Side	X			
2	17	171	6	GW	115	S Shasta	R				
2	18	181	13	F	245/247	S Shasta	R	X			
2	18	182	10	GW	255	S Butte	F, Side				
2	19	191	10	GW	325	S Shasta	F, R				
2	23	233	1	Trailer	468	S Lassen	Side				
2	23	233	9	GW	425	S Plumas	R				
2	24	241	10	Tires, A	519	S Lassen	F	X			
2	25	251	1	Trailer	642	S Murdock	Side				
2	26	261	12	GW, F	437	S Shasta	F, R				
2	26	261	13	GW	445	S Shasta	R				
2	27	271	3	GW, BP	544	S Plumas	F	X			
2	28	281	11	GW, BP, Trailer	637	S Shasta	F, R				
2	28	281	16	BP	342	W Cedar	R				
2	28	282	9	GP, BP, Car	603	S Butte	R				
2	29	291	4	GW	420	S Butte	F, R	X			
2	31	311	4	GW	622	S Butte	F, R				
2	31	311	5	GW	618	S Butte	R	X			
2	31	311	10	GW	617	S Tehama	R				
2	31	312	1	GW	620	S Tehama	Lot				
3	2	22	6	GW, second lot S of	346	N Tehama	F				
3	2	23	1	Lot	219	N Colusa	Lot				
3	3	33	1	Lot	219	N Colusa	Lot				
3	4	42	2	2 Lots, both sides of SP Park		N Tehama	Lots				
3	4	42	3	GW	125	E Sycamore	F				

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2019 Weed Abatement

Book	Pg.	Sect.	Lot	Description of Nuisance	Street Number	Street	Location	Card Received	Pic # Completed	Done
3	5	51	2	GW	146	S Butte	Lot	X		
3	5	52	3	GW, F, S of Car Wash		S Tehama	Lot			
3	6	62	1	GW, Lot S of	204	S Tehama	Lot			
3	7	71	5	TP	304	S Butte	NE corner	X		
3	7	71	10	GW	375	S Tehama	Lot			
3	7	72	2	GW, Lot N of	400	S Tehama	Lot			
3	8	83	6	GW, Bamboo	329	N Sac	R			
3	10	101	1	GW	321	E Sycamore	Alley			
3	10	102	8	GW, TP	143	N Yolo	F, S, R			
3	12	121	11	GW, , lot S of Oak and Colusa			Lot			
3	12	122	9	GW	251	S Sac	R			
3	13	132	2	GW, lot, SE corner, S of	309	S Sac	SE corner			
3	13	132	4	GW	309	S Sac	W corner	X		
3	15	152	4	GW, BP, lot N of	235	N Ventura	Lot	X		
3	16	161	9	GW, BP, lot N of	522	E Walnut	Alley			
3	16	162	13	GW	151	N Ventura	NE corner			
3	17	171	21	GW	112	S Sac	Alley			
3	19	191	3	GW	532	E Laurel	F			
3	19	191	5	GW	304	S Sac	Side			
3	22	221	4	GW, BP	127	N Alpine	F, R			
3	22	222	3	GW	130	N Alpine	F, S, R, lot	X		
3	23	231	11	GW, Triangle lot		E Oak	Lot			
3	27	281	4	GW, tumbleweeds, Lot N of	640 A	Canton	Lot			
5	26	261	6	GW	1010	Northgate	F, R			
5	27	275	10	GW, lot N of	679	N. Lassen	Lot			
5	28	282	8	GW	660	N Shasta	Mid	X		
5	28	282	18	GW	695	N Butte	R			
5	28	282	29	GW, BP	691	N Butte	R			
5	28	283	11	GW	622	N Butte	F, R	X		
5	28	283	15	GW	601	N Tehama	F, S, R	X		

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W=Weeds

2019 Weed Abatement

Book	Pg.	Sect.	Lot	Description of Nuisance	Street Number	Street	Location	Card Received	Pic # Completed	Done
5	39	392	9	GW	451	N Plumas	F, S, R			
5	40	401	1	GW	460	N Plumas	R	X		
5	40	401	12	GW	411	N Shasta	F, S, R			
5	40	402	2	GW	454	N Shasta	F, R			
5	17	171	35	GW, F	842	Brennan	F, S	X		
5	19	191	16	GW	926	N Lassen	F			
5	34	342	5	GW	500	Pacific	F, S, R			
5	34	343	5	GW	525	Jefferson	R	X		
17	31	310	2	GW	100	Co. Rd. 53	Lot			
17	31	310	5	GW	900	S Tehama	W Side	X		
17	33	330	10	GW, first lot S of	811	N Humboldt	Lot	X		
17	33	330	11	GW, second lot S of	811	N Humboldt	Lot	X		
17	33	330	12	GW, first lot N of	545	N Humboldt	Lot			
17	33	330	22	GW	475	N Humboldt	W Side	X		
17	34	340	13	GW, lot N of	1475	S Tehama	Lot	X		
17	34	340	16	GW, lot NW of	1475	S Tehama	N side	X		
17	34	340	17	GW, lot SW of	1481	S Tehama	S and W	X		

