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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, SEPTEMBER 8, 2010**

Vice Mayor Hanson called a regular meeting of the City Council to order at 6:00 p.m., in Council Chambers.

Roll Call: Councilmembers Victor Hanson, Greg Kanne, Holly Madrigal, and Larry Stranske. Mayor Burton was absent.

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 RECOGNIZING PATRIOT DAY – SEPTEMBER 11, 2010

Vice Mayor Hanson read the proclamation, presenting same to Roger Ham, Commander, American Legion Post 174, which was followed by the Pledge of Allegiance led by Mr. Ham.

Public Comment: Mr. Ham expressed appreciation, noting that the City of Willits is the only City within Mendocino County that recognizes Patriot Day.

3. PUBLIC COMMUNICATIONS

Dean Wolbach, a Brooktrails resident, addressed the Council regarding his opposition to the potential privatization of the Willits Airport. Regina Girdauskas opposes bypass, wants Council to look at issue more closely; Caltrans maintenance facility, awakened nightly by ongoing piercing beeping, inquired about noise ordinance.

4. CONSENT CALENDAR

- a. City Council Minutes:
 - August 11, 2010 – **Approved**
 - August 25, 2010 – **Approved**
- b. Disbursements Journals:
 - Warrant Nos. 16126-16147, Totaling \$38,428.20 – **Approved**
 - Warrant Nos. 16148-16239, Totaling \$165,495.86 – **Approved**
- c. Building Inspection Activity Reports – August 2010 – **Approved**
- d. Resolution (No. 2010-23) Accepting Construction of the Main Street Water Line Project, Phase I, Project No. 2007-03 and Authorizing the Filing of the Notice of Completion – **Adopted**
- e. Settlement and Release of Claims Agreement with California Trenchless, Inc. (CTI) – **Approved**
- f. Contract with Graham Backflow Services to Perform the Backflow Prevention Assembly Testing for 2010 – **Approved**

Motion by Madrigal/Second by Stranske and carried (4, with Burton absent) to approve Consent Calendar items (a-f).

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

RECESSED AT 6:15 P.M. AND CONVENEED AS THE COMMUNITY DEVELOPMENT AGENCY

6. COMMISSIONS, AGENCIES AND AUTHORITIES

a. *Sitting as the City of Willits Community Development Agency:*

- (1) Approval of Community Development Agency Minutes of June 24, 2009

Motion by Stranske/Second by Kanne and carried (4, with Burton absent) to approve the Community Development Agency Minutes of June 24, 2009.

ADJOURNED AS THE COMMUNITY DEVELOPMENT AGENCY AT 6:16 P.M. AND CONVENEED AS THE PLANNING COMMISSION

b. *Sitting as the City of Willits Planning Commission:*

- (1) Approval of Willits Planning Commission Minutes of July 22, 2009

Motion by Madrigal/Second by Stranske and carried (4, with Burton absent) to approve the Willits Planning Commission Minutes of July 22, 2009.

- (2) Discussion and Possible Adoption of Resolution to Renew and Modify Conditions of Use Permit #U-08-04; Schwindt

Motion by Madrigal/Second by Stranske and carried (4, with Burton absent) to adopt Resolution (No. 2010-01) approving an extension of Use Permit #U-08-04 for a period of two years with modifications to the conditions of approval as recommended by the TAC.

ADJOURNED AS THE PLANNING COMMISSION AT 6:24 P.M. AND RECONVENEED AS THE CITY COUNCIL

8A. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTIFICATES OF PARTICIPATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,300,000 TO FINANCE WASTEWATER SYSTEM IMPROVEMENTS AND APPROVING RELATED DOCUMENTS AND ACTIONS

8B. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS IN THE AMOUNT OF \$8,300,000 FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING THE CITY OF WILLITS WASTEWATER TREATMENT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION

Both matters were presented together by Paul Cayler, City Manager; Joanne Cavallari, Finance Director; and Scott Ferguson, Jones Hall Bond Counsel.

Motion by Kanne/Second by Madrigal and carried (4, with Burton absent) to adopt Resolution (No. 2010-24) authorizing execution and delivery of Certificates of Participation in the aggregate principal amount of not to exceed \$8,300,000 to finance wastewater system improvements, and approving related documents and actions.

Motion by Madrigal/Second by Stranske and carried (4, with Burton absent) to adopt Resolution (No. 2010-25) authorizing and providing for the incurrence of indebtedness in an amount not to exceed \$8,300,000 for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its sanitary sewer facility to serve an area lawfully within its jurisdiction to serve.

8C. OTHER CITY MANAGER REPORTS

None presented.

