

Williams City Council Minutes

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

Regular Meeting of the City Council September 10, 2008 Minutes

The City Council of the City of Williams meets this 10th day of September, 2008 at the hour of 6:00pm.

1. ROLL CALL:

PRESENT: Councilmembers Don Barker, Angela Fulcher, Eddie Johnson, and Mayor Patricia Ash.

ABSENT: Councilmember Mark Azevedo (excused).

ALSO PRESENT:

James Saso, Chief of Police
Sgt. Ed Anderson, Police Department
Rene Miles, City Clerk
Monica Aguayo, Assistant City Planner
Patricia Cervantes, City Finance Officer
Ann Siprelle, City Attorney (arrived 6:05pm)

Others:

Sally Barker, Alka Kumar, Lynda Reynolds (Grand Jury),
Maureen Cervantes, Peter Rodrigues, Micah Rodrigues,
Catalina Serrano (Grand Jury), Ben Felt, and other citizens.

2. Mayor Ash opens the meeting at 6:00pm leading with the Pledge of Allegiance.
3. Mayor Ash declares time for a period of public comment.

After hearing no comment from the public, Mayor Ash closes the period of public comment.

4. Mayor Ash declares time for approval of the Consent Agenda Items a-f. Monica Aguayo briefly addresses the Council regarding Items 4e and 4f, giving just a synopsis. Councilmember Johnson motions to

approve the Consent Agenda as is. Motion seconded by Councilmember Fulcher. Motion carried by the following vote:

Ayes: Councilmembers Barker, Fulcher, Johnson, and Mayor Ash.

Noes: None.

Abstain: None.

5. Ms. Aguayo addresses the Council regarding Ordinance 169-08 – Amendment to Chapter 10.40 Truck Routes, of the Williams Municipal Code. Passage of this ordinance would result in a truck route designation change for 6th Street north of B Street. After hearing no comments from the Council or public, Councilmember Fulcher motions to read by title only, waive further reading, and adopt Ordinance 169-08. Motion seconded by Councilmember Johnson. Motion carried by the following vote:

Ayes: Councilmembers Barker, Fulcher, Johnson, and Mayor Ash.

Noes: None.

Abstain: None.

6. Ms. Aguayo addresses the Council regarding the General Plan Amendment and Rezoning for APNs 005-111-014, 005-151-005 and 005-151-006, Resolution 08-13, and Ordinance 168-08. Following adoption of this Ordinance, the Land Use Map for the above-referenced APNs will be amended from High Density Apartment-Professional (R-4) to Low Density Single Family (R-1). Three property owners affected by this rezone addressed the Council this evening, as documented hereinafter.

Mr. Pramod Kumar, of 9413 South Butte Road, Sutter, California, spoke in opposition of this rezone. Mr. Kumar conveyed to the Council that he believes that the City has not made certain findings concerning this property before rezoning it, and therefore has not complied with California law. Mr. Kumar encouraged the City to consider having a meeting with the property owners before making any further decisions affecting this property.

Ms. Alka Kumar, property owner of APN 005-111-014, addressed the Council to object to the downzoning of this property. Ms. Kumar asks that Council consider a meeting with the property owners to discuss this issue. Ms. Kumar speaks to the matter of how this rezone devalues the property and states that property rights are being taken away. Ms. Kumar mentions that there may be other property uses to consider that might work for both parties involved.

Mr. Bruce Roberts, of 1562 Dolphin Drive, Aptos, CA states that he came to tonight's meeting specifically for answers. Mr. Roberts asked for a reason as to why this decision regarding the rezone was made, and

wants to know if there was a study done regarding a direction for this property. Mr. Roberts states that there was no explanation given for taking away his property rights. Mr. Roberts additionally noted three points:

1. Wants letter regarding how the Planning Commission arrived at the decision to rezone the property.
2. States that the decision to rezone is invalid if there is no specific reason for the decision.
3. Insists that the issue be added to a future meeting agenda for further consideration.

Mayor Ash responded to these concerns from property owners, by stating that the City Engineer informed the City that this is a drainage issue. Mayor Ash further states that her decisions are based on professional findings of the City Engineer.

Ann Siprelle, City Attorney, reminds the public and the Council that Ordinance 168-08 is only to amend the Land Use Map to make it consistent with Resolution 08-13 which was adopted at the last Regular Council Meeting on August 13, 2008. Resolution 08-13 amended the General Plan to change the property's land use designation from R-4 to R-1. Ms. Siprelle also reminded the public and Council that rezoning is not a taking away of property rights, and does not take away land from property owners. Rezoning restricts the manner and extent to which property can be used and developed. In addition, Ms. Siprelle responds to Mr. Kumar's earlier comment that certain findings need to be made according to law before rezoning the property. Ms. Siprelle states that there is a finding in the revised resolution adopted last month confirming that the rezoning is not going to negatively affect the City's ability to meet its goals in the housing element.

Mr. Roberts addresses the Council again and respectfully disagrees. Mr. Roberts states that this rezone significantly devalues this property and, further, that he understood from the City Engineer that the drainage issue would be of concern no matter what the zoning on the property. Mr. Roberts is requesting a letter from the City Engineer with specific reasoning to support the rezone decision.