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May 14, 2019

AGENDA ITEM

TO: Hon. Mayor and City Council Members
FROM: Robert W. Hunt, City Attorney
SUBJECT: Consideration and pass by first reading and subsequent Adoption of Ordinance Amending Certain Sections of Chapter 9.20 of the Willows Municipal Code Regarding Cannabis Sales and Delivery in the City of Willows

SUMMARY

This proposed Ordinance:

1. Deletes the prohibition against deliveries in WMC 9.20.070(1).
2. Adds WMC 9.20.070(1)(a) regulating cannabis deliveries in the City of Willows by:
 - a. Providing that deliveries can be made only by licensed cannabis retail establishments in the City;
 - b. Prohibits sales exclusively by delivery;
 - c. Requires the disclosure of intended delivery operations in required use permit applications;
 - d. Requires detailed operational and security plans.
3. Adds WMC 9.20.070(1)(b) requiring a Glenn County Health Permit if licensee sells or manufactures edible cannabis products.
4. Adds 9.20.070(1)(c) prohibiting drive-through or walk-up window sales.
5. Deletes subparagraph 5 of 9.20.070 which required copies of state licenses prior to being issued a city license.
6. Makes subparagraph 6 of 9.20.070 subparagraph 5 and revises it to make explicit the requirement for a use permit.
7. Revises 9.20.074(1)(g) to clarify that payments to the City under this section are regulatory "fees" and not taxes.

BACKGROUND

In response to California's passage of Prop. 64 in 2016 legalizing the adult use of marijuana in our state, on November 28, 2017 the City Council adopted Ordinance 736-17 regulating the cultivation, sales and delivery of cannabis within the City of Willows. Since adoption of that Ordinance, California formed a regulatory agency, the Bureau of Cannabis Control ("BCC") to promulgate regulations effectuating the provisions of Prop. 64, as well as incorporating and coordinating the provisions 1996's adoption of Prop. 215 legalizing medical marijuana in the state.

Importantly, the BCC has overruled the objections of a majority of California cities and authorized the delivery of cannabis and cannabis products statewide, despite cities'—like Willows'—prohibition against such deliveries. In addition, the BCC's recently adopted procedures preclude the issuance of state licenses until after an applicant holds a locally-issued license. These provisions are contrary to Willows' regulatory scheme set forth in Chap. 9.20 of the Willows Municipal Code.

ANALYSIS

The City's Ordinance 736-17 established a comprehensive regulatory scheme for the cultivation and sales of cannabis products in the City of Willows. By way of that Ordinance, the City established regulations pertaining to the private residential cultivation of cannabis and created a detailed licensing process for those wishing to engage in retail sales of cannabis and cannabis products. The Ordinance also prohibited the commercial cultivation of cannabis and deliveries of cannabis and cannabis products in the City.

The BCC has issued a regulation permitting deliveries of cannabis and cannabis products throughout the State, including in those cities—like Willows—that have banned such deliveries. The announced rationale for such a rule is that failing to permit deliveries to everybody was somehow discriminatory to those residing in municipalities that banned cannabis deliveries and deprived those people of the purported benefits inherent in Prop. 64.

Nonetheless, Staff believes that the City should continue to exert regulatory efforts over such deliveries to the extent possible. Therefore, if the City authorizes *regulated* cannabis deliveries within the City, it is believed that the BCC's rationale will be significantly weakened, if not disposed of entirely. As drafted in the proposed Ordinance, such deliveries would be permitted only by licensed retailers and subject to a set of requirements similar to those imposed on retail sales.

It should be noted that there is a lawsuit pending in Fresno County Superior Court brought by at least 24 cities challenging the BCC's rule allowing unregulated deliveries.

The proponents of Prop. 64 offered assurances in 2016 that the measure would preserve local control of marijuana sales. The lawsuit notes that the ballot proposition's introduction said that it "safeguards local control, allowing local governments to regulate marijuana-related activities." The cities behind the suit contend that the bureau lacks legal authority to allow deliveries in conflict with local ordinances because Prop. 64 and a law signed by then-Gov. Jerry Brown guarantee local governments veto power over marijuana sales in their jurisdictions. In addition, legislation has been introduced that emphasizes the right of cities to ban cannabis deliveries.

The proposed Ordinance is intended to exercise as much regulatory control as possible over cannabis deliveries. However, in the current muddled state of cannabis regulation in California and pending litigation, whether the Ordinance will be effective is unknown.

