

# *Williams City Council Minutes*

810 E Street / P.O. Box 310, Williams, CA 95987

## SPECIAL MEETING OF THE CITY COUNCIL WEDNESDAY, JANUARY 30, 2008, 5:00 P.M

The City Council of the City of Williams meets this 30<sup>th</sup> day of January, 2008 at the hour of 5:00pm.

1. PRESENT: Council Members Mark Azevedo, Don Barker, Eddie Johnson, Angela Fulcher, and Patricia Ash, Mayor

### ALSO PRESENT:

Jim Manning, City Administrator  
Monica Aguayo, Assistant City Planner  
Deborah Rich, Building Director  
Ann Siprelle, City Attorney  
Warren Diven, Attorney, Best Best & Krieger  
Jim Saso, Williams Chief of Police  
Rene Miles, City Clerk

### Others:

Jerome Fournier, guest, Gerry LaBudde, guest, and Williams citizens as listed on the attached Sign-In Sheet.

2. Mayor Ash opens the meeting at 5:00pm leading with the Pledge of Allegiance.
3. Mayor Ash declares time for a period of public comment for matters not on the agenda.

Mr. Carlos Velasquez, 149 Ninth Street, stated that there were apparent misunderstandings with the earlier letter that was sent out regarding the assessment. Mr. Velasquez stated that the letter was translated incorrectly and that the Spanish was difficult to understand. He encouraged the City to be more diligent when employing Spanish translators for important documents.

A few other concerned citizens stood and expressed concern for the topic on the agenda today but they were asked to hold comments until the Public Hearing is officially opened since they were related to the Public Hearing.

After hearing no further comments on items not on the agenda, Mayor Ash closes the period of public comment.

4. Ms. Monica Aguayo, Assistant City Planner, addresses the Mayor and City Council regarding Resolution 08-01, Certifying the Initial Study and Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program for the City's proposed Wastewater Treatment Improvement Project. Mayor Ash asks for comment from the Council and the Public. After hearing no comment from the public, Council Member Johnson motions to adopt Resolution 08-01, seconded by Council Member Barker, which will result in the City Council completing the Environmental Review Process in compliance with the California Environmental Quality Act. Motion is carried by the following vote:

Ayes:	Council Members Azevedo, Barker, Fulcher, Johnson, and Mayor Ash
Noes:	None
Abstain:	None

5. The Public Hearing progresses according to the attached "Order of Procedure". Mr. Warren Diven, counsel, describes the Public Hearing procedure. Mr. Manning then provides the staff report in regards to the proposed Assessment District No. 2007-1. Mr. Manning introduces Jerome Fournier from PMC to explain the Assessment District proposal in further detail. Mr. Fournier specifically addresses cost issues and the methodology of allocation of costs. Next, Mayor Ash opens the Public Hearing to receive comments from interested persons who desire to address the City Council on this matter. Mr. Fournier then joins Mr. Diven and Mr. Manning in answering questions from the community.

Several questions [some citizens did not state their names and addresses for the record] are raised regarding the terms of the loan that the city will qualify for and whether a wastewater plant built now will be sufficient to meet future state requirements that may come about during the term of the loan. In addition, will the end product endure the entire length of the loan, so the City won't have to replace or rebuild before the first loan is paid in full? Another question was raised in regards to what type of financial assistance might be available to those of fixed incomes to help them pay this assessment? Mr. Warren Diven responded by saying that there are two forms of assistance available; one for seniors, and one more low income residents.

Mr. Anil Patel, Williams resident, asked the Council to look into a rate study that was supposedly done by the City back in 2001/2002. Mr. Patel also mentioned that he has heard conflicting interest rates regarding the City's available loan - 4.5% tonight, versus 4.25% at a

prior meeting. Mr. Warren Diven, counsel, asked that it be noted for the record that Jerome Fournier's report on the proposed project was submitted earlier last year. Mr. Diven further states that this information is not new and has been the same since it was originally brought to the City. The information may have been referred to incorrectly at some point by someone, but the interest rate has not changed. Later during the meeting, Mr. Patel also cited examples of other cities that have been in similar situations and asked for a response from Gerry LaBudde from Ecologic in regards to this. Mr. LaBudde gave a response to his concerns.

Mayor Ash read aloud a series of questions that were written by someone who was not in attendance. Mr. Fournier addressed each of these questions.

