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**WILLITS CITY COUNCIL  
MINUTES  
WEDNESDAY, JUNE 9, 2010**

Mayor Burton called a regular meeting of the City Council to order at 6:04 p.m. in Council Chambers. The meeting was preceded by the pledge to the flag.

**Roll Call:** Councilmembers Victor Hanson, Greg Kanne, Holly Madrigal, Larry Stranske, and Mayor Bruce Burton were present.

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

**2A. NOTICED PUBLIC HEARING: DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION APPROVING CHANGES IN CERTAIN CITY FEES AND CHARGES, EFFECTIVE JULY 1, 2010**

Paul Cayler, City Manager, introduced the matter, noting that the two areas generating the most community feedback are proposed increases for the Airport and the Swimming Pool.

Alan Falleri, Community Development Director, provided an explanation of the proposed fee increases for his department, which takes into consideration increased fees the City incurs for legal publications, permitting applications, General Plan Updates, and Fish and Game fees.

Councilmember Madrigal noted that the Council decided at the last meeting to not go through a 218 process regarding fee increases for water service, with Joanne Cavallari, Finance Director, providing clarification of the current rates. Mayor Burton stated his desire to hold off a year before any further increases, also conveying his interest in maintaining current fees in the Planning Department.

Councilmember Hanson conveyed his desire for a modest increase, rather than the recommended increase, for the Airport, to which Mayor Burton expressed his concern about the Airport dipping into the General Fund.

PUBLIC HEARING WAS OPENED.

**Public Comment:** David Partch opposes treating water as a commodity. John Pinches, 3<sup>rd</sup> District Supervisor, encouraged the Council to hold the line on water increases. Mary Colvig recommended that swim lessons do not increase. Gary Miner feels the City will make a lot of money from fuel sales, asserting that the Airport Enterprise Fund is in the best shape it ever has been, also asking if the Council could delay the increase to see how much revenue fuel sales will actually generate. Mike Smith echoed Mr. Miner's concerns, also advocating for cost savings measures rather than raising hangar rents.

John Sherman, Code Enforcement Officer, expressed concern with the average age of the volunteer workforce at the Airport; enormous amount of deferred maintenance that is needed now; his concern about depending on fuel sales; and recommends incremental rent increases on the hangars.

PUBLIC HEARING WAS CLOSED.

Mayor Burton responded to public comment, noting that the goal is for the Airport to become fully self-sufficient. Councilmember Madrigal expressed concern with not raising fees to cover the cost of legal notices, with Mayor Burton expressing concern about public perception.

The following matters (as referenced in Exhibit A) were voted on separately:

- Approve changes to Miscellaneous Office Fees, Police Service Fees, and Municipal Code Violations – Motion by Kanne/Second by Madrigal and carried unanimously
- Maintain current 2009/10 fees in the Planning Department (pages 2-3), with exception of Fish & Game fee, and accept the recommended discounts (notes 2-3) – Motion by Madrigal/Second by Kanne and carried (4/1, with Councilmember Stranske dissenting)
- Accept 2009/10 fees in Public Works – Motion by Stranske/Second by Hanson and carried unanimous
- Accept staff recommendations regarding 2010/11 fees City Facilities/Bar Deposit (pages 5-9) with exception of swim lessons, which increase to \$50.00, \$43.50, and \$36.00 – Motion by Madrigal/Second by Kanne and carried unanimously
- Maintain current Airport Hangar Fees – Motion by Hanson/Second by Madrigal and ***Motion Fails*** (2/3, with Councilmembers Stranske, Kanne, and Burton dissenting)
- Increase current Airport Hangar Fees to \$160 – Motion by Hanson ***Motion Fails for lack of a second***
- Increase current Airport Hangar Fees to \$165 – Motion by Kanne/Second by Hanson and carried (4/1, with Councilmember Stranske dissenting)
- Accept recommended changes in Sewer Fund (pages 10-12) – Motion by Madrigal/Second by Kanne and carried unanimously
- Accept recommended 15% fee increases in the Water Department – Motion by Kanne/Second by Madrigal ***Motion Fails*** (2/3, with Councilmembers Stranske, Hanson, and Burton dissenting)
- Maintain current 2009/10 fees in the Water Department – Motion by Hanson/Second by Stranske and carried (4/1, with Councilmember Madrigal dissenting)