In addition, the proposed Ordinance revises processes that were ultimately in conflict with the BCC's procedure. The BCC will not now issue state licenses unless and until the applicant holds a local municipality license; the City's current process requires the applicant to have state-issued licenses first. This Ordinance deals with this conflict by moving the application process forward in the absence of state-issued licenses, authorizes the issuance of a license in the absence of a state-issued license, but prohibits the licensee from opening for business until they are issued a Certificate of Authorization ("COA"). The COA will be issued only after the applicant has the requisite use permit, a City-issued license, and the necessary state-issued license(s).

Moreover, this Ordinance clarifies that amounts due and paid to the City by reason of a licensee's operations (as opposed to license application fees and taxes) are, in fact, fees directly related to the regulation of the business, and not taxes.

Finally, this Ordinance would require a permit from the Glenn County Health Department for the sale of any edible cannabis products. It would also prohibit sales at a retail establishment via drive-through or walk-up windows—customers would have to enter the store.

FINANCIAL CONSIDERATIONS

None known at this time

NOTIFICATION

Notice of the June 11, 2019 City Council public hearing was published in the Sacramento Valley Mirror on June 1, 2019.

ALTERNATE ACTIONS

1. Take no action and allow the BCC's authorization for home deliveries in the City of Willows to proceed.
2. Take no action pending the outcome of the pending litigation in Fresno County Superior Court.
3. Direct staff to revise the proposed Ordinance to include some provisions and delete others.
4. Adopt the proposed Ordinance as written.

RECOMMENDATION:

Introduce and waive the first reading of Ordinance 2019-____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING WILLOWS MUNICIPAL CODE CHAPTERS 9.20.070 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSES"), 9.20.071 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE APPLICATIONS"), 9.20.074 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE FEES AND TAXES"), and 9.20.080 ("GENERAL CONDITIONS FOR ALL RETAIL/DISPENSARY CANNABIS LICENSES") FOR THE REGULATION OF CANNABIS USE, CULTIVATION, SALES AND OTHER CANNABIS ACTIVITIES IN THE CITY OF WILLOWS," generally regarding the City's licensing processes and deliveries of cannabis in the City of Willows.

Respectfully submitted,



Robert W. Hunt
City Attorney

Attachment:

Proposed "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING WILLOWS MUNICIPAL CODE CHAPTERS 9.20.070 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSES"), 9.20.071 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE APPLICATIONS"), 9.20.074 ("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE FEES AND TAXES"), and 9.20.080 ("GENERAL CONDITIONS FOR ALL RETAIL/DISPENSARY CANNABIS LICENSES") FOR THE REGULATION OF CANNABIS USE, CULTIVATION, SALES AND OTHER CANNABIS ACTIVITIES IN THE CITY OF WILLOWS."

ORDINANCE NO. XX-2019

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING WILLOWS MUNICIPAL CODE CHAPTERS 9.20.070
("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSES"), 9.20.071
("RETAIL/DISPENSARY CANNABIS BUSINESS LICENSE
APPLICATIONS"), 9.20.074 ("RETAIL/DISPENSARY CANNABIS
BUSINESS LICENSE FEES AND TAXES"), and 9.20.080 ("GENERAL
CONDITIONS FOR ALL RETAIL/DISPENSARY CANNABIS LICENSES")
FOR THE REGULATION OF CANNABIS USE, CULTIVATION, SALES
AND OTHER CANNABIS ACTIVITIES IN THE CITY OF WILLOWS.**

Adopted by the City Council of the

CITY OF WILLOWS

on Date of _____, 2019

WHEREAS, the City Council of the City of Willows adopted Ordinance 736-17 on November 28, 2017 regulating cannabis use, cultivation, sales and other cannabis activities in the City of Willows; and

WHEREAS, changes in California law and regulations promulgated thereunder require modification to the regulatory scheme enacted by the City of Willows; and

WHEREAS, the City Council desires to modify terms for the operation of a retail cannabis business establishment in the City of Willows;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS
DOES ORDAIN** as follows:

1. The above recitals are true and correct, and incorporated herein.
2. Subparagraph (1) of Chapter 9.20.070 of the Willows Municipal Code is hereby amended in its entirety to read:

“(1) The City of Willows authorizes, subject to the conditions set forth in this code, and only in zones in which such sales are permitted uses pursuant to WMC Title 18, the commercial sale of cannabis and cannabis products for medical and nonmedical uses. Such authorization, and any license issued hereunder, does not include the sale or manufacturing of cannabis or cannabis products at any location other than that for which a license is issued by the city of Willows.

CITY OF WILLOWS
ORDINANCE _____ 2019

(a) In addition to the requirements established in this Chapter for retail/dispensary cannabis businesses, the delivery of cannabis and cannabis products shall be subject to the following requirements:

(i) Delivery of cannabis and cannabis products to customers at locations within the City of Willows shall be permitted only in conjunction with a cannabis retail establishment that has a physical location and a retail storefront open to the public within the City of Willows.

(ii) A cannabis retail establishment shall not conduct sales exclusively by delivery.

(iii) Conditional Use Permit applications for cannabis retail businesses shall include a statement as to whether the use will include delivery of cannabis and cannabis products to customers located outside the cannabis retail facility.

