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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, APRIL 13, 2011**

Mayor Burton called a regular meeting of the City Council to order at 6:00 p.m. in Council Chambers. The meeting was preceded by the pledge to the flag.

Roll Call: Councilmembers Larry Stranske, Ron Orenstein, Holly Madrigal, Victor Hanson, and Mayor Bruce Burton were present.

Also present were staff members: Paul Cayler, City Manager; Jim Lance, City Attorney; Alan Falleri, Community Development Director; Gerry Gonzalez, Police Chief; Tom Mannatt, City Engineer; Joanne Cavallari, Finance Director/City Treasurer; and Adrienne Moore, City Clerk/Human Resources Director.

2A. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION REGARDING THE INSTALLATION OF SMARTMETERS WITHIN THE CITY OF WILLITS

Mayor Burton introduced the matter, with City Manager Cayler clarifying the Council's direction from the previous meeting directing staff to bring back a resolution. Councilmember Orenstein commented on his research into the issue, citing health impacts from EMF transmissions.

Public Comment: Freddy Long submitted 300 additional names of persons opposing the installation of SmartMeters. Ron Moorhead expressed concern with the potential loss of jobs resulting from Council decisions that directly affect the local economy.

Motion by Hanson/Second by Madrigal and carried (4/1, with Burton dissenting) to adopt Resolution (No. 2011-06) as a means of setting forth objections to the PG&E SmartMeter program.

2B. DISCUSSION AND POSSIBLE ACTION REGARDING DEVELOPMENT OF AN AGREEMENT WITH THE WILLITS CHAMBER OF COMMERCE FOR THE DISTRIBUTION OF TRANSIENT OCCUPANCY TAX (TOT)

City Manager Cayler introduced the matter, describing the history of TOT collected from the lodging community and the relationship between the City and the Chamber of Commerce, and outlined staff recommendations for memorializing this agreement with the Chamber.

Public Comment: Ron Moorhead, President, Chamber of Commerce, referenced the 1990 effort between the lodging community and the Chamber that resulted in the enactment of City Ordinance No. 90-17 to pass through the TOT collected to the Chamber. Lynn Kennelly, Executive Director, Chamber of Commerce; Jan Rodriguez, Proprietor, Baechtel Creek Inn; and Bruce Alfano, former Mayor, provided historical information on the matter, reflecting on the TOT "then and now", commenting on promotional efforts at the County level, and recalling discussion and action of the Council in 1990.

Mayor Burton sought clarification regarding the process of implementing and/or increasing TOT. City Attorney Lance referenced municipal law as it relates to the matter.

Joanne Cavallari, Finance Director/City Treasurer, responded to the Council regarding the placement of this allocation within the City budget, suggesting that it remain in Community Services within the budget, however, categorized under "Other Contracts".

Motion by Madrigal/Second by Orenstein and carried unanimously to direct staff to develop an agreement, for a term of 10 years, between the Willits Chamber of Commerce and the City that would provide the Chamber 11.11% of the TOT collected; and refer draft agreement to the Finance Committee for review and recommendation, before returning the final agreement to the City Council for approval. Further, direct staff to maintain the TOT allocation to the Chamber in the Community Services fund in the City budget, however, categorized as "Other Contracts".

3. PUBLIC COMMUNICATIONS

John Ford registered his contract with Caltrans for grazing rights, the Army Corps of Engineers' 404 permitting process, and related issues. He recommended the City challenge the Army Corps of Engineers regarding the 404 permitting process for the spray fields. Alan Falleri, Community Development Director, distributed a copy of a memo he previously transmitted to the City Manager, entitled *Willits Bypass Impacts on John Ford Ranch*.

Ron Moorhead, President, Chamber of Commerce, provided information on the Classic Car Show, which is scheduled for Memorial weekend.

4. CONSENT CALENDAR

- a. Approval of the City Council Minutes:
 - March 23, 2011 – **Approved**
 - April 1, 2011 (Special Meeting) – **Approved**
- b. Approval of Disbursements Journal:
 - Warrant Nos. 17444-17458, Totaling \$ 37,624.10 – **Approved**
 - Warrant Nos. 17459-17528, Totaling \$ 188,168.60 – **Approved**
- c. Building Inspection Activity Reports – March 2011 – **Approved**

Motion by Stranske/Second by Hanson and carried unanimously to approve Consent Calendar items (a-c).

5. RIGHT TO APPEAL – Mayor Burton read the guidelines for appealing Council decisions.

THE CITY COUNCIL RECESSED AND CONVENED AS THE COMMUNITY DEVELOPMENT AGENCY.

6A. DISCUSSION AND POSSIBLE ACTION TO APPROVE FUNDING FOR PROPOSED LOW & MODERATE INCOME HOUSING PROJECTS AT HOLLY HEIGHTS AND REDWOOD MEADOWS

Alan Falleri, Community Development Director, provided information of the subject projects.

