



## ACTION MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD JULY 13, 2021

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](http://www.cityofwillows.org) for free PodBean recordings.

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. The meeting opened with the Pledge of Allegiance led by Vice Mayor Hansen.

### **3. Roll Call:**

**Council Members Present:** Council Members Williams, Flesher, Warren via Zoom from Pennsylvania, Vice Mayor Hansen, Mayor Domenighini

**Council Members Absent:**

**Staff Present:** Interim City Manager Wayne Peabody and City Clerk Tara Rustenhoven

### **4. Public Comment/ Written Communications:**

Jeff Fleck, member of the Friends of the Willows City Pool came to give an update on the pool fundraising and wanted to thank City Manager Wayne Peabody, Part Time Recreation Kristina Hutson and Staff.

Doug Ross commented on the sidewalks around town.

Mike King, City of Willows had a comment on pets being in grocery stores that are not service dogs.

Written Communication sent in by Forrest J. Sprague regarding the Wastewater Rate Study. This will be attached to the minutes.

### **5. Consent Agenda:**

- a. Approval of general checking, payroll & direct deposit check registers Z44966-Z44978, Z44980-Z45033, 38913-38931, 051232-051303.
- b. Approval of minutes of the Regular City Council Meeting held on June 8, 2021.
- c. Approval of minutes of the Special City Council Meeting held on June 22, 2021.
- d. Approval of minutes of the Regular City Council Meeting held on June 22, 2021.
- e. Approval of minutes of the Special City Council Meeting held on June 29, 2021.

### **Action:**

Motion: Council Member Williams/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: Williams, Flesher, Warren via Zoom, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

**6. Regular Business:**

a. By motion adopt a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB:1 THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.**

**Public Hearing open at 7:21 p.m.**

**Public Hearing closed at 7:22 p.m.**

**Action:**

Motion: Vice Mayor Hansen/Second: Council Member Flesher

*Moved to adopt a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB:1 THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, as amended.*

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

AYES: Williams, Flesher, Warren Via Zoom, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

b. By motion, approve the list of activities and direct staff to provide the full allocated funds to the Willows Chamber of Commerce.

**Action:**

Motion: Council Member Williams/Second: Council Member Flesher

*Moved to approve the list of activities and provide the full allocated funds to the Willows Chamber of Commerce.*

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

AYES: Williams, Flesher, Warren via Zoom, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

c. By motion, adopt a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING THE AGREEMENT FOR DISPATCH SERVICES BETWEEN THE CITY OF WILLOWS AND CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR SERVICES FROM JULY 1, 2021 TO JUNE 30, 2022.**

**Action:**

Motion: Vice Mayor Hansen/Second: Council Member Warren

*Moved to adopt a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING THE AGREEMENT FOR DISPATCH SERVICES BETWEEN THE CITY OF WILLOWS AND CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR SERVICES FROM JULY 1, 2021 TO JUNE 30, 2022.*

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

AYES: Williams, Flesher, Warren via Zoom, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

**d. By motion, adopt a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS, APPOINTING A NEW INTERIM CITY MANAGER AND APPROVING A RELATED INTERIM CITY MANAGER EMPLOYMENT AGREEMENT.**

Sue Ceccon of Willows wanted to know if the Interim City Manager has to live in the City of Willows in order to be employed.

Natalie Butler of Willows questioned Council on the wage for the new Interim City Manager.

**Action:**

Motion: Vice Mayor Hansen/Second: Council Member Williams

*Moved to adopt a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS, APPOINTING A NEW INTERIM CITY MANAGER AND APPROVING A RELATED INTERIM CITY MANAGER EMPLOYMENT AGREEMENT.*

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

AYES: Williams, Flesher, Warren via Zoom, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

**10. Council/Staff Reports/Comments:**

a. Staff Reports/Comments:

- 4<sup>th</sup> of July went great, thanks to the Chamber. It was a great event.
- The Street Fair is tonight
- It's hot out there so try to stay hydrated.
- Fire season is here. We have a Fire Engine out at the Beckwourth Fire.

b. City Council Reports Comments: Council gave comments/reports on activities and various meetings they attended.