(iv) If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in this Chapter and state law.

(b) Cannabis businesses that sell or manufacture edible cannabis products shall have a valid Glenn County Health Permit. Permit holders shall comply with health and Safety Code section 13700, et seq., and Glenn County Health permit requirements. Such requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

(c) Drive-through or walk-up window services are prohibited at all retail/dispensary cannabis establishments in the City of Willows.”

3. Subparagraph (5) of Chapter 9.20.070 of the Willows Municipal Code is hereby deleted in its entirety.

4. A new Subparagraph (5) of Chapter 9.20.070 of the Willows Municipal Code is hereby added to read:

“No license shall be issued if the cannabis activity is not a permitted land use in the city. Every licensee shall hold a use permit issued authorizing the retail/dispensary sales of cannabis and cannabis products within the City of Willows.”

5. Subparagraph (6) of Chapter 9.20.070 of the Willows Municipal Code is hereby deleted in its entirety.

4. Subparagraph (2)(a)(ii) of Chapter 9.20.071 of the Willows Municipal Code is hereby deleted in its entirety.

CITY OF WILLOWS
ORDINANCE _____ 2019

5. Subparagraphs (2)(a) of Chapter 9.20.071 are hereby renumber as follows:

<u>Existing Subparagraph</u>	<u>Renumbered Subparagraph</u>
(iii)	(ii)
(iv)	(iii)
(v)	(iv)
(vi)	(v)
(vii)	(vi)
(viii)	(vii)
(ix)	(viii)
(x)	(ix)
(xi)	(x)
(xii)	(xi)
(xiii)	(xii)
(xiv)	(xiii)
(xv)	(xiv)
(xvi)	(xv)
(xvii)	(xvi)

5. Subparagraph (1)(g) of Chapter 9.20.074 of the Willows Municipal Code is hereby deleted in its entirety and a new subparagraph (1)(g) is adopted to read:

“(g) A cannabis business regulatory fee reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, issuance of licenses and maintenance of records, monitoring and inspections, preparation and submittal of reports, collection of and accounting for fees and other monies due the city, auditing, legal expenses, enforcement actions, and other anticipated costs and expenses directly or indirectly related to the licensee’s sales of cannabis and cannabis products in the City of Willows. Such fee shall be due and payable prior to the commencement of business. This cannabis business regulatory fee shall be reviewed and revised at the commencement of each license year and shall be payable at the commencement of each license year.”

All other portions of Chapter 9.20.074 remain unchanged.

6. Subparagraph (1) of Chapter 9.20.080 of the Willows Municipal Code is hereby deleted in its entirety and a new subparagraph (1) is adopted to read:

“(1) Prior to commencing business operations pursuant to a cannabis retail/dispensary business license issued by the City of Willows, the applicant shall hold a Certificate of Authorization issued by the City of Willows. Certificates of Authorization shall be issued only to applicants who hold (1) a Retail/Dispensary Cannabis Sales License issued by the City of Willows, (2) a use permit issued by the City of Willows Planning Commission, and (3) California state-issued A-license and/or M-license.”

CITY OF WILLOWS
ORDINANCE ____ 2019

This ordinance was introduced at a regular meeting of the City Council of the City of Willows, held on _____, 2019, and adopted at a regular meeting of the City Council of Willows, held on the _____, 2019, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

GARY HANSEN, MAYOR

APPROVED AS TO FORM:

THE CITY ATTORNEY'S OFFICE

ROBERT HUNT, CITY ATTORNEY

ATTEST:

TARA RUSTENHOVEN, CITY CLERK



REGULAR BUSINESS

June 11, 2019

AGENDA ITEM

TO: Mayor Hansen and Member of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Directly Fund Glenn Ground Water Authority

RECOMMENDATION:

By Resolution, Agree to Memorialize the City of Willows Intention to Directly fund the Glenn Ground Water Authority

SITUATION (or BACKGROUND):

In January 1, 2015 the Sustainable Groundwater Management Act (SGMA) became effective. June 20, 2017 the City of Willows signed a JPA which established the Glenn Groundwater Authority (GGA), which severs for portions of the Colusa Sub basin. The GGA was established with the founding members funding the first two years and the members would establish a funding source to fund the long-term SGMA compliance.

The GGA has adopted a property related fee of \$1.93 per acre on parcels in its service area to finance its SGMA compliance responsibilities. This fee has been adopted in compliance with the applicable procedural and substantive requirements of Proposition 218. This fee will be levied for five (5) years.

FINACIAL CONSIDERATIONS:

Amount of \$3500 has been budgeted in the 2019-2020 budget

NOTIFICATION:

City of Orland
Glenn Groundwater Authority

ALTERNATE ACTIONS:

- 1: Request additional information from Staff
- 2: Reject Staff recommendation and/or direct item to be returned.

