

# *Williams City Council Minutes*

---

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

## Regular Meeting of the City Council August 12, 2009 *Minutes*

The City Council of the City of Williams met the 12th day of August, 2009 at the hour of 6:00pm.

### 1. ROLL CALL:

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

ABSENT: None.

### ALSO PRESENT:

James P. Saso, Interim City Administrator, Chief of Police  
Ann Siprelle, City Attorney  
Wes Goforth, Director of Public Works  
Rene Miles, City Clerk  
Sergeant Ed Anderson, Police Department  
Debbie Rich, Building Director

Others: Brett Mayes, Jackie Kemp, Marilyn Wishnewitz, JoAnne Burnett, Boomer Burnett, Pamm Stadick, Pete Rodrigues, Kelly Ornbaun, Wes Goforth, Pete Garcia, Andi Armstrong, Mary Burleson, Sarvan Singh, Jean Terkeldsen, Adriana Cano, Diana Azevedo, and Lynda Reynolds.

2. Mayor Ash opened the meeting at 6:00pm leading with the Pledge of Allegiance.

3. Mayor Ash declared time for a period of public comment.

Councilmember Johnson inquired as to why the video camera was present in the room without approval from Council. City Attorney, Ann Siprelle, responded that the Brown Act allows for any person to bring in recording devices to a public meeting and that it does not require a vote by Council.

No speaker cards were received by the Clerk.

After hearing no further comments, Mayor Ash closed the period of public comment.

Mr. Saso addressed Council to request that the agenda items be presented in the following sequence, rather than numerical order: 4, 5, 9, 12, 11, 6, 7, 8, 10, 13, 14,

15, 16. This request was made so that the Municipal Financial Consultant, Joan Drayton, and the Engineer from EcoLogic, Gerry LaBudde, could present their items toward the beginning of the meeting. Request was granted by Mayor Ash.

4. Mayor Ash declared time for approval of the Consent Agenda Items a through c. City Clerk requested that the word "further" be added to Page 3 of the July 8, 2009 Minutes, Item #7, Line 8, to read "...no further comments...". In addition, Mayor Ash requested that an amendment be made to Page 2 of the July 8, 2009 Minutes, Item #3, Line 3 of the paragraph starting with "Polly Codorniz..." to change "Mr. to Ms." After hearing no further comments from the Council or public, Councilmember Troughton, Jr. moved to approve the Consent Agenda as amended. Motion seconded by Councilmember Barker. Motion carried by the following vote:

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

5. Joan Drayton, Municipal Financial Consultant, introduced Constance Coughlan, CPA, Independent Auditor, who gave a report of recently completed Financial Statements for the City. Ms. Coughlan indicated that this was based on a qualified opinion. The financial reports were presented to the Council and public as part of the agenda packet and were made available for public review. There were questions presented to Ms. Drayton from Councilmembers Fulcher, Ash, and Troughton, Jr. regarding the City's financial situation, primarily asking for affirmation that the systems the City currently has in place are sufficient to support the City. Ms. Drayton responded that she believes there are no systematic problems, and attributes recent insufficiencies to primarily a lack of experience among staff, which is now being rectified by additional training, as well as cross-training. Brett Mayes, of 2668 Husted Road, Williams, inquired as to what constituted a "qualified opinion". Ms. Coughlan explained that this meant that, due to employee turnover among the Finance Officer as well as the City Administrator, there was not sufficient available information to make any other type of finding. After hearing no further comments from the Council or public, Councilmember Barker moved to Accept the Audited Financial Statements for Fiscal Year Ended June 30, 2008. Motion seconded by Councilmember Fulcher. Motion carried by the following vote:

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

9. Ms. Drayton addressed the Council and public regarding Resolution 09-17, Establishing the City's Appropriations Limit for Fiscal Year 2009-2010 Councilmember Barker inquired as to whether the limit could be adjusted if needed. Ms. Drayton responded that the calculation is correct based on a statutory formula and that it should be fine the way it is. After hearing no further comments from the Council or public, Councilmember Troughton, Jr. moved to Adopt Resolution 09-17 Establishing Appropriations Limit for Fiscal year 2009-1010. Motion seconded by Councilmember Johnson. Motion carried by the following vote:

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

12. Ms. Drayton gave a review of the City's Preliminary and Unaudited Financial Statements for the Fiscal Year ended June 30, 2009 per Council's request. Ms. Drayton reviewed each Exhibit in detail. Ms. Drayton noted that any negative variations may have been just an administrative oversight versus a noncompliance issue. She further explained that variation in the budget versus expenditures was very nominal and not of concern. In addition, she stated that it is very critical that the City obtain the Wastewater Treatment Plant (WWTP) loan. Ms. Drayton also cautioned that this report is based on very preliminary numbers and is still subject to audit. Furthermore, Ms. Drayton recommended budget corrections for the current fiscal year. Mayor Ash and members of the Council thanked Ms. Drayton for her hard work in preparing these reports. No action taken on this item.

11. Mr. Gerry LaBudde addressed the Council and public regarding Consideration of Alternative Additive/Deductive Bid Items – WWTP Upgrade Project. Mr. LaBudde explained that these additional items are not necessary, but are highly desirable and will provide for better long-term functionality of the plant, including making the plant less prone to failure and more reliable.

Councilmember Troughton, Jr. inquired regarding the legality of adding these items to the project after the bidding. Mr. LaBudde explained that these are additive items which were included in the original Invitation for Bids.

Councilmember Fulcher inquired regarding sludge disposal and ground contamination. Mr. LaBudde stated that this would not be an issue with cement/blacktop present.

Councilmember Troughton, Jr. inquired regarding Colusa's WWTP project and asked how that was financed. Mr. LaBudde did not provide financial details for Colusa; however, he stated that his firm would not commit the City of Williams to the project until funds are available.

