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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, MAY 26, 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; Tom Mannatt, City Engineer; Joanne Cavallari, Finance Director; and Adrienne Moore, City Clerk/Human Resources Director.

3. PUBLIC COMMUNICATIONS

Mayor Burton read the public communication guidelines. Gary Miner, speaking as an Airport hangar renter rather than an Airport Commissioner, expressed opposition to the proposed hangar rental fees. He offered to assist the City in developing cost-savings strategies.

2A. UPDATE AND DISCUSSION REGARDING THE MAIN STREET RELINQUISHMENT PROCESS WITH CALTRANS

Mayor Burton reported that the Ad Hoc committee met earlier today. Paul Cayler, City Manager, further reported that the meetings focus on relinquishment, noting Caltrans' interest in the bypass superseding Main Street needs; safety issues and whether relinquishment can include those improvements, which the City Attorney feels that it can and should; who will do the ADA work, Caltrans or the City. Another meeting will be scheduled to discuss a timeline for a cooperative agreement and whether it can be met by end of June.

Jim Lance, City Attorney, also commented about the City Engineer's concerns regarding surveying issues, easements, and related matters. Mayor Burton noted that Caltrans has proposed a methodology for proceeding, a willingness to memorialize easements, and have agreed to look further into language provided by the City Attorney. He also requested that Caltrans' draft Letter of Intent be made available to all Councilmembers and the public.

In response to a news article, Councilmember Madrigal clarified that the Council will keep the matter on the agenda as a discussion item through the end of June. She also suggested the Council convey to Caltrans their continued commitment to work through the issues, however, a concern with resolving those issues by June 30th. Mayor Burton feels Caltrans shares those concerns, as referenced in their Letter of Intent. The City Attorney is concerned that if the City signs the Letter of Intent, it will be waiving its right to pursue an argument that the relinquishment agreement is not appropriate as currently proposed.

Upon distribution of Caltrans' draft letter of intent, Mayor Burton read the letter for the benefit of the audience. Councilmember Madrigal sought clarification about contradictions within the letter, with the City Attorney responding. Mayor Burton noted that the letter can be revised to provide

for a meaningful document that the City would be comfortable signing. The Ad Hoc committee will continue to work towards development of recommendations.

Tom Mannatt, City Engineer, added further clarification, noting he is working with Caltrans to prepare an evaluation report relative to ADA and safety improvements, bridges and structures, surveys and right of ways, drainage facilities, and supporting topographic surveys as needed. He would like to put together a group of consultants to address these issues. Mayor Burton asked if anything is needed relative to traffic lights, to which Mr. Mannatt conveyed that Caltrans will allow them to be added to the list. Councilmember Kanne asked if the sharp turning angle at Hwy 101 and Sherwood Rd is also being looked at, and it was noted that it is being reviewed as a safety concern.

Public Comment: Tom Woodhouse commented on the slow process of getting Caltrans to commence necessary work, such as the crosswalk at Main and Sherwood; the need to maintain signage, Caltrans' lack of doing so, and the cost of same; ADA issues, and his interest in having Caltrans do the work; and feels that refusing the relinquishment is unrelated to whether or not the bypass is supported.

Larry Desmond also expressed his hope that the City will wait on entering into the relinquishment until the City's concerns are mitigated.

Rosalind Crowder recommended developing a comprehensive list of reasons the City is not able to maintain Main Street, noting that she has started such a list; questioned how CTC could force the City to take on something that could bankrupt it; and commented on several other items she believes are at issue. Mayor Burton responded, expressing an interest in seeing her list, and noting that Caltrans will be using a new haul road for use as a construction route, which was not addressed in the EIR. Ms. Crowder also commented on a traffic management plan, dangerous road conditions, and emergency response relative to the viaduct.

Councilmember Kanne sought clarification regarding large trucks using City streets on haul roads, to which the City Attorney described prohibitions that can be included in bid documents.

Freddie Long asked who enforces contract violations (use of non-authorized City streets), to which City Attorney described provisions for liquidated damages and noted that Caltrans states that there is no authority to enforce; however, Caltrans can intercede if a contractor is not doing their work.

Dave Kelley expressed appreciation for the comments.

4. CONSENT CALENDAR

- a. Approval of the City Council Minutes of April 28, 2010 and ~~May 12, 2010~~ – **Approved**
- b. Approval of Disbursements Journal (Dated May 17, 2010), Including Warrant Nos. 15470-15563, Totaling \$563,363.69 – **Approved**
- c. Building Inspection Activity Reports – April 2010 – **Approved**

Motion by Stranske/Second by Madrigal and carried unanimously to approve Consent Calendar items (a-c, excluding the minutes of May 12, 2010).

The minutes of May 12, 2010, are hereby continued.