June 11, 2019

RECOMMENDATION:

By Resolution, Agree to Memorialize the City of Willows Intention to
Directly fund the Glenn Ground Water Authority

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Wayne Peabody". The signature is fluid and cursive, with a large initial "W" and "P".

Wayne Peabody
Interim City Manager

Attachments:

Resolution xx-2019

RESOLUTION NO. _____

Resolution of the City Council of the City of Willows Memorializing the City's Intention to Directly Fund the Glenn Groundwater Authority

WHEREAS, on August 29, 2014, the California State Legislature passed comprehensive groundwater legislation contained in Senate Bill ("SB") 1168, SB 1319 and Assembly Bill 1739. Collectively, those bills, as subsequently amended, enacted the "Sustainable Groundwater Management Act" ("SGMA"). Governor Brown signed the legislation on September 16, 2014, and it became effective on January 1, 2015.

WHEREAS, SGMA anticipates that each affected groundwater basin or subbasin will be regulated separately by one or more Groundwater Sustainability Agencies ("GSAs"). A local agency or combination of local agencies may elect to be the GSA for a basin or sub-basin. SGMA generally provides that a combination of local agencies may form a GSA through a joint powers agreement.

WHEREAS, the City of Willows is a signatory to the Joint Exercise of Powers Agreement, dated June 20, 2017, which established the Glenn Groundwater Authority ("GGA"), a separate legal entity that serves as the GSA for portions of the Colusa Subbasin.

WHEREAS, GGA is working in collaboration with the Colusa Groundwater Authority ("CGA"), a separate Colusa Subbasin GSA, to draft and implement a single Groundwater Sustainability Plan ("GSP") to manage the Colusa Subbasin under SGMA.

WHEREAS, when the GGA was created, its members agreed to fund the GGA's operations for the first two years of its existence. Thereafter, the joint powers agreement provided that the GGA's members would establish a source of funding to finance the GGA's long-term SGMA compliance responsibilities.

WHEREAS, funding is needed for the GGA's long-term SGMA compliance responsibilities which include, but are not limited to: GSP development, technical studies, monitoring and data management, coordination and public outreach efforts, implementation of the GSP, yearly reporting to the Department of Water Resources, updating the GSP every five years, staff, insurance, legal services, bookkeeping, and office needs.

WHEREAS, the GGA has adopted a property related fee of \$1.93 per acre on parcels in its service area to finance its SGMA compliance responsibilities. The GGA's property related fee was adopted in compliance with the applicable procedural and substantive requirements of the California Constitution, Article XIII D, § 6, commonly known as Proposition 218.

WHEREAS, to reduce the administrative costs of levying the property related fee, the City of Willows will pay the GGA directly in the amount of property related fee as applied to the acreage within the City limits of Willows and property owned by the City of Willows.

WHEREAS, submitting the property related fee for acreage within City limits and owned by the City will reduce the administrative costs of administering the property-related fee

by reducing the number of smaller parcels for which the GGA would need to include in the Proposition 218 process of adopting a property related fee.

WHEREAS, the GGA's property related fee will be levied for five (5) years. Accordingly, the City of Willow's commitment is to fund the GGA will be for at least the next five (5) years at the same rate applied in the GGA adopted property related fee.

NOW, THEREFORE, BE IT RESOLVED, that the City of Willows commits to fund the GGA each year for the next five years in the amount of the GGA property related fee as applied to acreage within the City limits and/or owned by the City.

PASSED AND ADOPTED by the Willows City Council this ____ day of ____ 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Gary Hansen, Mayor

Tara Rustenhoven, City Clerk

June 11, 2019

AGENDA ITEM

TO: Hon. Mayor and City Council Members
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Engagement of Hunt Law Offices and Robert W. Hunt to Serve as City Attorney

SUMMARY

The proposed Engagement Letter before the City Council this evening replaces the firm of Hunt Jeppson & Griffin, LLP with the Hunt Law Offices as the City Attorney for the City of Willows. There is no increase in cost to the City resulting from entering into this agreement with the Hunt Law Offices.

BACKGROUND

The City has had the services of Robert Hunt as City Attorney, through the law firm of Hunt Jeppson & Griffin, LLP, since September 2015. Mr. Hunt's long-planned transition from the Hunt Jeppson & Griffin firm has now been completed and it is appropriate that the City enter into an agreement to retain Mr. Hunt's services as City Attorney through his sole proprietorship, Hunt Law Offices. Moreover, the Rules of Professional Conduct governing the actions of California lawyers require Mr. Hunt to have such an agreement.

FINANCIAL CONSIDERATIONS

None.

ALTERNATE ACTIONS

1. Reject the proposed Hunt Law Office Engagement Letter and request Hunt Jeppson & Griffin, LLP (now known as Jeppson & Griffin, LLP) to provide an attorney to serve the City as City Attorney.
2. Conduct a search for a City Attorney to replace Mr. Hunt.
3. Approved the Engagement Letter with the Hunt Law Offices to secure the services of Robert W. Hunt to serve as City Attorney.