Georgia Fields, from WSI, International, PO Box 840, Marysville, CA 95901, spoke up several times during the Public Hearing to announce that there are other options available to our community and that the community should explore them. Ms. Fields mentioned cost comparisons, stating that a similar plant could be built for our city for much less cost and suggested that the City should compare its options before spending \$25 million on the proposed project. Gerry La Budde from Ecologic spoke in regards to the type of plant that was being proposed to the City and emphasized that the proposed assessment did not mandate that the City spend \$25 million, it just allows the City to spend up to \$25 million, so that there is a ceiling on how much it will cost the citizens. Ms. Fields also discussed two different types of design concepts; design-bid-build versus design-build and said that Gerry LaBudde is proposing the design-bid-build project because otherwise there would be no business for consultants like him. Ann Siprelle, City Attorney, responded by saying that because Williams is a General Law City, the City must use the design-bid-build approach. Ms. Siprelle states that the City does not have the legal authority to choose the design-build process currently. However, there is a bill being proposed which would give General Law cities the authority to use design-build, but it has not been passed into law yet.

Caroline Vann, 831 I Street, asked for clarification on how the City was basing the assessments. She expressed concern regarding some sheds, patios, and garages in the neighborhood that had been converted into multi-family dwellings and asked if those properties were assessed differently. Jerome Fournier explained that the assessments were based off of the County assessments.

Elizabeth Reynolds, 1157 G Street, asked regarding the reason for the delay in moving this project forward initially. The City responded by telling her that this project has not been ignored. It is a long process

and the City has been continually working with the State to move forward. Ms. Reynolds also asked what would happen if she sold her property; would the new owner pay what remains on the assessment? The City responded by saying that the remaining assessment would be passed onto to the new property owner at the time the house is sold.

Ron Simmons, 822 I Street, asked what happens if the assessment doesn't pass? Gerry LaBudde responded by saying that the City's current funding deadline is February 1<sup>st</sup>, 2008, and that if the City does not have funding in place by then, the City will be fined by the State for not being in compliance with the milestones set forth by the State.

There was also an issue raised regarding a few (unnamed) citizens who own multiple properties within the city, but had only received one ballot. Mr. Fournier explained the criteria for considering the property on the assessment and stated that some properties did not meet that criteria, therefore they were not assessed. Also, some (unnamed) citizens inquired regarding "lower use" commercial properties versus "higher use" commercial properties and stated that they didn't think it was fair that the commercial properties were assessed the same amounts.

Lastly, some citizens spoke up to say that they did not receive ballots. The City offered to speak with those persons during the short recess to look up their name and address and reprint a ballot if necessary so they could vote immediately and have their votes counted.

Mayor Ash offers the Public a short recess before closing the Public Hearing to allow for submission of such assessment ballots. The Council then recesses for approximately 20 minutes.

Mayor Ash then closes the Public Hearing.

6. The meeting is in recess while the City Clerk tabulates the Assessment ballots timely received. Community Members Carlos Velasquez, 149 Ninth Street, and Joe Gerard, 793 G Street, observed the City Clerk in the tabulation process to ensure that the process was followed according to procedure. Jerome Fournier and his assistant, Julia, Mr. Jim Manning, Monica Aguayo, and Deborah Rich, city employees were available to assist in the tabulation process. Mr. Warren Diven, counsel, was also available for any ballot discrepancies.

7. After nearly 2 ½ hours of tabulation, the City Clerk reports the results of the tabulation of the Assessment ballots as follows:

"1,499 assessment ballots were mailed to the owners of property within the proposed boundaries of the Assessment District and 517 of those assessment ballots were received prior to the close of the

public hearing. 215 assessment ballots representing \$2,863,029.35 of assessments were submitted in support of the levy of the proposed settlements within the Assessment District. 302 assessment ballots representing \$ 3,002,830.55 of assessments were submitted in opposition to the levy of the proposed settlements within the Assessment District.”

Bond Counsel, Warren Diven, then advises the City Council of the actions that the City Council may take as a result of the outcome of the assessment ballot procedure. He states that a Majority Protest does exist and that it is appropriate for the City Council to direct staff at the next regular meeting to adopt a resolution to abandon any further movement towards the assessment district.

Mayor Ash adjourns the meeting at approximately 9:45pm to reconvene in Regular Session on February 13, 2008 at the hour of 7:00pm.

Approved: \_\_\_\_\_  
Patricia Ash, Mayor

Attest: \_\_\_\_\_  
Rene L. Miles, City Clerk