

Willits City Council  
111 East Commercial Street  
Willits, California

7:00 p.m.  
Wednesday  
October 13, 2004

Mayor Oslund called a regular meeting of the City Council to order at the above time and place. The meeting was preceded by the pledge to the flag.

**ROLL: Present – Council Members Ron Orenstein, Denny McEntire,  
Bruce Burton, Tami Jorgensen, and Mayor Karen Oslund.**

Also present were staff members –Assistant to the City Manager Marilyn Harden, Police Chief Gerry Gonzalez, Community Development Director Alan Falleri, Public Works Director Dave Madrigal, Utilities Director Larry Moran, and City Manager Ross Walker.

**AMENDED AGENDA**

Staff asked that the agenda be amended to add item 8(A) continued public hearing on nuisance abatement at 72 West Oak, and to remove Item 9 (A) award of contract for professional services for design of Wood Street parking lot. Motion Burton/2<sup>nd</sup> McEntire and unanimous to add Item 8 (A) and to remove Item 9 (A) from the agenda.

**REPORT BY WILLITS TRUST - REMEDIATION OF FORMER REMCO SITE** - - Dr. Ann Farr of Willits Environmental Remedial Trust (WERT) conducted a slide presentation summarizing recent studies and interim remedial activities at the old Remco site under the risk assessment process. Farr also reviewed various sites under study, including Remco, Shell Lane, East San Francisco Avenue and the Page property, the status of remedial actions and answered questions. City Manager Ross Walker noted that the City is considering an agreement with the Regional Water Quality Control Board to do a risk assessment review and Environmental Attorney Aaron Bowers clarified the process

**WILLITS BYPASS DISCUSSION** – City Manager Ross Walker reported on a meeting he, Alan Falleri and Tom Herman attended of the Local Coordination Committee, which was organized by Caltrans to discuss the status of the Willits bypass regarding their efforts to gain concurrence from the resource agencies on a proposed Least Environmentally Dangerous Project Alternative (LEDPA). Discussion at the meeting was related to Caltrans' scheduling for completion of environmental documents, planning and engineering, bid processes and updated cost estimates. Included in the Council's packet was a memo from Community Development Director Falleri summarizing the discussions at the meeting and a staff report from Mendocino Council of Governments (MCOG) providing information on possible construction scenarios, including pre-construction, roadway construction (earthwork) structure construction (bridges), and traffic items. Also included in the packet were 3 draft copies of project cost estimates Alternative A, Staged Alternative A (Stage 1 – full earthwork and Staged Alternative A (Stage 1 – reduced earth work).

City Manager Ross Walker, Community Development Director Alan Falleri and Phil Dow, Executive Director of MCOG discussed the information received at the meeting and answered questions. It was noted that Caltrans' project estimates were preliminary, they are currently reviewing the estimates and, due to unforeseen increases in the cost of materials, they may be recommending that the project be completed in stages.

**2005 REGIONAL TRANSPORTATION PLAN (RTP) PRESENTATION** – Phil Dow, Executive Director of MCOG discussed the history of MCOG and the funding they provide for local agencies from Federal and State allocations of gas tax funds. He noted that they are required to update the RTP every four years. To date they have reviewed the RTP guidelines and supplement to the guidelines and determined areas in which the RTP is deficient. He also discussed the various elements included in the draft plan

Dow also indicated that MCOG personnel will be working with its Technical Advisory Committee and local agency representatives to review and modify project listings and prioritization of projects.

**PUBLIC COMMUNICATIONS** – Mayor Oslund read the guidelines for public communications.

David Madrigal representing the Willits Skate Park Association and the Public works Department invited Council and the community to attend the grand opening and dedication of the new skate park on Saturday, October 23<sup>rd</sup>.

**DEPARTMENT REPORTS & RECOMMENDATIONS**

*Police Chief Gerry Gonzales* reported on the status of personnel at the PD and noted that the Salvation Army vouchers will be turned over to a faith based organization or church for distribution.

*Public Works Director David Madrigal* indicated that the following projects will be on the agenda for council consideration in the near future: Undergrounding project II, a contract for Mill Creek Drive paving, new storm drain installations, and the upgrade of the storm drain rehab plan – phase II. Madrigal also noted he has received the State contract for “Safe Routes to School” projects.

*Utilities Director Larry Moran* discussed the East Hill Road waterline replacement project and indicated they were doing the annual sludge removal at the sewer plant.

**CONSENT CALENDAR**

**ACTION TAKEN**

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| A. City Council minutes of September 22, 2004.   | Approved |
| B. Payment of warrants #2130-2197 in amount of \$274,008.62.   | Approved |
| C. Resolution 2004-35 authorizing a banner across Main Street for Willits Charter School fund raiser for the Arts and the Phoenix Hospice annual garden tour | Approved |
| D. Resolution 2004-36 establishing appropriation limit for 2004-05 fiscal year pursuant to Article XIIB of the State Constitution.                           | Approved |
| E. Application for alcoholic beverage license for John’s Place and Quik Stop.  | Received |
| G. Payment of warrants #2198-2305 in amount of \$340,678.70.   | Approved |
- Motion McEntire/2<sup>nd</sup> Jorgensen and unanimous to approve Consent Calendar, Items A-G.