RECOMMENDATION:

Approve the Engagement Letter submitted by the Hunt Law Offices pursuant to which Robert W. Hunt will continue to serve as the City's City Attorney, and authorize the Mayor to execute the agreement.

Respectfully submitted,



Wayne Peabody
Interim City Manager

Attachment:

Engagement Letter submitted by the Hunt Law Offices.



Robert W. Hunt
hunt@pacbell.net

July 1, 2019

Hon. Mayor and City Council Members
City of Willows
201 N. Lassen Street
Willows, CA 95988

Re: Engagement Letter

Dear Mayor and Members of the City Council:

Our firm would be pleased to work with the City of Willows subject to the terms and conditions below. If these terms are acceptable, please sign in the appropriate space below and return a copy of this letter to my attention. You may return a signed copy either by mail or by emailing it to the address shown above.

I look forward to the opportunity of working with your District.

ENGAGEMENT

The City of Willows (the "Client") hereby engages the Hunt Law Offices (the "Firm") to provide legal services as described an on the terms and conditions set forth below.

1. **Representation**. The Firm will undertake to serve as the Client's City Attorney providing such legal representation, consultation and advice of the Client with respect to legal compliance, organizational, operational, management, personnel, Council governance, and such other and further matters as the Client may from time to time request of the Firm.

2. **Compensation**. For all such representation, consultation and advice, the Client agrees to compensate the Firm on the basis of the time expended by the Firm and the expenses incurred by the Firm in the representation, consultation and advice of the Client on the following basis:

a. The Firm's current hourly billing rate under this Agreement is a blended rate of \$225.00 per hour for attorneys, and \$85 per hour for law clerks/paralegals.

b. The Firm's monthly billings will state clearly the basis therefor, including the amount, rate and basis for calculation, a detailed description of the services performed and the time expended to

the nearest tenth of an hour.

c. The expenses to be billed by the Firm may include, without limitation, the following expenses: travel expenses including mileage; necessary travel time (charged at ½ time); litigation expenses, such as deposition transcripts, filing fees, fees for service of process and necessary experts and investigators; expedited delivery costs such as Federal Express, and charges for computer assisted legal research services, such as LEXIS or WestLaw, utilized in connection with the Client's matters. The Firm does not bill its clients for ordinary and usual office operating expenses such as postage, facsimile charges, long distance telephone charges, and so forth, nor does the firm charge any administrative fee or other overhead charge on costs incurred.

3. Payment of Monthly Billings. The Client agrees to pay each monthly billing within fifteen (15) days of its deposit in first class mail to the Client at the address provided in the Agreement, or such other address as the Client may from time to time subsequently provide to the Firm in writing.
4. Withdrawal from Representation. The Firm may withdraw from representation of Client at any time upon reasonable notice not to exceed three days for any lawful reason or none at all, including the existence of a monthly billing balance which has remained unpaid for more than thirty (30) days after the deposit of the billing into first class mail.
5. Termination of Representation. The Client shall have the right to terminate representation by the Firm at any time upon notice, provided that such termination shall not affect the Client's obligation for fees and costs incurred prior to such termination.
6. Arbitration Rights. If, upon receipt of a monthly billing from the Firm, the Client has any questions with regard to any charge set forth thereon, or any item of information contained therein, the Client is encouraged to promptly contact the Firm by telephone or in writing so that the Client and the Firm can discuss the matter. While the Firm reasonably expects the Client to pay its billings promptly, it does not expect the Client to pay for services or costs which the Client does not understand or which are incorrect. Therefore, it is imperative that any questions, misunderstandings or errors be resolved immediately upon receipt of the billing. The Client has been advised that California Business and Professions Code sections 6200-6206 give the Client the right to submit any dispute as to fees arising from professional legal services under this Agreement to arbitration. The Client shall have thirty (30) days from the date on which the Client receives the monthly billing of the Firm hereunder in which to request arbitration. If the Client does not do so, the Client will be deemed to have waived the right to arbitrate any dispute as to these fees under the program established by the Board of Governors of the State Bar of California. The Client can obtain a form with which to request fee arbitration from the Placer County Bar Association, P. O. Box 4598, Auburn, California 95604-4598.
7. Errors and Omissions Insurance. Although California law does not require attorneys to maintain such insurance, the Firm hereby discloses to the Client that the Firm maintains errors and omissions insurance coverage applicable to the services to be rendered.
8. Construction. The existence, validity, construction and operation of this Agreement, and all of its covenants, agreements, representations, warranties, terms and conditions shall be determined in accordance with the laws of the State of California exclusive of its conflicts of law rules.
9. Receipt of Copy. The Client hereby acknowledges receipt of a copy of this Agreement.

Hunt Law Offices

In witness whereof, this Agreement is executed at Willows, California and is effective as of the date first written above.

