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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, APRIL 14, 2010**

Mayor Burton called a regular meeting of the City Council to order at 6:01 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; Gerry Gonzalez, Police Chief; Joanne Cavallari, Finance Director; and Adrienne Moore, City Clerk/Human Resources Director.

2A. PRESENTATION OF PROCLAMATION IN RECOGNITION OF THE SKUNK TRAIN'S 125TH ANNIVERSARY

Mayor Burton read the proclamation into the record, followed by presentation of same to Robert Pinoli, "Chief Skunk" with the Skunk Train.

Mr. Pinoli expressed appreciation to the Council, noting his 18th season with the Skunk Train, and acknowledging two of the employees present tonight. He also provided a brief history of the Skunk Train, expressing his enthusiasm in partnering with a variety of community organizations and on community events.

Mayor Burton also acknowledged Jim Baskin, Engineer on the Skunk Train, for his service.

2B. PRESENTATION OF PROCLAMATION IN RECOGNITION OF NATIONAL LIBRARY WEEK, APRIL 11-17, 2010

Mayor Burton read the proclamation into the record, followed by presentation of same to Barbarie Gonzalez, City of Willits' Representative, and Marc Komer, 3rd District Representative, to the Library Advisory Board.

Ms. Gonzalez expressed appreciation for the recognition, also providing a brief presentation on the state of the library relative to current funding challenges. She acknowledged the invaluable support of the Council, local businesses, and the community at large, also noting that the Friends of the Library has done a tremendous job raising funds to purchase books and supplies.

Mr. Komer commended the Council for their support, noting that the City of Willits is the only City within the County that is a benefactor of their local library. He also sought Council support for a proclamation supporting the Willits Library during the County budget process, noting that it would provide much needed moral support.

Councilmember Madrigal commented on how residents can lend their support to the continued operation of the Willits Library

3. PUBLIC COMMUNICATIONS

Mayor Burton read the public communication guidelines.

4. CONSENT CALENDAR

- a. Approval of the City Council Minutes of March 25, 2010 (Special Meeting) – **Approved**
- b. Approval of Disbursements Journal (Dated March 31, 2010), Including Warrant Nos. 15139-15286, Totaling \$254,963.53 – **Approved**

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

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

8A. DISCUSSION AND POSSIBLE ACTION APPROVING CONTRACTS AND RELATED FORMS FOR MERCHANT BANKCARD PROCESSING

Paul Cayler, City Manager, introduced the matter, inviting Joanne Cavallari, Finance Director, to present the item. Ms. Cavallari briefly described the process, which would allow the City to accept debit and credit cards for payment of utility bills and other fees and charges over the telephone, or by debit/credit card at the front counter. Further, it is planned that the City would also be able to offer the convenience of online payments, pending modifications to the present website. Ms. Cavallari also described the Airport's need to utilize this service for its card reader and branded fuel sales. The Cultural Arts Commission has also expressed interest in being able to offer their art auction customers this payment option.

Ms. Cavallari expressed concern about the fees, which under the terms of the attached agreement, noting that the City would not be able to charge a convenience fee. However, offering the convenience of credit/debit payments customers should reduce the number of late payments, returned checks, and uncollectible accounts. She noted that although the City pursues recovery of returned check charges from the customer, significant staff time is spent accounting for returned items.

Discussion ensued regarding potential discounts to cash and check customers; the current dollar amount of uncollected accounts; the savings in staff time, and related matters. Councilmember Hanson suggested putting off the matter off until the budget is known; however, Ms. Cavallari noted that the majority of the expenditure would be allocated to the water fund.

Mr. Cayler noted that he has encouraged progress in this area due to numerous requests for credit card processing, noting this is an effort to move toward online payment capability.

Motion by Madrigal/Second by Kanne and carried (3/2; with Stranske and Hanson dissenting) to approve the execution of the agreement with Savings Bank for Merchant Bankcard Processing.

8B. OTHER CITY MANAGER REPORTS

Paul Cayler, City Manager, reported on the following:

- Need for a Sewer System Committee meeting to review information received from SHN;
- Update on the Water Main Flush Program, noting that it continues to go well
- Continue to shift time between City Hall and Public Works offices
- State is stepping back from the sale of surplus property near Howard Forest, noting that CalFIRE is reconsidering preservation of the property;
- Solar array is operational again, however, the data logger must be reset in order to transmit data;
- Caltrans is conducting a public workshop on the bypass project next Wednesday, at 7:00 p.m., at the Grange Hall; and
- Reviewed the Bid timelines on various projects, described the tremendous amount of work involved, and recognized to Brandi Burtness for her management of the Bid process.

9. DEPARTMENT RECOMMENDATIONS

- Police Chief Gerry Gonzalez reported on an arrest that was made in the assault of a 16-year old; a routine traffic stop that led to solving several gas; and an email regarding the federal COPS program, noting that no new applications are being accepted, rather, only existing applications are being reconsidered.
- Community Development Director Alan Falleri reported on an upcoming streets workshop in Ukiah on May 6th; and a meeting of the Main Street Committee which focused on ADA compliance, working with Caltrans and local citizens, and developing concept plan to present to merchants to in near future.
- City Manager Paul Cayler, who is serving as the Interim Public Works Director, reported on continuing support of sidewalk improvement efforts; ongoing review of the Pine St./Coast St. intersection issue, as brought forward by Councilmember Kanne; and weekly staff meetings between the City Engineer and the Planning Director. Councilmember Madrigal commented on the dog waste station, the parks, and the Flush Program.
- Finance Director Joanne Cavallari reported on sales tax receipts, noting that the projection is \$135,000 less than last year. She also reported receipt of a water conservation grant in the amount of \$75,000.
- City Clerk/HR Director Adrienne Moore reported that recruitment is underway for the Swimming Pool Manager, which closes on Monday, April 26th; announced that a mini health fair is being planned for City employees and their families on May 14th; and commented on a webinar regarding the recently passed federal health care reform act.