**RIGHT TO APPEAL** - Mayor Oslund read the guidelines for appealing Council decisions.

8:40 p.m. – Council recessed to sit as the Community Development Agency and subsequently the Planning Commission.

9:26 p.m. – Council reconvened with all members present.

**PUBLIC HEARING (Continued from September 8, 2004.)**

**ABATEMENT OF PUBLIC NUISANCE – MALUGANI – 72 West Oak Street.** The continued public hearing was properly posted and noticed. City Manager Ross Walker noted that Council continued the public hearing to provide the Malugani's with another opportunity to clean up the property to City specifications. Included in the Council packet was a letter dated October 13<sup>th</sup> from attorney John Smoot summarizing the actions taken by the Malugani's, two letters from building contractors with preliminary cost estimates, and a letter from the Bank of Willits indicating they are working with the Malugani's to secure funding that will allow them to retain their home.

John Smoot, Attorney for the Malugani's spoke on behalf of his clients and submitted photos of their recent cleanup effort, and confirmed that they intend to rehabilitate the house. He also indicated that the Malugani's were attempting to do the cleanup work themselves to save money.

Police Chief Gerry Gonzalez confirmed that the Police Department has received a "Letter of Agency" from John Smoot to assist with neighborhood security while the home remains unoccupied.

Bill Barksdale, owner of property adjacent to the Malugani's indicated that no substantial effort was made to cleanup the property until the past few days and was concerned with the flammable material next to his property.

Mayor Oslund suggested that the matter be continued to the next meeting before activating the abatement proceedings. Council discussed concerns and indicated that they did not wish to monitor this on a biweekly basis. Attorney John Smoot indicated that he would provide a report and photos on the status of the cleanup at the next Council meeting.

Motion Orenstein/2<sup>nd</sup> Burton and unanimous to require staff or Attorney John Smoot to provide a progress report at subsequent Council meetings and to continue the public hearing to the December 8<sup>th</sup> meeting.

**ACTION ON CONTRACT FOR PROFESSIONAL SERVICES FOR WOOD STREET PARKING LOT** - Continued to the next City Council meeting.

**WILLITS POLICE DEPARTMENT SHOOTING RANGE - AWARD OF CONTRACT TO SHN CONSULTING ENGINEERS** - Police Chief Gerry Gonzales discussed a proposal to prepare a safety plan to meet OSHA standards for use of the police firing range located on the Willits watershed property. Council directed staff to contact manufacturer for information and a Material Safety Data Sheet and continue study of plan for any alternatives.

**DISCUSSION ON MENDOCINO TRANSIT AUTHORITY (MTA) ISSUE OF EMINENT DOMAIN** - Councilmember Orenstein noted that MTA was again exploring the issue of eminent domain and the possibility of amending the joint powers agreement with local entities to include this power. Council discussed concerns related to the use of eminent domain by MTA, including their previous failed attempt, the cost of litigating the matter and the judicial ruling against their action. Motion McEntire/2<sup>nd</sup> Burton to direct our MTA representative

not to support an amendment to the JPA to include eminent domain. Yes – Burton, McEntire, Jorgensen and Oslund. No-Orenstein.

#### **OTHER REPORTS – ORAL/NO ACTION**

City Manager Ross Walker reported – 1. A proposed ordinance governing marijuana dispensaries in the City of Willits will be on the next agenda; 2. there have been a number of complaints of the odor related to marijuana gardens. He is considering including the issue in the nuisance ordinance, and asked council guidance on the issue. The Councilmembers were in favor of researching ways to deal with this issue; 3. Granite Construction has requested a meeting with the City to explore expanding their lease at the City quarry; 4. the Sewer Ad hoc committee will be meeting to discuss financing issues related to the new sewer system expansion project; 5. the Windsor Mill loan is still up in the air and they are still working on it; 6. he expects to have a report at the next meeting on the status of the proposed amendments to the Clean Water Act.

#### **COUNCILMEMBER AND COMMITTEE REPORTS**

MCOG – Councilmember Jorgensen reported they received an overview of the 2005 STIP, they awarded two planning grants, discussed a non-medical emergency action plan, and hired a new manager.

LAVCO – Mayor Oslund noted they authorized the consensual annexation of sewer/water districts.

EDFC – Councilmember Orenstein advised that they met with business people to discuss local issues, they approved for an ice-cream café in Mendocino.

MESA – City Manager Walker indicated a committee was appointed to come back with recommendations for future operation and noted that Fire Chief Jeff Smith will be our new representative on the Committee.

#### **GOOD & WELFARE**

Councilmember Burton noted he enjoyed the recent Skunk Train fundraiser and reported they sold 452 tickets.

10:45 p.m. – Council recessed to closed session for conference with agency labor negotiators, pursuant to Government Code, Section 54957.6 – Willits Police Officers Association, International Brotherhood of Electrical Workers, Local 1245 and unrepresented employees.

11:15 p.m. – Council reconvened. No action was taken. Motion Orenstein/2<sup>nd</sup> Jorgensen and unanimous to adjourn.

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Karen Oslund, Mayor

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Frances Schatz, City Clerk