The "Client:"

The "Firm:"

CITY OF WILLOWS

HUNT LAW OFFICES

By: Gary Hansen, Mayor

Robert W. Hunt
Attorney

June 11, 2019

AGENDA ITEM

TO: Honorable Mayor Hansen and Members of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Sale of Surplus Property (Mall parking lot)

RECOMMENDATION: 1) By Resolution, Accept Charles Geyer's Adjusted Bid For the Purchase of Surplus Property.
2) Direct Staff to Open Escrow regarding Sale

SITUATION (or BACKGROUND): Council declared the "north parking lot area" of the mall surplus (Reso. 2018-24) and then started the process of offering it to other government entities before taking it out to bid. Mr. Geyer's was the only bid received.

The original bid amount was \$17,500.00 for 85,123 square feet of parking lot and landscaping. After receiving the Geyer bid, City staff determined that a portion of the Parcel to be sold had certain attributes that were deemed important to the citizens of Willows and needed to remain in the control of the City. The Vietnam Memorial Clock and Community Christmas Tree being the most prominent. City staff engaged Coastland Engineering to do a lot line adjustment creating a parcel that will remain in the ownership of the City of Willows. The new parcel is 13,334 square feet in size.

The City calculated Mr. Geyer's original bid on a per square foot basis and applied that figure to the new lot and subtracted that total from the original bid to arrive at the new bid amount of \$14,717.00.

FINACIAL CONSIDERATIONS: The property in question was owned and maintained by the City of Willows. There will be a savings in personnel and maintenance costs.

NOTIFICATION:

ALTERNATE ACTIONS:

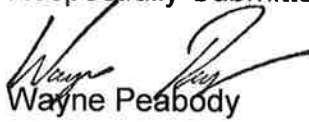
June 11, 2019

- 1: Request additional information from Staff
- 2: Reject Staff recommendation and/or direct item to returned.

RECOMMENDATION:

- 1)By Resolution, Accept Charles Geyer's Adjusted Bid For the Purchase of Surplus Property. Award the purchase of Surplus Property.
- 2)Direct Staff to Open Escrow Regarding Sale

Respectfully Submitted,


Wayne Peabody
Interim City Manager

ATTACHMENT:

- A)Resolution # 2018-24.
- B)Preliminary Parcel Map
- C)Resolution xx-2019

RESOLUTION NO. 2018-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS DECLARING CERTAIN REAL PROPERTY AS SURPLUS

WHEREAS, the City of Willows is reviewing a number of assets, including real property, to determine if surplus declaration is appropriate, and

WHEREAS, the City of Willows has determined that the declaration of the City-Owned parking lots and associated areas as surplus is an appropriate declaration of said property, and

WHEREAS, the City wishes to pursue the process to sell said real property in accordance with applicable California Government Code,

WHEREAS, the proposed project qualifies an eligible CDBG economic development activity.

NOW, THEREFORE, BE IT RESOLVED by the Willows City Council of the City of Willows hereby declares the following lots as surplus:

APN No. 003-034-006

PASSED, APPROVED AND ADOPTED by the Willows City Council, this 10th day of July, 2018, by the following vote:

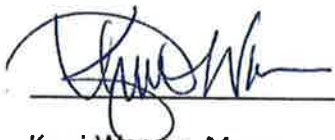
AYES in favor of: Council Members Hansen, Williams, Vice Mayor Mello & Mayor Warren

NOES:

ABSENT: Council Member Yoder

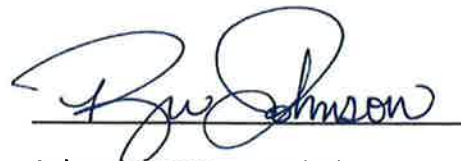
ABSTAIN:

APPROVED:



Kerri Warren, Mayor

ATTEST:



