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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, JUNE 8, 2011**

Mayor Burton called a regular meeting of the City Council to order at 6:03 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 (via teleconference in Closed Session only); Alan Falleri, Community Development Director; Gerry Gonzalez, Police Chief; Tom Mannatt, City Engineer; Joanne Cavallari, Finance Director/City Treasurer; J.C. England, Water/Sewer Supervisor; and Adrienne Moore, City Clerk/Human Resources Director.

2A. RECOGNITION OF BUILDING INSPECTOR FRANK HOWARD UPON HIS RETIREMENT AFTER 24 YEARS OF SERVICE TO THE CITY OF WILLITS

Mayor Burton presented a certificate of appreciation to retiring Building Inspector Frank Howard, followed by comments and well wishes from fellow Councilmembers and City staff.

Public Comment: Frank Howard expressed appreciation for the recognition.

No action taken – presentation only.

2B. NOTICED PUBLIC HEARING TO CONDUCT ANNUAL REVIEW OF PROPOSED CHANGES IN CERTAIN CITY FEES AND CHARGES FOR THE USE OF THE WILLITS CENTER FOR THE ARTS BUILDING AND TO ADOPT A RESOLUTION ESTABLISHING SAID FEES AND CHARGES, EFFECTIVE JULY 1, 2011

Mayor Burton introduced the matter. Nancy Winters, Cultural Arts Commissioner, responded to questions regarding some of the proposed fee increases.

PUBLIC HEARING OPENED AND CLOSED WITH NO PUBLIC COMMENT RECEIVED.

Motion by Madrigal/Second by Hanson and carried unanimously to adopt Resolution (No. 2011-14) establishing certain City fees and charges for the use of the Willits Center for the Arts building, effective July 1, 2011.

2C. PRESENTATION BY MENDOCINO COUNCIL OF GOVERNMENTS (MCOG) REGARDING COUNTY-WIDE PAVEMENT MANAGEMENT SYSTEM

Phil Dow, Executive Director, Mendocino Council of Governments (MCOG), provided an overview of the matter and introduced his associate, Nephele Barrett, who commenced the PowerPoint presentation, followed by Council discussion.

No action taken – informational presentation only.

2D. DISCUSSION AND POSSIBLE DIRECTION REGARDING DRAFT CITY OF WILLITS BUDGET FOR FISCAL YEAR 2011-2012 AND PROPOSED USE OF HALF-CENT SALES TAX TO FUND STREET REPAIR AND MAINTENANCE

City Manager Cayler and Finance Director/City Treasurer Cavallari presented the matter, recommending the Council approve closing the gas tax deficit from a portion of the half-cent sales tax.

Councilmember Stranske believes half-cent sales tax should be project oriented (complete streets). Vice Mayor Hanson referenced his review of the ballot information, stating his support for using some of the monies for maintenance and repairs. Councilmember Madrigal commented on a number of grants that City has been awarded to pay for some of the paving projects, which has saved money in the half-cent sales tax fund. Councilmember Orenstein commented on the importance of specific verbiage, noting his support for staff's recommendation. Mayor Burton believes it was clear at the time the measure went to the voters that it was to be used for capital paving projects, noting three choices... continue to fold gas tax deficit into general fund, locate \$300,000 elsewhere in the budget, or accept the argument that engineering and public works services are allowable uses of the half-cent sales tax. He believes City needs to figure out how to make money (i.e., liquidate assets) and better manage its assets.

Public Comment: Phil Dow, MCOG, recalled his interpretation of the ballot measure, referencing legislation to allow cities their own sales tax measures, noting that he assisted with the language that included two key elements, an expenditure plan based on a slate of projects and a maintenance of effort provision. Chief Gonzalez commented on City employees, describing how his staff is stretched too thin. Tom Lucier commented that the voters wanted paving projects, not pothole repairs, nor to pay City employees. Lynn Kennelly asked about the current fund balance, and also about the status of a list of projects that the community believed Public works crews would be working on.

The City Manager responded to public comment. Community Development Director Falleri recalled his view of the measure, which included rehabilitation and repair of streets, referencing all the elements that go into a project (i.e., planning, design, engineering, labor, materials, etc.).

Continued Public Comment: Mr. Dow further commented on a legislative bill he authored as it relates to an expenditure plan, suggesting the Council review when the measure actually passed to determine what's allowable. Ron Moorhead asked if a compromise could be achieved by using a portion for repairs and the majority for paving.

Councilmember Orenstein sought to clarify the various funds related to transportation/streets projects.

Motion by Orenstein/Second by Hanson and carried (3/2, with Stranske and Madrigal dissenting) authorizes the back-filing of the half-cent sales tax money into the gas tax deficit in an amount not to exceed \$315,129.

3. PUBLIC COMMUNICATIONS

Julya Morganti-Cassetta is running for this year's Sweetheart competition. Ian Fitzpatrick, representing a group of local dog owners, advocated for the development of a dog park, outlining proposed next steps and seeking placement on a future agenda. Opposing the renaming of Commercial Street to Seabiscuit Parkway and urging the Council to repeal that decision were Greg Kanne; Steve and Irma Ford, Owners, Pizza to Go; Chuck Persico; Tom Lucier; Edna Knight; and Judy Folkes. Ron Moorhead, President, Chamber of Commerce, recommended the street be renamed honorarily.