Public Comment: Tim Truesdale, President, Community Resource Associates, described proposed improvements at Redwood Meadows senior housing. Bruce Alfano, CEO, RCHDC, described proposed upgrades and repairs to Holly Heights apartments. They both responded to the Council relative to prevailing wages and using local contractors. Ron Moorhead sought assurances from project representatives about employing local contractors, to which Mr. Alfano responded, noting he would keep the Council informed of these considerations.

Joanne Cavallari, Finance Director/City Treasurer, responded to the Council regarding available funding as well as funding calculations. In response to public comment, Mr. Falleri noted that there are provisions in the law, with the City Attorney citing the applicable Health and Safety

Code (Section 33422.3), which allow Redevelopment Agencies to require bidders on large contracts in excess of \$100,000 to employ local contractors.

Motion by Madrigal/Second by Orenstein and carried unanimously to direct staff to work with Rural Communities Housing Development Corporation and Community Resource Associates to complete loan packages for the purposes and in the amounts requested, and authorize the City Manager to execute same, with the caveat that should Redevelopment funding change, the City will not be obligated to the loan agreements.

COMMUNITY DEVELOPMENT AGENCY ADJOURNED AND RECONVENED AS THE CITY COUNCIL.

RECESS: 7:42 – 7:54 P.M.

COUNCILMEMBER MADRIGAL RECUSED HERSELF FOR THE FOLLOWING ITEM DUE TO A CONFLICT OF INTEREST.

8A. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING OPTIONS FOR FUNDING THE RAILROAD AVENUE WATER MAIN EXTENSION PROJECT

Paul Cayler, City Manager, and Alan Falleri, Community Development Director, provided an update on the staff and Water Resources Committee review of the matter, staff's recommendation, and alternatives the Council may consider. Tom Mannatt, City Engineer, provided clarification to the Council.

Motion by Stranske/Second by Hanson and carried unanimously (4, with Madrigal absent) to direct staff to include this project in the Fiscal Year 2011/2012 Redevelopment Budget.

COUNCILMEMBER MADRIGAL PRESENT.

8B. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A CHASSIS MOUNTED SEWER COMBINATION CLEANING TRUCK

J.C. England, Sewer Plant Supervisor, presented the matter, presenting staff's recommendation to purchase Vac-Con equipment from Municipal Maintenance Equipment, Inc.

Public Comment: Frank Wheeler, Municipal Maintenance Equipment, described his company's hydrostatic drive equipment. Ed Hodges, General Manager/Owner, Owen Equipment, stated his opposition to staff's recommendation to purchase equipment from the bid competitor, disputing that the competitor's equipment is superior.

City Attorney Lance advised the Council that this purchase would fall within the City's municipal code, citing exceptions that provide the Council discretion in awarding the contract in view of perceived benefits, also describing alternatives available to the Council in which to best meet the needs of the City.

Motion by Hanson/Second by Stranske and carried (4/1, with Madrigal dissenting) to reject both bids as presented.

Discussion on the Motion: Councilmember Madrigal sought clarification regarding the effects of rejecting both bids, and not rebidding. City Attorney Lance clarified that a 4/5^{ths} vote would be needed in making a finding that the equipment purchase is needed as a public necessity.

Continued Public Comment: Mr. Wheeler responded to comments about safety issues, also assuring that he would honor the purchase quote. John Vogel, representing Owen Equipment, stated his concern with the bidding process.

8C. OTHER CITY MANAGER REPORTS

Paul Cayler, City Manager, reported on the following:

- A citizen call opposing the number of planters on West Commercial Street;
- Installation of new flow meters (a switch from air controls to electronic controls) at the Water Plant, and the need to work out a few bugs;
- Status of application for interest-free \$5.7 million loan for water system improvements;
- Status of USDA financing of Sewer Project loans and grant money; and
- Attendance by management staff at upcoming trainings and meetings.

9. DEPARTMENT RECOMMENDATIONS

a. Police Chief Gerry Gonzalez reported on an unprovoked attack Saturday night; and noted that April is National Distracted Driver Awareness Month.

b. City Planner Alan Falleri presented the following:

Discussion and Possible Action to Approve an Agreement with North Coast Opportunities for Completion of California Healthy Cities Grant, Phase III Project

Public Comment: Patty Bruder, Executive Director, NCO, provided clarification about the program.

Motion by Madrigal/Second by Hanson and carried unanimously to approve contract with North Coast Opportunities and authorize the City Manager to execute that contract.

c. City Attorney Jim Lance reported on recent drilling near the Page property to conduct soil sampling and testing, with the results submitted to the Regional Water Quality Control Board.

d. City Manager Paul Cayler, Interim Public Works Director, recognized the Public Works crew for their work to repair a water main on Boscabelle Avenue. He also reported on that new issue has developed at the ball fields regarding conflicting activities. Mr. Falleri noted that Frank Howard provided a very nice speech at Opening Day.

e. City Engineer Tom Mannatt presented the following:

Discussion and Possible Action to Approve an Agreement with Randy Dorn to Install Curb and Gutter at East Commercial Street and South Lenore Avenue

Motion by Madrigal/Second by Hanson and carried unanimously to approve the agreement with Randy Dorn to install curb and gutter at East Commercial Street and South Lenore Avenue in an amount not to exceed \$10,200.

f. Finance Director/City Treasurer Joanne Cavallari presented the following:

Discussion and Possible Action to Approve a Computer Use Policy

Motion by Hanson/Second by Stranske and carried unanimously to approve the proposed Computer Use Policy and direct Human Resources to distribute said policy to all employees for their review and signature agreeing to its terms and conditions.