**7: 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 COUNCIL-ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to §54956.9 (b)

Number of Cases: One (1)

**Entered into closed session at 8:14 p.m.**

**Reconvened into open session at 9:31 p.m.**

**Announcement of any action taken in closed session:**

City Attorney David Ritchie reported on item 7b) A motion made by Vice Mayor Hansen and Seconded by Council Member Flesher to accept a work-place investigation of a final report into Allegations of Misconduct of a City Council Member. This Report was created by David Stallard Workplace Investigations. In favor of this item was a yes vote from the four (4) members that attended. Yes vote from Council Member Flesher, Yes vote from Council Member Warren, Yes from Vice Mayor Hansen, and a yes vote from Mayor Domenighini. Mr. Williams was excused from the closed session.

There was no other reportable action and direction was given to staff.

**8. Adjournment:**

The Meeting was adjourned at 9:31 p.m.

Dated: July 20, 2021

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Tara Rustenhoven, City Clerk

# FORREST J. SPRAGUE

801 Applewood Way Willows, CA 95988  
Ph: 530-514-8700 Email: forsprague@aol.com

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July 13, 2021

City of Willows  
201 N. Lassen St  
Willows, CA 95988



ATTN: Tara Rustenhoven

Dear Tara,

Please provide the enclosed documents to members of the City Council during tonight's meeting. And please ensure that all of these submittals become attached to the minutes of the meeting.

Dear Mayor Domenighini and Council Members:

Pease review the attached documents during tonight's meeting.

First is a snapshot of my computer screen that depicts the front page of the June 2021 Willows Wastewater Rate Study composed by NBS, a consulting firm that specializes in such studies. Whenever the Study is disseminated from City Hall, downloaded and saved to another computer, the title of the Study defaults to the same one that was prepared for the County of Marin.

Behind that computer snapshot are copies of the front page of the same Rate Study that NBS has provided other cities in the past. Thus, the cost of the Study for Willows is rather questionable.

Regarding the amount paid for the Rate Study, Interim City Manager has told others that the cost was discussed during closed session. But upon review of the last 12 months of City Council Meeting minutes "reporting out" portion of those Closed Sessions, the Regular Meeting minutes do not mention any action taken by the Council concerning the Rate Study.

So, second is a copy of my 10-day Public Information Request received by the City on July 1, 2021. I asked for copies of the executed Service Agreement, the Scope of Work, and the cost breakdown itemizing the fees for the services provided to the City by NBS incidental to the Study.

Third is the July 9, 2021, the response letter received from City Attorney David Ritchie. While he acknowledged receiving my letter and that the City has records responsive to my request, he says that it will take up to 30 days before that information will be produced.

Given the fact that the City is on the fast track to adopt the new sewer rate, Mr. Ritchie's embargo of the information is unacceptable. As the ratepayers contemplate their acceptance or rejection of the new fees, they have the right know what the City paid for the Rate Study.

The real reason to withhold the information is obvious, and if this is continued, Mr. Ritchie is exposing the City to the legal costs associated with obtaining the information in a timely fashion.