RECESS: 8:35 – 8:47 P.M.

4. CONSENT CALENDAR

- a. Approval of the City Council Minutes of May 25, 2011 – **Approved**
- b. Approval of Disbursements Journal(s):
 - Warrant Nos. 17817-17826, Totaling \$48,241.29 – **Approved**
 - Warrant Nos. 17827-17892, Totaling \$183,501.80 – **Approved**
- c. Building Inspection Activity Reports – May 2011 – **Approved**
- d. Resolution (No. 2011-15) Accepting the Construction Completion of the Van Lane and Vicinity Storm Drain Project, Contract No. 2011-01, and Authorizing the Filing of the Notice of Completion – **Approved**

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

5. RIGHT TO APPEAL

None presented.

8A. OTHER CITY MANAGER REPORTS

City Manager Cayler reported on the following:

- Continued flushing of the water system;
- Street crew mowing the parks;
- Striping to occur next week on several City streets;
- Sewer System Committee meeting scheduled for June 15th; and
- Traffic Safety Committee continuing to discuss West Commercial Street, and a planned community meeting to discuss several issues.

9. DEPARTMENT RECOMMENDATIONS

- a. Police Chief Gonzalez introduced the following matter, inviting Ron Moorhead, President, Willits Chamber of Commerce, to commence the video presentation:
 - (1) Informational Presentation About the “Refuse to Be a Victim” Crime Prevention Seminar, Scheduled for June 11, 2011, Co-Sponsored by the Willits Chamber of Commerce and the Willits Police Department

No action taken – informational presentation only.

- b. City Planner Falleri did not present a report.
- c. City Attorney Lance was not present.
- d. City Manager Cayler, Interim Public Works Director, did not present any further reports.
- e. City Engineer Mannatt did not present a report.
- f. Finance Director/City Treasurer Cavallari presented the following matter:
 - (1) Discussion and Possible Action Approving Investment of Sewer Fund Bond Reserves in Government Agency Step Up Notes

Motion by Madrigal/Second by Stranske and carried unanimously to approve the investment of \$400,000 in bond reserve funds in Government Step-Up Notes.

- g. City Clerk/Human Resources Director Moore provided an update on City Pool staffing; a new online video training program for employees; and an upcoming webinar on organization efficiency and performance. Councilmember Madrigal asked about the issuance of City email accounts to Councilmembers.

10. CITY COUNCIL AND COMMITTEE REPORTS

- a. Mendocino Council of Governments (MCOG) – Councilmember Strankse reported out on MCOG's meeting.
- b. Local Agency Formation Commission (LAFCO) – Councilmember Madrigal reported out on LAFCO's meeting
- c. Mendocino Transit Authority (MTA) – Vice Mayor Hanson reported out on MTA's meeting.
- d. Revit-ED Committee did not meet. Mr. Falleri is hoping to schedule a meeting in July.
- 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 reported out on the Caltrans meeting, at which a cooperative agreement relative to the relinquishment, restriping at Hwy 101 and Hwy 20, and the crosswalk at Gregory Lane were discussed. Councilmember Madrigal requested a Caltrans presentation be scheduled prior to Council action on the cooperative agreement.
- l. Other Committee Reports – no other reports were presented.

11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS

Mayor Burton reported on his attendance at the redistricting meeting last week in Willits, noting that he requested they create a greater buffer around the City to preserve the relationship with the 3rd District. Vice Mayor Hanson requested that the Seabiscuit matter be placed on the next agenda for reconsideration.

12. ENACTMENT OF ORDINANCES

None presented.

13. GOOD & WELFARE

Councilmember Madrigal received a call regarding the use of the pool for the hospital. Vice Mayor noted a pothole

ADJOURNED TO CLOSED SESSION AT 9:33 P.M.

14. CLOSED SESSION NOTICE

- a. Conference with Real Property Negotiators Pursuant to Government Code §54956.7 – Property: 285 North Lenore Avenue (APN 007-020-12-00); Agency negotiator: Paul Cayler, Tom Mannatt, and J.C. England; Negotiating Parties: William Goforth and Michelle Goforth; Under Negotiation: Price and Terms of Payment
- b. 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
- c. Conference with Legal Counsel Pursuant to Government Code §54956.9 – Existing Litigation: People of the State of California and the City of Willits v. Remco Hydraulics, Inc., et al. (United States District Court – Northern District of California, Case No. C-96-6283 SI 12/22/2000)
- d. Conference with Legal Counsel Pursuant to Government Code §54956.9 – Anticipated Litigation: Significant Exposure (One Case)
- e. Conference with Labor Negotiators Pursuant to Government Code §54957.6 – Agency Negotiators: Paul Cayler and Adrienne Moore; Employee Organization(s): All

The Council reconvened to open session at 10:52 p.m., reporting that in Closed Session, the Council approved entering into mediation regarding the Brooktrails litigation and hiring Richard Rudnansky as the mediator.

Moved by Hanson/seconded by Stranske and carried unanimously to adjourn the meeting at 10:52 p.m.

BRUCE BURTON, Mayor

ATTEST:

ADRIENNE MOORE, City Clerk

Approved