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

8A. DISCUSSION AND POSSIBLE APPROVAL OF LOAN FROM THE LOW AND MODERATE INCOME HOUSING FUND TO THE REDEVELOPMENT AGENCY FUND TO PAY STATE MANDATED SERAF SHIFT

Paul Cayler, City Manager, briefly commented on the matter. Joanne Cavallari, Finance Director, commented on an appeal pending regarding the transfer of funds to SERAF. Mr. Cayler also noted that the Governor's May revised budget did not include any further taking of funds.

Councilmember Stranske commented that Willits Unified School District will not receive any redevelopment money, as they are outside of the redevelopment plan area. Councilmember Hanson asked about the repayment schedule, to which Ms. Cavallari responded.

Motion by Madrigal/Second by Stranske and carried unanimously to approve a loan from the Low and Moderate Income Housing Fund 210, to the Redevelopment Agency Fund 206 in the amount of \$373,632, with repayment by June 30, 2015, as per the amortization schedule.

8B. REPORT AND POSSIBLE DIRECTION ON STAFFING CHALLENGES AT THE WILLITS SWIMMING POOL

Paul Cayler, City Manager, and Adrienne Moore, Human Resources Director, provided an update on staffing for the summer season at the community swimming pool, reporting that after experiencing some challenges with recruitment efforts, it appears everything will fall into place in time for opening day on June 14th. It was also announced that Mary Colvig, who previously served as the pool manager several years ago, has agreed to do so again this summer.

8C. OTHER CITY MANAGER REPORTS

Paul Cayler, City Manager, reported on the following:

- Receipt of Grand Jury Reports, with response required for each, entitled *Chamberlain Creek and Parlin Fork Conservation Camps*, *Trials and Tribulations of Running a Small City*, and *The Bottom Line: North Inland Recreation District*;
- Bid Opening for the Sewer Project resulted in 12 bids ranging from \$11,000,000 to 15,000,000. Bidders are required to submit a cash/bid bond, followed by a labor and materials bond. Mr. Cayler recognized the efforts of all staff involved in the project and noted a variety of next steps.

9. DEPARTMENT RECOMMENDATIONS

- Police Chief Gerry Gonzalez reported efforts to prepare for Frontier Days, noting that Sgt. Donahue is the point of contact at the PD; intervention of a senior prank last night; attendance at a table-top exercise in Brooktrails, which CHP North also attended; and the suspect in a recent attack is due to be sentenced in juvenile court, advising that any letters of interest should be prepared for the District Attorney.
- City Planner Alan Falleri distributed the WIB Economic Scorecard for April 2010, a Retail Sales per Capita report; West Company's sponsorship of workshops to assist business development; and a report from an economist on Mendocino County's food economy. He also commented on other activity related to business development, and referenced the Building Inspection Activity Report (on the consent calendar).
- City Attorney Jim Lance reported that a recent lawsuit was filed against the City from Mildred Sanchez, which has been forwarded to REMIF and their attorney.
- City Engineer Tom Mannatt provided a brief status report of public works projects underway.
- Finance Director Joanne Cavallari reported that the estimated sales tax has increased by 3.7%.
- City Clerk/Human Resources Director Adrienne Moore reported that several employees will be participating in mandated AB 1825 sexual harassment training.

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, League of California Cities, Water Resources Committee, Sewer System Committee, Finance Committee, and Caltrans Ad Hoc Committee.

- Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA) – The City Manager asked Councilmembers if they have any concern regarding the recently received MSWMA budget. Mayor Burton considered Solid Waste of Willits' possible interest in taking over operations currently served by MSWMA, with Mr. Cayler offering to agendize the matter for further discussion (on a meeting date to be determined). Mr. Falleri commented on the City's demolition and recycling ordinance.
- Economic Development and Financing Corporation (EDFC) – Councilmember Madrigal reported on a recent business development forum in Ukiah; have also been refunded to make low interest loans to new businesses.
- Caltrans Ad Hoc Committee (*see earlier discussion – item 2a*)
- Other Committee Reports – Mayor Burton reported on an 'All Cities' meeting last week that he attended with Councilmember Hanson, with discussion regarding MCOG funding to Willits, City of Fort Bragg members had little interest in; and rent control in mobile home parks in the Ukiah area.

11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS

Councilmember Madrigal reported that 3rd District Supervisor John Pinches offered to mediate between the City of Willits and Brooktrails, if so desired by the City.

12. ENACTMENT OF ORDINANCES

13. GOOD & WELFARE

Councilmember Madrigal reported that City Employee Bennie England's health is not good, encouraging everyone to send their thoughts to him and his family.

ADJOURNED TO CLOSED SESSION AT 7:34 P.M.

14. CLOSED SESSION NOTICE

- a. 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
- b. 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
- c. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – 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

Council reconvened to open session at 8:31 p.m., with no action to report from Closed Session.

Moved by Kanne/seconded by Hanson and carried unanimously to adjourn the meeting at 8:31 p.m.

BRUCE BURTON, Mayor

ATTEST:

ADRIENNE MOORE, City Clerk