FORREST J. SPRAGUE

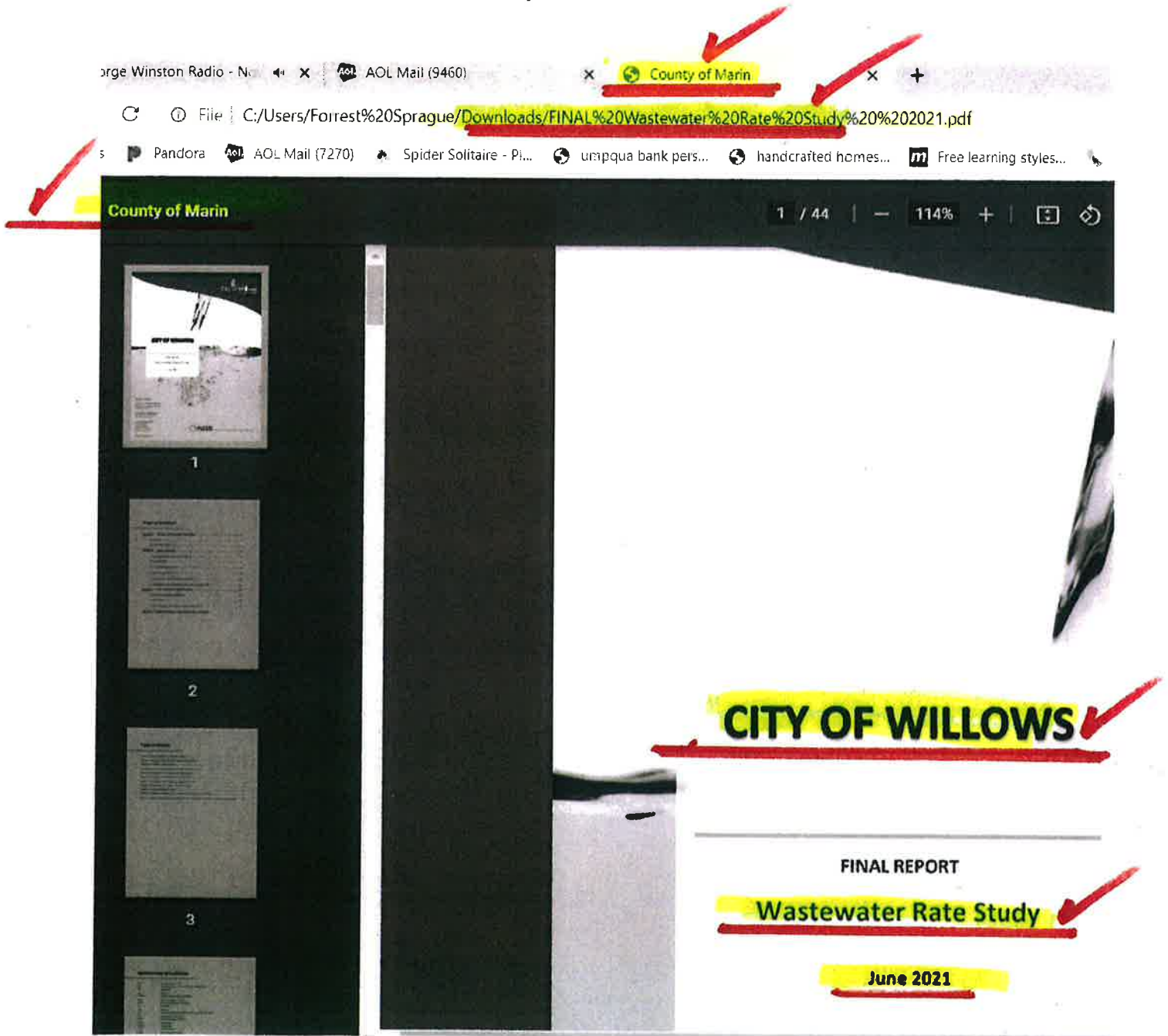
## PLEASE NOTE:

The Wastewater (sewer) Rate Study recently paid for by the City of Willows is little more than duplicated boilerplate document previously submitted to several other cities throughout California.

When the Study is disseminated by email from City of Willows City Hall, downloaded and saved to another computer, the Study defaults to the same title as one prepared for the County of Marin.

Behind my computer screen snapshot below are copies of the front page same Wastewater Rate Study prepared for City of Davis in 2017 and again for the City of Morgan Hill 2019. You might notice that the authors don't even change the picture on the front page of the Study.

These are just examples of the same Study that is available on the internet. Only the city's name and some data are changed from one Study to another.



# CITY OF WILLOWS

FINAL REPORT

## Wastewater Rate Study

June 2021

#### OFFICE LOCATIONS:

Temecula – Corporate Headquarters  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592

San Francisco – Regional Office  
870 Market Street, Suite 1228  
San Francisco, CA 94102

California Satellite Offices  
Atascadero, Davis  
Huntington Beach  
Joshua Tree, Riverside  
Sacramento, San Jose



## COMPREHENSIVE SEWER RATE STUDY REPORT

JANUARY 2017

**OFFICE LOCATIONS:**


*San Francisco - Regional Office*  
870 Market Street, Suite 1223  
San Francisco, CA 94102

*Davis - Regional Office*  
140 B Street, Suite 5-292  
Davis, CA 95616

*Temecula - Corporate Headquarters*  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592

Phone: 800.676.7516

[www.nbsgov.com](http://www.nbsgov.com)

 **NBS** helping communities fund tomorrow



A black and white photograph of water splashing into a pool, creating many bubbles and ripples. The water is captured in mid-air, creating a dynamic and energetic scene. The background is a light, neutral color, making the dark water stand out.