## **2B. UPDATE AND DISCUSSION REGARDING THE MAIN STREET RELINQUISHMENT PROCESS WITH CALTRANS**

Mayor Burton noted that a scheduled meeting with Caltrans was cancelled. Councilmember Madrigal recommended the Council approve a letter to Caltrans putting their concerns on record. Councilmember Stranske stated that there has not yet been a formal proposal from Caltrans. Jim Lance, City Attorney, clarified the letter of intent, which Caltrans is desirous of the City signing, however, Mr. Lance expressed concern that it would obligate the City to a relinquishment agreement. Mayor Burton stated that there will be another meeting with Caltrans prior to the CTC meeting. Mr. Lance noted that the Caltrans Policy guidelines will compel the process to be reviewed up through the chain of command.

**Public Comment:** Pete Swanton stated his support of a viable bypass, however, expressed concern about the current bypass design, reading a petition (with 123 signatures) regarding the community concern. Madge Strong also expressed concern, referencing a letter she transmitted to the City Council last week. Ron Orenstein read a letter expressing his concerns with the bypass project. Tom Woodhouse asked about most effective method for providing specific feedback on ADA issues. Tom Mann commented on his involvement in the petition process and the feedback he received from the community, also responding to various Councilmember comments, and offering a number of suggestions. Jed Diamond, Co-founder of Willits Healthy Action Team (WHAT), commented on the needs of the local community as compared to the

needs of the other outside agencies. Evelyn Dennis asked where she could send a letter to Caltrans. David Partch concurred with the concerns. John Pinches, 3<sup>rd</sup> District Supervisor, commented on the history of the bypass process, noting how much money has already been spent, urging the City Council to pursue the best deal, but get a deal nonetheless rather than walk away from an agreement as the bypass will happen with or without an agreement. Pam Brown opposes the bypass. Brenda Orenstein concurred with Supervisor Pinches' comments, favors bypass, and advocates for beautification of South Hwy 101. Rosalyn Crowder stated her concern about the relinquishment of Main Street. John Sherman asked if it's possible to question the design and insist on an interchange with Hwy 20, to which Mayor Burton commented on many efforts in which to accomplish that. Bill Wise stated his concern with Caltrans' lack of vision. Jane Kent urged the Council to take action before the deadline.

Mayor Burton noted that Caltrans provided a draft proposal that contains a dollar amount just over \$4,000,000. The City has analyzed it and requested that Caltrans pay for contracts for various repairs. He noted that still being compiled is a complete list of issues needing to be addressed. He also expressed his individual concern that Caltrans would build the bypass and retain ownership of Main Street, noting the challenges of making improvements under their charge.

Councilmember Madrigal responded to Mr. Orenstein's comments relative to political riskiness, however, noted the benefits (i.e., more jobs), assuring that the Council is moving forward with the matter. She also clarified the City's power and control relative to Caltrans. Councilmember Hanson commented on the City Engineer's time estimate.

## **2A. DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION APPROVING CHANGES IN CERTAIN CITY FEES AND CHARGES, EFFECTIVE JULY 1, 2010 – CONTINUED**

**Motion by Stranske/Second by Kanne and carried unanimously to adopt Resolution (No. 2010-07) approving changes in certain City fees and charges, effective July 1, 2010, as amended pursuant to each of the prior votes relative to Exhibit A.**

*RECESS: 8:25-8:35 P.M.*

## **3. PUBLIC COMMUNICATIONS**

Mayor Burton read the public communication guidelines.

