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**WILLITS CITY COUNCIL
MINUTES
WEDNESDAY, MARCH 23, 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; Alan Falleri, Community Development Director; Gerry Gonzalez, Police Chief; Tom Mannatt, City Engineer; Joanne Cavallari, Finance Director/City Treasurer; and Adrienne Moore, City Clerk/Human Resources Director.

2A. DISCUSSION AND POSSIBLE ACTION RELATED TO PACIFIC GAS AND ELECTRIC (PG&E) COMPANY'S INSTALLATION OF SMARTMETERS

Councilmember Orenstein introduced the matter. Paul Cayler, City Manager, provided an overview of the various groups who will be presenting and/or commenting on the matter. Jim Lance, City Attorney, clarified the Council's authority to take action, referencing the California Public Utilities Commission's exclusive jurisdiction to regulate private utilities companies. As such, he advised that any ordinance the Council should pass would be unenforceable; however, described other potential legal options the Council could pursue.

Public Comment: Rose Bird, representing over 300 residents and business owners within the City of Willits, read a written statement opposing PG&E's SmartMeter program, requesting the Council adopt a moratorium on the devices. Concurring with opposition were Marilyn Boosinger; Patricia Norris; Melinda Clarke; Lucy Shido; Greg Kanne; Bill Barksdale; Third District Supervisor John Pinches; Mark Hubert; Bear Kamaroff; Polly Bird; Theresa Wilcox.

Opponents presented a brief video about the adverse effects of the program.

Alison Talbot, PG&E's Local Government Relations, introduced colleagues David Rubin and Dr. Jerry Bushberg. Mr. Rubin commenced a presentation on the SmartMeter Program. Dr. Bushberg, Ms. Talbot, and Mr. Rubin responded to questions about the SmartMeter technology relative to safety, transmitters, peak hours, the City's hilly terrain, energy control, energy usage information, energy pricing, opt-out options, future public forums, educational resources, security encryption, and related matters.

Continued Public Comment: Jake Zuck; John Wagenet; Bear Kamaroff; and Ellen Drell.

Councilmember Orenstein provided summary comments on the matter. Councilmembers Hanson and Stranske stated their opposition to adopting an ordinance that is not enforceable.

**Moved by Madrigal to enact a moratorium on the installation of SmartMeters within the City of Willits pending further review by the CPUC.
(Motion rescinded by the maker)**

Mr. Cayler outlined the Council's options, including an ordinance, a resolution, or a letter.

Motion by Madrigal/Second by Orenstein and carried (4/1, with Burton dissenting) to draft a resolution in opposition of the installation of SmartMeters within the City of Willits.

RECESS: 7:49 – 8:01 P.M.

3. PUBLIC COMMUNICATIONS

None presented.

4. CONSENT CALENDAR

- a. Approval of the City Council Minutes of March 9, 2011 – **Approved**
- b. Approval of Disbursements Journals:
 - Warrant Nos. 17325-17342, Totaling \$43,755.24 – **Approved**
 - Warrant Nos. 17343-17443, Totaling \$942,737.22 – **Approved**
- c. Agreement with Shafer Ranch Road Residents for the Installation of Additional Water Meters – **Approved**

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

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

8A. DISCUSSION AND POSSIBLE ACTION TO APPROVE AN OVERHEAD COST ALLOCATION PLAN

Joanne Cavallari, Finance Director/City Treasurer, introduced Greta Davis, Matrix Consulting Group. Ms. Davis presented the OMB Cost Allocation Plan for Fiscal Year 2009/2010 and the Full Cost Allocation Plan for Fiscal Year 2010/2011.

Ms. Davis responded to questions regarding the difference between the two plans, with it noted that the OMB Cost Allocation Plan is for use in recovery of costs from Enterprise Funds to the General Fund; “reasonableness” compared to other communities; federal guidelines for cost allocations; Airport budget; revenue recovery to the General Fund; staffing allocations; and related matters. Ms. Cavallari provided further clarification about the methodology for measuring indirect costs. Ms. Davis stated she would provide a “salary wage analysis” as an additional tool.