Ms. Cavallari also reported on the State Parks inspection of the ball fields, including the concession stand, noting that the inspector has signed off on the project and the reimbursement is now being processed. She further reported that the \$100,000 COPS funding is being eliminated as of July 1, 2011, noting that this funding needs to be removed from the budget; however, booking fees will now need to be included in the budget.

g. City Clerk/Human Resources Director Adrienne Moore reported on the status of the pool manager recruitment; filing of Form 700's; scheduling a Public Facilities Corporation (PFC)

in the near future; current vacancies on the PFC, Arts Commission, and Revit-Ed; and the upcoming open enrollment related to employee benefits.

10. CITY COUNCIL AND COMMITTEE REPORTS

- a. Mendocino Council of Governments (MCOG) – Councilmember Stranske reported on MCOG’s meeting in Covelo, including a planning grant for sidewalks, and a tour of the community-built library. He also reported on an application for a new van for the Willits Senior Center; the e-Ride program funded by MTA; the Confusion Hill feasibility study for walking and bike paths and rest areas; and an NCRA strategy plan.
- b. Local Agency Formation Commission (LAFCO) – Councilmember Madrigal reported on LAFCO’s meeting to discuss their Executive Officer’s contract; fiscal reserves; and the City’s letter regarding the Brooktrails MSR, which will be agendaized at the next LAFCO meeting.
- c. Mendocino Transit Authority (MTA) – Councilmember Hanson reported that MTA is reducing the Willits Rider from eight to five routes per day.
- d. Revit-ED Committee did not meet, although Mr. Falleri commented on the need to solicit applicants.
- e. Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA) did not meet.
- f. Economic Development and Financing Corporation (EDFC) did not meet.
- g. League of California Cities did not meet.
- h. Water Resources Committee did not meet.
- i. Sewer System Committee did not meet.
- j. Finance Committee did not meet.
- k. Caltrans Ad Hoc Committee – City Manager Cayler and Mayor Burton reported on today’s earlier meeting to discuss various issues, including grazing, permitting, 25 issues staff will need to respond to, bridges and drainage, sidewalks, funding, relinquishment, road bed for a two-lane project only, Sherwood Road interchange, and related matters; pressure to conclude the relinquishment discussion by July; the crosswalk at Gregory Lane, including installation of pedestrian-activated crossing lights and a pedestrian refuge. Councilmember Stranske asked about the bottleneck near Safeway and requested that the WPD patrol the Gregory Lane crosswalk.
- l. Other Committee Reports – no other reports were presented.

11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS

Councilmember Madrigal suggested relocation of some of the planters on West Commercial Street to alleviate the cluttered look. Councilmember Hanson commented on the upcoming geological class at Mendocino Community College.

12. ENACTMENT OF ORDINANCES

- a. Discussion and Possible Action to Introduce and Waive the Reading of an Ordinance Amending the Willits Sewer Ordinance of the Willits Municipal Code to Include State Mandated Regulations Governing Proper Authority and Management of Sanitary Sewer Collection Systems

Motion by Madrigal/Second by Hanson and carried unanimously to introduce and waive the reading of an ordinance amending the Willits Sewer Ordinance, Title 13 of the Willits Municipal Code, to include State mandated regulations governing proper authority and management of sanitary sewer collection systems.

13. GOOD & WELFARE

Tom Mannatt noted that the Van Lane project, commencing next week, will require the temporary closure of a small section of North Street. Councilmember Orenstein reported that a check in the amount of \$10,000 will be presented to Willits Food Bank, Willits Daily Bread, and

Howard Hospital Community Garden from the Community Foundation. Councilmember Madrigal provided information about Mavis Bromaghim memorial services this Saturday.

ADJOURNED TO CLOSED SESSION AT 9:39 P.M.

14. CLOSED SESSION NOTICE

- a. Conference with Legal Counsel Pursuant to Government Code §54956.9 – Existing Litigation: Brooktrails Township Community Services District, a Public Agency vs. City of Willits, a General Law City; and DOES 1 through 100, Inclusive; Case No. SCUk CVG-1056037
- b. Conference with Legal Counsel Pursuant to Government Code §54956.9 – Existing Litigation: Northern California River Watch, a Non-Profit Corporation, vs. City of Willits and DOES 1 through 10, Inclusive; Case No. USDC 4:11-CV11-00323 NJV
- c. Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation – City Manager

Council reconvened to open session at 10:33 p.m., with no action to report from Closed Session.

Moved by Madrigal/seconded by Stranske and carried unanimously to adjourn the meeting at 10:33 p.m.

BRUCE BURTON, Mayor

ATTEST:

ADRIENNE MOORE, City Clerk