9. DEPARTMENT RECOMMENDATIONS

b. City Planner Alan Falleri presented the following matters:

- (1) Discussion and Possible Adoption of Resolution to Approve General Plan Amendment #GP-10-01 and Zone Change #ZC-10-01; Feiler

Public Comment: Deborah Johnson, Robin Tomes, and Tom Girdauskas expressed concern regarding parking issues and zoning concerns. Stormer Feiler responded to Council inquiries and public comments regarding his application.

Motion by Madrigal/Second by Kanne and carried (3, with Stranske dissenting and Burton absent) to adopt Resolution (No. 2010-26) approving applications for General Plan Amendment #GP-10-01 and Zone Change #ZC-10-01; Feiler as requested.

- (2) Discussion and Possible Adoption of Resolution to Approve Zone Change #ZC-10-02 And Minor Land Division #MLD-10-01; Okerstrom

Public Comment: Tim Hanna, an adjacent property owner, opposes the application. Steve Okerstrom responded to public comment regarding privacy issues and drainage concerns. Matt Herman, SHN, described the project plans.

Motion by Kanne/Second by Madrigal and carried (4, with Burton absent) to adopt Resolution (No. 2010-27) approving applications for Zone Change #ZC-10-02 and Minor Land Division #MLD-10-01; Okerstrom as requested.

Mr. Falleri also noted receipt of a County of Mendocino referral soliciting public comment regarding the Willits Horsemen's Association request to relocate their operations; distributed a press release from MCOG regarding their receipt of a \$90,000 grant for the Rails with Trails Project; and provided an update on John Sherman's recent health issues.

- c. City Attorney Jim Lance advised the Council of the need to schedule a special meeting on September 15th at 6:00 p.m., to discuss the ongoing litigation with Brooktrails.
- d. City Manager Paul Cayler, who is serving as the Interim Public Works Director, reported on staffing issues in the Public Works and Engineering Departments due to staff vacations as well as a recent injury to an employee; work on West Commercial Street is progressing; and he is following up on a number of water and sewer issues.
- g. City Clerk/Human Resources Director Adrienne Moore presented the following:
 - (1) Discussion and Possible Action to Implement an "Action" Minutes Format for All Meetings of the City, Which Include Council, Commission, and Committee Meetings

Motion by Kanne/Second by Stranske and carried (4, with Burton absent) to authorize staff to implement an "action" minutes format for all formal meetings of the City, including Council, Commission and Committee meetings.

10. CITY COUNCIL AND COMMITTEE REPORTS

No reports were presented for the Mendocino Council of Governments (MCOG), Local Agency Formation Commission (LAFCO), Mendocino Transit Authority (MTA), Revit-ED Committee, Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA), Economic Development and Financing Corporation (EDFC), Water Resources Committee, and Caltrans Ad Hoc Committee.

- g. League of California Cities – Councilmember Stranske reported on the League’s meeting in Fort Bragg at the C.V. Starr Community Center last week; the new regional representative, Nancy Bennett; a report from Mike Thompson on the economic outlook, which will continue to be unfavorable for a year or more; a tour of the former GP Mill site, which was donated to City of Fort Bragg; and related matters.
- i. Sewer System Committee met to review the second draft of the proposed Sewer Service ordinance.
- j. Finance Committee met to discuss the half-cent sales tax initiative on the November ballot, expecting a draft agreement in time for the September 22nd Council meeting.

11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS

None presented.

12. ENACTMENT OF ORDINANCES

None presented.

13. GOOD & WELFARE

Councilmember Madrigal encouraged everyone to take care of themselves in light of all the recent health issues. Councilmember Kanne reminded everyone about upcoming events at the Roots of Motive Power and the Grange.

Mr. Falleri provided information on the upcoming W.H.A.T (Willits Healthy Action Team) Walk; the Redwood Empire Forest Foundation; a group at Grange who have been canning food for the schools; and the arrival of the new bike racks, which will be installed by local citizens group.

ADJOURNED TO CLOSED SESSION AT 8:13 P.M.

14. CLOSED SESSION NOTICE

- a. 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. SCUk CVG-1056037
- b. Conference with Legal Counsel Pursuant to Government Code Section 54956.9 – Anticipated Litigation: Significant Exposure to Litigation – Two Cases

Council reconvened in open session at 8:57 p.m., with no action to report from Closed Session.

Moved by Stranske/seconded by Kanne and carried by (4, with Burton absent) roll call vote to adjourn the meeting at 8:57 p.m.

ATTEST:

VICTOR HANSON, Vice Mayor

ADRIENNE MOORE, City Clerk