## **CITY OF MORGAN HILL**

# **FINAL WASTEWATER RATE STUDY REPORT**

**April 2019**

### **OFFICE LOCATIONS:**

*Temecula - Headquarters*  
32605 Temecula Parkway, Suite  
100  
Temecula, CA 92592

*San Francisco - Regional Office*  
San Francisco, CA 94102

*Davis - Regional Office*  
Davis, CA 95616

Phone: 800.676.7516

[www.nbsgov.com](http://www.nbsgov.com)

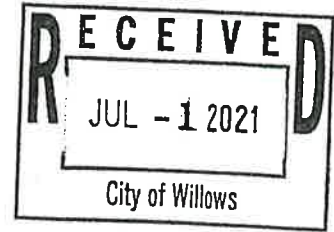
# FORREST J. SPRAGUE

801 Applewood Way Willows, CA 95988  
Ph: 530-514-8700 Email: forsprague@aol.com

July 1, 2021

COPY

City of Willows  
201 N. Lassen St  
Willows, CA 95988  
ATTN: Tara Rustenhoven



**REF: 10-day Public Information Request**

Dear Tara:

Please provide copies of the public information incidental to the following items:

**Item #1:** During the May 25, 2021, City Council meeting, an Agreement between the City and NEXGEN Utility Management was approved. NEXGEN is to provide an operational assessment of the in-town sewer system lift stations and various components located within sewer treatment plant.

**Requests:** Please provide copies of the City Council Agenda, the staff reports and minutes of the meeting wherein the City Council approved sending the Request for Proposals soliciting bids for this service. Include a copy of the Request for Proposals.

Supply me copies of the bids presented by all of the unsuccessful responders, along with the proposed costs of their services.

Provide the copies of the signed Service Agreement and Scope of Work submitted by NEXGEN.

**Item #2:** During the June 22, 2021, City Council meeting, the Council received a Comprehensive Waste Water Rate Study presented by NBS, a consulting firm that specializes in these studies.

**Requests:** Please provide copies of the City Council Agenda, the staff reports and minutes of the meeting wherein the City Council approved sending the Request for Proposals soliciting bids for this service. Include a copy of the Request for Proposals.

Include copies of the bids presented by all of the unsuccessful responders, along with the proposed costs of their services.

Provide copies of the agenda, the staff reports and the minutes of the meeting during which the Proposals were submitted, reviewed and the Contract was awarded to NBS by the City Council.

Please supply copies of the executed Service Agreement and the Scope of Work provided by NBS, including the itemized costs associated with their various services.

Thank you in advance for your timely and complete response to this request. Enjoy a safe Fourth.

Sincerely,

COPY  
FORREST J. SPRAGUE

David G. Ritchie  
dritchie@colehuber.com

REPLY TO:  
 ROSEVILLE  ONTARIO

July 9, 2021

VIA ELECTRONIC MAIL ONLY  
forsprague@aol.com

Forrest J. Sprague  
801 Applewood Way  
Willows, CA 95988

Re: **California Public Records Act Request** (CA Gov. Code §6250 et. seq.) dated July 1, 2021

Dear Mr. Sprague:

On July 1, 2021 the City received your request for information regarding documents related to the Nexgen operational assessment of the lift stations and comprehensive rate study.

I We have reviewed your request and are providing this initial response. The City responds to requests for public records pursuant to the California Public Records Act (CPRA), Government Code sections 6250 et. seq. Per Government Code section 6253, the City will respond within 10 days of receipt of a public records request as to whether disclosable public records exist. If the City determines non-exempt, disclosable public records exist, they will be made available "promptly" within a reasonable timeframe and following the required payment, if applicable for copies of such records. This letter will therefore serve as our initial determination that the City does have records that are responsive or responsive in part to your newly requested records from your July 1, 2021 letter.

The City is experiencing significant delays in production in response to requests as a result of, low departmental staffing levels; the City is therefore notifying you that it anticipates some delay in producing records. The City expects and will make a good faith effort to produce the requested materials within 30 days of the date of this letter. To the extent the City is able, it will provide a partial production sooner than that date. Please be aware that the City may contact you in the meantime if any difficulty arises in production, to discuss the particulars of your request or to otherwise assist in prioritizing and/or narrowing your request or any modifications to it.

If you have questions about this correspondence, you may reach me at the address indicated in this letterhead or by telephone at (916) 780-9009.