## **4. CONSENT CALENDAR**

- a. ~~Approval of the City Council Minutes of May 12, 2010, May 20, 2010 (Special Meeting), and May 26, 2010 – Pulled by the City Clerk~~
- b. Approval of Disbursements Journal (Dated May 28, 2010), Including Warrant Nos. 15487-15640, Totaling \$162,947.06 – **Approved**
- c. Resolution (No. 2010-08) Authorizing the Willits Frontier Days Parade Route for July 4, 2010 and Decorations on PG&E Poles – **Approved**
- e. ~~Approval, on behalf of the City of Willits and the City of Willits Community Development Agency, to Authorize the City Manager and the Community Development Director to Execute an Agreement Settling Mendocino County Superior Court Case No. SCUK CVG 078692 Entitled, "The City of Willits and the Willits Community Development Agency, Plaintiffs vs. Mildred Sanchez, et al, Defendants" – Pulled by Mayor Burton~~

**Motion by Madrigal/Second by Stranske and carried unanimously to approve Consent Calendar items (b-c).**

**Removed for separate consideration:**

- d. Resolution Approving an Award of Contract to Mendocino Construction Services for the West Commercial Street Rehabilitation Project

Councilmember Stranske inquired about the funding allocations relative to the half-cent sales tax in Fund 202, with Ms. Cavallari clarifying allowable uses of various funding mechanisms, further suggesting funding it from Fund 201 instead.

**Public Comment:** Tom Woodhouse conveyed his commitment to take care of the plants on West Commercial Street, and his opposition to hiring more consultants. Pete Swanton commented on the City's Water Conservation Specialist, who should be utilized, and also suggested using mandatory community service.

Tom Mannatt, City Engineer, commented and clarified construction management issues. Mr. Cayler described the many challenges of meeting too many demands and deadlines.

**Motion by Madrigal/Second by Hanson and carried (4/1, with Councilmember Stranske dissenting) to adopt a resolution (No. 2010-09) awarding a construction contract to Mendocino Construction Services, Inc., for the West Commercial Rehabilitation Project, in an amount not to exceed \$400,901, as amended to reflect item 36 will come from Fund 201, and in addition, upon recommendation of the City Engineer, authorize the City Manager or his designee to approve change orders no greater than 10% of the total contract amount.**

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

**8A. OTHER CITY MANAGER REPORTS**

Paul Cayler, City Manager, reported on the following:

- Challenges with moving forward on the Railroad Avenue Bridge project, reporting that the Federal Highway Administration may deactivate the project due to delays, which also may result in having to return grant monies received;
- Responses to Grand Jury are in progress and are anticipated at the next Council meeting;
- Reservoirs are still spilling over, however the City's flail mower is out of service;
- Much time is being spent on moving the sewer project forward;
- The fifth amendment with Brooktrails for their portion of the sewer project has been transmitted;
- Final signed 404 permit has been received from the US Army Corps of Engineers;
- Resident project agreement amendment has been received as in under review;
- REMIF board meeting tomorrow to appoint new General Manager;
- NCRWQCB board meeting regarding new waste discharge requirements;
- Executive Director of the League of California Cities has announced his resignation; and
- Admin Progress Report has not been published due to heavy workload demands.

**11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS**

- a. Discussion and Possible Action to Amend Council Action Taken on September 23, 2009, Regarding a License Agreement with Jason and Kristin Bradford for the Use of City Property, to Delete the Requirement that Encroaching Improvements be Removed at the Owner's Expense

Paul Cayler, City Manager, referenced the history of the matter, noting that Councilmember Hanson requested an opportunity to intervene with the goal of mediating a cooperative agreement with the community group. He also described the improvements made on the property.

Mayor Burton sought clarification from the City Attorney regarding the Council's ability to revisit the matter, to which Mr. Lance read from the Council's adopted procedures, which provides for such.

Councilmember Hanson described his efforts to reach a resolution with community stakeholders that were mutually agreeable.

Councilmember Stranske strongly opposed the recommended motion. Councilmember Madrigal shared a differing view, commenting on the value of maintaining the property. Councilmember Stranske asked about the neighborhood boundary. Councilmember Hanson clarified his efforts and intentions.