Public Comment: Jim Harden stated his confusion and concern regarding the cost allocation reports.

Motion by Madrigal/Second by Stranske and carried unanimously to approve and adopt the Full Cost Allocation Plan, including the OMB Cost Allocation Plan, as presented by Matrix Consulting Group.

8B. OTHER CITY MANAGER REPORTS

Paul Cayler, City Manager, provided his report under *Department Recommendations*.

9. DEPARTMENT RECOMMENDATIONS

- a. Police Chief Gerry Gonzalez reported that Mr. Goldner is still missing. He also commented on the rain forecast; traffic accidents related to wet weather; and emergency protocols for flooding issues.
- b. City Planner Alan Falleri distributed information from MCOG regarding an update of the Regional Transportation Plan.
- c. City Attorney Jim Lance did not present a report.

- d. City Manager Paul Cayler, Interim Public Works Director, reported on trees trimmed near the Willits arch; minor changes on the West Commercial Street project, including additional planters, reflectors, and striping; upcoming pothole patching, mowing; and bids for the Van Lane Storm Drain Project, noting a large showing of local contractors; status of the Sewer Project; the recent spillway at Lake Emily; Railroad Avenue Bridge preconstruction meeting; and ongoing budget meetings.
- e. City Engineer Tom Mannatt was not present.
- f. Finance Director/City Treasurer Joanne Cavallari reported that the State Parks inspector will inspect the ball fields, restrooms, and concessions stand.
- g. City Clerk/Human Resources Director Adrienne Moore queried the Council regarding timing of a special Council meeting on April 1st; and also reported on the tentative summer pool schedule.

10. CITY COUNCIL AND COMMITTEE REPORTS

- a. Mendocino Council of Governments (MCOG) did not meet.
- b. Local Agency Formation Commission (LAFCO) did not meet.
- c. Mendocino Transit Authority (MTA) did not meet.
- d. Revit-ED Committee did not meet.
- e. Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA) did not meet.
- f. Economic Development and Financing Corporation (EDFC) received a presentation from the West Company, whose purpose is to assist new businesses.
- g. League of California Cities did not meet. Councilmember Madrigal commented on a recent alternative proposal relative to redevelopment in which local jurisdictions would voluntarily allocate funds to local school districts. Mr. Cayler commented on the current status of the Governor's proposal to cut redevelopment.
- h. Water Resources Committee met to discuss the Railroad Avenue water line extension; the outside the City limits water service agreements; and the water conservation ordinance.
- i. Sewer System Committee did not meet.
- j. Finance Committee met to review three applications for low and moderate income housing loans.
- k. Caltrans Ad Hoc Committee did not meet.
- l. Other Committee Reports – Councilmember Stranske reported seeing an overlay project in Fort Bragg, suggesting that the City look into this type of project.

11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS

12. ENACTMENT OF ORDINANCES

13. GOOD & WELFARE

Councilmember Madrigal is appreciative for the brief breaks in the wet weather. She also reported attending a special Willits Unified School District meeting regarding stick-built versus modular building, which impacts to local contractors.

ADJOURNED TO CLOSED SESSION AT 9:27 P.M.

14. CLOSED SESSION NOTICE

- a. 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. SCUJ CVG-1056037
- b. Conference with Legal Counsel Pursuant to Government Code §54956.9 – Existing Litigation: Northern California River Watch, a Non-Profit Corporation, vs. City of Willits and DOES 1 through 10, Inclusive; Case No. USDC 4:11-CV11-00323 NJV

Council reconvened to open session at 10:19 p.m., with no action to report from Closed Session.

Moved by Hanson/seconded by Stranske and carried unanimously to adjourn the meeting at 10:19 p.m.

BRUCE BURTON, Mayor

ATTEST:

ADRIENNE MOORE, City Clerk

Approved