Mr. Sarvan Singh of 929 9<sup>th</sup> Street, Williams, expressed concern regarding the addition of expenses to the project after the project has been approved. Mr. LaBudde indicated that the additive items were part of the original Invitation for Bids and they would not be considered change-orders.

Final determination of what items will be included in the final contract will be made pending financial terms and conditions. In addition, since the WWTP funding has been delayed, the contractor has agreed to extend the bid for 60 days. No action taken by Council at this time.

6. Mr. Saso addressed the Council regarding the need for designating an Interim Human Resource Officer. After hearing no comments from the Council or Public, Councilmember Fulcher moved to Designate the Police Chief as the Interim Human Resource Officer and direct staff to inform all employees regarding the identity and role of the Human Resource Officer. Motion seconded by Councilmember Johnson. Motion carried by the following vote:

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

Noes: None.

Abstain: None.

7. Mr. Saso addressed the Council and public regarding establishing a new meeting and reporting schedule for the Finance Committee. There was some discussion among Council about when the committee would meet, but no specific regular date and time was set at this time. It was mentioned that a report would most likely be given at the second Council meeting of each month. After hearing no further comments from the Council or public, Councilmember Barker moved to direct the Finance Committee to meet once per month and report to the City Council at a Council meeting at least monthly. Motion seconded by Councilmember Fulcher. Motion carried by the following vote:

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

Noes: None.

Abstain: None.

8. Mr. Saso addressed the Council and public regarding the City's response to the 2008-2009 Grand Jury Report and Grand Jury Recommendation Implementation Plan. Mayor Ash then read aloud the City's response letter to the Grand Jury Report.

Councilmember Troughton, Jr. addressed the public to point out specific information contained in the report with which he disagreed.

Mayor Ash also commented on some misinformation that was provided by the Grand Jury in their report; specifically, the City was founded in 1876, not 1879 as the report indicates. Additionally, Mayor Ash stated that if the Grand Jury would have researched more thoroughly, they would have found that Councilmembers acted on advice from the City Attorney during council meetings when making the decision to remain present during voting on certain issues.

Mr. Sarvan Singh of 929 9<sup>th</sup> Street, Williams, inquired as to whose responsibility it is to keep track of bidding and project documents. Mr. Singh stated that the Council may have been guided in the wrong direction by former City staff.

Mr. Brett Mayes of 2668 Husted Road, Williams, stated that he is glad that he attends the Council meetings and is impressed about the direction the City is headed; specifically impressed by the Municipal Financial Consultant and the information she has provided to Council and the public.

Councilmember Barker agreed with the Grand Jury Report in that he believes that Council has not monitored or maintained adequate communication with staff in regards to the City's financial condition in the past, but that he is satisfied with the direction that the City is heading.

Councilmember Troughton, Jr. stated that he regrets not being more insistent in regards to obtaining information that he believed necessary to make decisions and that this report has encouraged him to be more involved in the financial matters of the City.

Mayor Ash concluded discussion on this item by stating "Today is a new day".

After hearing no further comments from the Council or public, Councilmember Fulcher moved to approve the City of Williams' Response to the 2008-2009 Grand Jury Report and Grand Jury Recommendation Plan; and direct staff to send it to the Grand Jury; and implement the action items as set forth in the implementation plan section of the letter. Motion seconded by Councilmember Johnson. Motion carried by the following vote:

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

10. The President of Citizens for a Better Williams (CBW), Andi Armstrong, presented a detailed report to the City Council regarding the expenditure of funds donated by the City for the past three fiscal years. Ms. Armstrong also explained how CBW came into being and the obstacles the organization has faced in attempting to improve the quality of life in Williams, specifically hurdles thrown their way by former City officials. There were also several comments from citizens in support of CBW. Ms. Armstrong also stated that she lives by the philosophy "Winners never quit and quitters never win".

13. Discussion was held regarding consideration of leasing the office space located at 460 and 464 8<sup>th</sup> Street. After discussing rental and purchase options, Mr. Saso suggested to Council to defer any decision making until the matter can be discussed further with the new City Administrator. It was the general consensus to table this matter for the time being.

14. Mayor Ash declared time for reports.

City Attorney: Nothing to report.

City Clerk: Nothing to report.

City Treasurer: Nothing to report.

15. Mayor Ash declared time for Council Reports and Committee Updates:

Councilmember Troughton Jr.: Gave updates on committees and projects. Also, Councilmember Troughton, Jr. indicated that he has been researching development fees and is looking to the future to correct mistakes that have been made by the City on this issue.

Councilmember Barker: Gave updates on committees and projects.

Mayor Pro-Tem Fulcher: Gave updates on committees and projects. Councilmember Fulcher also made a public statement regarding her position as a councilmember.

Councilmember Johnson: Gave updates on committees and projects.

Mayor Ash: Gave updates on committees and projects. Also, announced the Festival of Lights Parade scheduled for December 12<sup>th</sup> and CBW meetings scheduled on the fourth Thursday of every month at 6:00pm. Mayor Ash also made a statement about CBW and the Council.

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

Interim City Administrator: Chief Saso thanked the Council for the opportunity to serve as Interim City Administrator for the last five months, which was followed by thanks from the Council for him doing so.

City Finance Officer: No Finance Officer at this time.

Police Chief /Code Enforcement: Report given by Sgt. Anderson. Also, Sgt. Anderson announced that the California Police Chiefs Association is formally opposed to the release of 40,000 inmates by the State.

Fire Chief: Report given by Councilmember Barker.

Public Works: Report given by Wes Goforth.

Mayor Ash adjourned the meeting at 9:00p.m. to reconvene in Regular Session on September 2nd, 2009 at 6:00pm.

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

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