**Public Comment:** Jed Diamond, WHAT, commented on his interest and efforts in preserving the community garden, describing work parties, fundraising, and community angels (volunteers) committed to maintaining the garden. Tom DeMarcis expressed appreciation of the Council's hard work in forwarding projects, but noted his opposition to the "undoing" of a project, also commenting on a basic written agreement signed by Councilmember Hanson and Jed Diamond as a symbol of cooperation. Madge Strong concurred with the prior comments, noting that the first thing volunteers commenced was the removal of encroachments on City property, describing the efforts as a gift to the City and the community.

Councilmember Kanne commented on the value of differing views, expressing support for the motion. Councilmember Madrigal expressed appreciation to Councilmember Hanson for his efforts. Councilmember Stranske asked who is responsible if there should be an accident on the property. Mayor Burton commended the efforts of the volunteers, however, expressed his view about the garden's development prior to City approval.

**Motion by Hanson/Second by Madrigal and carried (3/2, with Stranske and Burton dissenting) to amend Council action taken on September 23, 2009, regarding a license agreement with Jason and Kristin Bradford for the use of City property, to delete the requirement that encroaching improvements be removed at the owner's expense, noting that the remaining improvements consist of vegetated swales and earthworks for surface water diversion and retention, and fruit trees with posts and wire supports and other plantings, and a new fence has been constructed along the westerly property boundary, which is the easterly right-of-way line for Maple Street.**

#### **9. DEPARTMENT RECOMMENDATIONS**

- City Planner Alan Falleri announced the Hometown Celebration is scheduled for July 1<sup>st</sup>.
- City Engineer Tom Mannatt announced that City staff will travel to Santa Rosa tomorrow to make a presentation to the NCRWQCB regarding permitting requirements. Mayor Burton commented on a request he made for a board member to address the Council regarding policy issues.
- Finance Director Joanne Cavallari announced that State Parks will conduct the final inspection on Kids Club next week (the Ball Fields will be inspected at a later date), which will release \$180,000 in state grant funds; the Redevelopment Agency's Bond rating with Standard and Poor's has improved from 'BBB' to 'A-'; and Danielle from the Small Communities Wastewater Grant Program will be here next week to inspect the Sewer Plant.
- City Clerk/Human Resources Director Adrienne Moore provided additional information on the summer swim program.

#### **10. CITY COUNCIL AND COMMITTEE REPORTS**

No reports were presented for the Local Agency Formation Commission (LAFCO), Revit-ED Committee, Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA), Economic Development and Financing Corporation (EDFC), League of California Cities,

Water Resources Committee, Sewer System Committee, Finance Committee, or Caltrans Ad Hoc Committee.

- Mendocino Council of Governments (MCOG) – Councilmember Stranske reported that MCOG met to finalize the budget on transit and commencing a blueprint.
- Mendocino Transit Authority (MTA) – Councilmember Hanson met to discuss reduction of services.

Councilmember Madrigal noted that she was contacted by Shafer Ranch owners regarding their interest in moving forward with a water service agreement.

## **12. ENACTMENT OF ORDINANCES**

### **13. GOOD & WELFARE**

Councilmember Stranske announced that the WHS class of 1967 is holding an “all alumni” event on July 3<sup>rd</sup> at 1:00 p.m. in the Earl May’s Field, and reporting that over 500 attendees are expected.

Tom Woodhouse reported that he’s talked to Chamberlain Creek and Parlin Fork staff regarding getting crews lined up to commence weed-eating and other landscaping maintenance projects.

*ADJOURN TO CLOSED SESSION: 10:14 P.M.*

### **14. CLOSED SESSION NOTICE**

- a. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6 – Agency Negotiators: Rick Haeg and Adrienne Moore; Employee Organization(s): All
- b. Conference with Legal Counsel Pursuant to Government Code Section 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. SCUJ CVG-1056037
- c. Conference with Legal Counsel Pursuant to Government Code Section 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)

Council reconvened to open session at 10:48 p.m., with no action to report from Closed Session.

**Moved by Burton/seconded by Hanson and carried by unanimous roll call vote to adjourn the meeting at 10:48 p.m.**

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BRUCE BURTON, Mayor

ATTEST:

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ADRIENNE MOORE, City Clerk