10. CITY COUNCIL AND COMMITTEE REPORTS

No reports were presented for the Local Agency Formation Commission (LAFCO), Mendocino Transit Authority (MTA), Revit-ED Committee, Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA), League of California Cities, Water Resources Committee, Sewer System Committee, Finance Committee, and Caltrans Ad Hoc Committee.

Mendocino Council of Governments (MCOG): Councilmember Stranske reported on the recent meeting noting the Ukiah Project Tour; tree planting along State Street; the renovation of the Railroad Depot; the Orchard Street Bridge; an ongoing debate between the City of Ukiah and the County regarding big box stores; the Rail and Trails project; the Perkins/Orchard freeway ramp; a bike trail along the creek; and blueprinting for the Mendocino County Regional process.

Economic Development and Financing Corporation (EDFC): Councilmember Madrigal reported on discussion regarding the Meat Study, however, no action was taken.

11A. DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION IN SUPPORT OF THE REDWOOD FOREST FOUNDATION AND THE FOUNDATION'S SALE OF A CONSERVATION EASEMENT

Mayor Burton declared a conflict of interest, noting his company's potential purchase of materials from the subject organization.

MAYOR BURTON PASSED THE GAVEL TO VICE MAYOR HANSON AND EXCUSED HIMSELF FOR THIS PORTION OF THE MEETING

VICE MAYOR HANSON PRESIDING

Councilmember Madrigal introduced the matter, stating that support of the Redwood Forest Foundation's desire to sell an easement on the Usal Redwood Forest to The Conservation Fund, is advantageous to the City in that preservation of the forest for future forestry use of large parcels is beneficial to protect our natural resources. She further noted that the City would join the cities of Ukiah and Fort Bragg as well as the County of Mendocino in supporting this resolution.

Public Comment: Art Harwood, representing the Redwood Forest Foundation, Inc. (RFFI), provided a brief background of RFFI, noting their mission as well as financing from Bank of America. He is seeking the Council's support, also disclosing that Councilmembers Madrigal and Stranske are working with him on an open space parks and recreation district.

Motion by Madrigal/Second by Stranske and carried (4, with Burton abstaining) to adopt a Resolution (No. 2010-05) in support of the Redwood Forest Foundation and the Foundation's sale of a conservation easement.

MAYOR BURTON PRESIDING

11B. DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

Councilmember Madrigal introduced the matter, which is an initiative to close loopholes to prevent the state from borrowing, raiding or otherwise redirecting local government, transportation or public transit funds. She noted that if adopted, the City will join the League of California Cities, as well of a growing list of local governments and public agencies who support placing the initiative on the November 2010 statewide ballot.

Discussion ensued regarding the merits and consequences of the Council's support of the initiative, with Councilmember Hanson expressing concern that the public may feel that the Council is attempting to influence their vote. Mayor Burton noted that he is not a fan of the initiative process, sharing similar concerns as his colleague.

Motion by Kanne/Second by Stranske and carried (3/2; with Hanson and Burton dissenting) to adopt a Resolution (No. 2010-06) in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

12A. DISCUSSION AND POSSIBLE ADOPTION OF AN ORDINANCE DELETING TITLE 14 AND ENACTING A NEW TITLE 14 ENTITLED "WATER SERVICE" OF THE WILLITS MUNICIPAL CODE

Paul Cayler, City Manager, introduced the matter, noting that this is the second reading of the proposed ordinance, now ready for adoption, referencing the introduction and first reading on March 10, 2010. He reported that no comments have been received.

Jim Lance, City Attorney, clarified that the motion should include waiving of the formal reading.

Motion by Madrigal/Second by Stranske and carried unanimously to adopt the proposed ordinance deleting Title 14 and enacting a New Title 14 entitled "Water Service" of the Willits Municipal Code, waiving the formal reading of same.

13. GOOD & WELFARE

Lynn Kennelly, Executive Director, Willits Chamber of Commerce, expressed appreciation to Councilmember Stranske for his presentation at the kick-off to the Chamber's "Meet & Greet" Program; noted that the "Brown Bag" series is kicking off next week; and commented on the success of the Small Business Development Workshop.

Alan Falleri commented on a call the Chamber received recently from community representatives in Berea, Kentucky inquiring about local efforts to support the local business community, also reflecting on the successful partnership locally between the City and the Chamber.

Holly Madrigal further reported on her attendance at a spontaneous volunteer emergency training hosted by CERT for non-certified volunteers, as well as the Hoedown for Hope fundraiser. She commented on the upcoming refurbishment of the Rexall sign. Lynn Kennelly

also commented on the successful fundraising at the Hoedown for Hope, and reported that the band has been reserved for the community festival and car show.

ADJOURNED TO CLOSED SESSION AT 7:15 P.M.

14A. CLOSED SESSION NOTICE

- a. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Existing Litigation: California Trenchless, Inc., a California Corporation, vs. City of Willits, a Public Entity, and DOES 1 through 50, Inclusive; Case No. SCUk CVG-090054892
- b. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Existing Litigation: City of Willits, et al. vs. Mildred Sanchez, et al.; Case No. SCUk CVG-0798692
- c. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Anticipated Litigation: Significant Exposure to Litigation (One Case)

Council reconvened to open session at 9:20 p.m., with no action to report out of Closed Session.

Moved by Kanne/seconded by Stranske and carried by unanimous roll call vote to adjourn the meeting at 9:20 p.m.

BRUCE BURTON, Mayor

VICTOR HANSON, Vice-Mayor

ATTEST:

ADRIENNE MOORE, City Clerk