Councilmember Barker added that his understanding from the City Engineer was that an R-4 zoning would more than double the drainage on this property compared to R-1 zoning. Mr. Barker also understands that there are maintenance responsibility issues concerning drainage with R-4 zoning that would not be present with R-1 zoning.

Mr. Kumar informs the Council that he had presented a proposal to the City three years ago, which cost him \$50,000 in a traffic study

and other preparation work and that the project got put on the shelf because the City Engineer wouldn't let the project continue until a drainage study was completed. Mr. Kumar advises the Council that there are other ways to meet the needs of both parties without downzoning the property to R-1.

Councilmember Johnson inquires regarding the possibility of a meeting between the City and the property owners to discuss the issue further.

Ms. Siprelle reminds Council that the Resolution to rezone this property has already been adopted and that the General Plan land use designation on the property has already been amended to R-1, according to Resolution 08-13. Ms. Siprelle further states that in order for the properties to be considered for a change back to R-4 zoning, this issue would need to be brought back to the Planning Commission with new information and the decision process to zone back to R-4 could then be started.

Mr. Roberts reminds the Council that the property owners have not had a meeting with the City Administrator concerning this property rezone and would like to do so.

Ms. Aguayo informs Council that the City did receive a letter from Mr. Roberts this week and his concerns were responded to in writing earlier today. Mr. Roberts states that this letter was not received yet.

Councilmember Johnson supports further discussion on this issue in order to work out an agreeable compromise for both parties.

After hearing no further comments or questions from the Council or public, Mayor Ash asks for a motion. Councilmember Barker motions to read by title only, waive further reading, and adopt Ordinance 168-08. Motion seconded by Councilmember Fulcher. Motion is carried by the following vote:

Ayes: Councilmembers Barker, Fulcher, and Mayor Ash.
Noes: Councilmember Johnson.
Abstain: None.

7. Ms. Aguayo addresses the Council regarding the proposed Mosquito and Disease Control Assessment for Williams and other unprotected areas that are not currently being served by the Colusa Mosquito Abatement District. Staff's recommendation is for Council to vote in favor of this assessment, due to West Nile Virus being a major health concern in this area. As funds for this assessment are not in the current budget, the City Council could utilize monies in the contingency fund until this expense could be added as a budgeted item.

After hearing no further comments or questions from the Council or public, Mayor Ash asks for a motion. Councilmember Barker motions to Authorize the Mayor to Sign the Ballots Approving the Assessment District. Motion seconded by Councilmember Fulcher. Motion is carried by the following vote:

Ayes: Councilmembers Barker, Fulcher, Johnson, and Mayor Ash.
Noes: None.
Abstain: None.

8. Ms. Aguayo addresses the Council regarding Resolution 08-14, Appointing Members to the Board of Directors and Naming Officers of the City of Williams Public Financing Corporation. As a result of this Resolution, the Williams Public Financing Corporation will have the required officers. After hearing no comments from the Council or public, Councilmember Barker motions to Appoint the City Council as the Board of Directors, Mayor Pro Tem Barker as the President and Patricia Cervantes as the Secretary/Treasurer of the Williams Public Financing Corporation. Motion seconded by Councilmember Johnson.

Motion is carried by the following vote:

Ayes: Councilmembers Barker, Fulcher, Johnson, and Mayor Ash.
Noes: None.
Abstain: None.

9. Mayor Ash declares time for reports.

City Attorney: Encourages the two councilmembers who will be attending the California League of Cities Conference on September 24th to attend the company dinner with BB&K.

City Clerk: Nothing to report.

City Treasurer: Not present.

10. Mayor Ash declares time for Council Reports and Committee Updates:

Councilmember Azevedo: Not present.

Councilmember Fulcher: Gave updates on committees and projects.

Councilmember Johnson: Gave updates on committees and projects.

Mayor Pro-Tem Barker: Gave updates on committees and projects.

Mayor Ash: Gave updates on committees and projects. Reported that Light Parade will be December 13th with nominal fee for entries with all proceeds going to food baskets. Next Citizens for a Better Williams meeting will be on the first Thursday in October at 6:00pm.

11. Mayor Ash declares time for Staff General Reports and Discussion.

City Administrator: Not present (excused).

Assistant City Planner: Attended CDBG conference last week.

City Finance Officer: Mayor Ash introduced the new City Finance Officer.

Police Chief /Code Enforcement: Gave department report. Also announced that construction of the new Police Department is almost completed. And, there will be a Town Hall - like meeting on September 24th at 7pm at the High School gym to discuss youth violence.

Fire Chief: Councilmember Barker gave department report.

Public Works: Gave department report.

At this time, Mayor Ash allows additional time for Public Comment.

Mr. George Lewis, of 1145 H Street, Williams, California, reports three things:

1. Reports finding hypodermic needles and other waste along the railroad tracks in town.
2. Asks Council / City to please contact the Railroad regarding the waste vents.

3. Apparent illegal posting of yard sale signs on street poles that create additional waste for the City.

Mayor Ash thanks Mr. Lewis for his efforts in cleaning up the City.

Mayor Ash adjourns the meeting at 6:53pm to reconvene in Regular Session on Wednesday, October 8th, 2008 at the hour of 6:00pm.

Approved: _____
Patricia Ash, Mayor

Attest: _____
Rene L. Miles, City Clerk