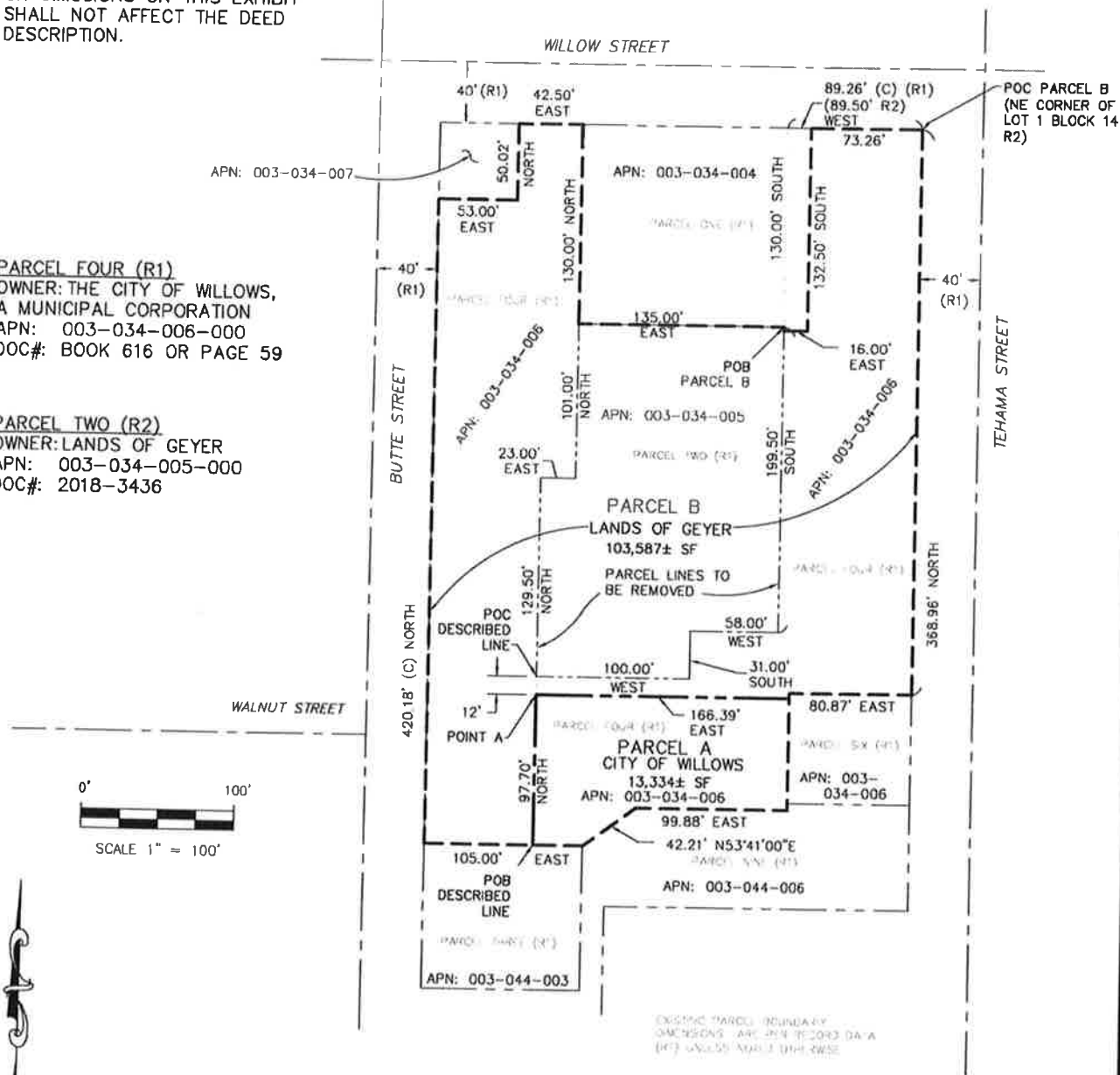
Robyn Johnson, City Clerk

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION.

ORIGINAL PLOT DATE:

PARCEL FOUR (R1)
 OWNER: THE CITY OF WILLOWS, A MUNICIPAL CORPORATION
 APN: 003-034-006-000
 DOC#: BOOK 616 OR PAGE 59

PARCEL TWO (R2)
 OWNER: LANDS OF GEYER
 APN: 003-034-005-000
 DOC#: 2018-3436



LEGEND

- LLA BOUNDARY
- PARCEL LINE TO BE REMOVED
- PARCEL LINE TO BE ADDED
- EXISTING PARCEL BOUNDARY
- CENTERLINE
- TIE LINE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- (R1) BOOK 5 PM PAGE 65
- (R2) GRANT DEED 2018-3436
- (C) CALCULATED FROM RECORD DATA

PRELIMINARY

RICHARD A. MOSHIER, RCE 30696 DATE



Coastland Civil Engineering, Inc.
 1400 Neotomas Avenue, Santa Rosa, CA 95405
 707.571.8005 707.571.8037 Fax

CITY OF WILLOWS
LOT LINE ADJUSTMENT LLA 2019-
EXHIBIT B

RESOLUTION NO. XX-2019



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ACCEPTING CHARLES GEYER
BID FOR THE PURCHASE OF SURPLUS PROPERTY**

WHEREAS, the City of Willows declared City owned real property to be surplus, and

WHEREAS, the City of Willows offered for sale said surplus property to seven local government agencies and received no offer, and

WHEREAS, the City of Willows noticed the public that the City of Willows was accepting bids for said surplus property, and

WHEREAS, the City of Willows received one sealed bid in the amount of \$17,500.00 from Charles Geyer,

NOW, THEREFORE, BE IT RESOLVED by the Willows City Council that the City of Willows hereby accepts the adjusted bid amount of \$14,717.00 and awards the sale of surplus property (APN 003-034-006) to Charles Geyer:

PASSED, APPROVED AND ADOPTED by the Willows City Council, this 11th day of June, 2019, by the following vote:

AYES

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Gary Hansen, Mayor

Tara Rustenhoven, City Clerk