

CITY OF WILLIAMS

Council Minutes

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

Regular Meeting of the City Council

Wednesday, October 20, 2010 – 6:00 p.m.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Patricia Ash, Don Barker, Eddie Johnson, Angela Plachek-Fulcher, John Troughton, Jr.

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Charles Bergson, City Administrator
Ann Siprelle, City Attorney
Wes Goforth, Public Works Director
Rex Greenbaum, Finance Officer
Mariela Cruz, Office Assistant

Mayor Plachek-Fulcher called the meeting to order at 6:00 p.m., and lead the meeting in the Pledge of Allegiance.

PUBLIC COMMENT

None heard.

CONSENT

On a motion by Council Member Ash, seconded by Council Member Johnson and carried by the following vote, Council approved the Consent item as indicated.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr.
Noes: None
Abstain: Council Member Plachek-Fulcher
Absent: None

TREASURER'S INVESTMENT REPORT FOR AUGUST, 2010

Council received the Treasurers' Investment Report for August 2010.

OLD BUSINESS

COLUSA COUNTY ECONOMIC DEVELOPMENT COMMISSION - JOINT POWERS AGREEMENT

City Administrator Bergson said the proposal for the Joint Powers Agreement was before Council in June. Based upon input from Council, there have been some changes to the proposed Agreement. There have been some significant changes notable such as all financial decisions must be unanimous by the Board. There are some substance issues raised by both the City Attorney and myself, as well as, clerical and administrative issues that need to be changed. A body that can support the City and manage redevelopment is one that we do not yet have. The City of Colusa is looking at an RDA and we may be able share resources with them.

City Attorney Siprelle said an Indian Tribe cannot be a member of a Joint Powers Authority as it only applies to a public entity. However they can be a non-voting participant. There could be some other type of an Agreement. They could jointly fund certain activities. There is some legislation under consideration to allow specific Tribes to be part of a JPA.

Mayor Plachek-Fulcher asked for clarification of a Joint Powers Agency and a Joint Powers Agreement and how that could relate to allowance of the Tribe to be part of the process. City Attorney Siprelle clarified when parties enter into a Joint Powers Agreement, they form a separate Joint Powers Authority with a Board that makes their own decisions. They all have the same powers. If it is an Agreement, it does not set up a separate Agency, the parties would go back to each entity as opposed to having a separate entity.

Council Member Barker said it is vague about the tax sharing. If the business is established in the City of Williams, he feels the City should have a larger percentage of the tax base, such as 60%, 20%, 20% and suggested to include the sales tax. We have a huge potential to attract commercial and industrial because we are on Interstate 5 with the Highway 20 connection. This would be sales tax.

City Attorney Siprelle said the Agreement does not mention that at all. City Administrator Bergson said the County said that they would welcome that as part of the Agreement once we set the JPA. Every case would be negotiated in regard to the percentage of tax sharing via a Tax Sharing Agreement.

Mayor Plachek-Fulcher had stated that the revenues from tax-sharing should be included so that any one member area does not receive more than the other and that each would be negotiated so that businesses would not be playing one agency against another during negotiations. However, if some

type of business would propose locating in Colusa or Arbuckle rather than Williams, there is concern that the players might be offering more of a monetary incentive to come to their City, rather than Williams. City Administrator Bergson said one of the advantages to a JPA is that should a business try and do that type of thing, it does not matter if they ply one City against the other because it would not make any difference. Mayor Plachek-Fulcher said it makes a difference in sales tax. Either the County or the City would be getting more of the income. City Administrator Bergson said it would eliminate playing one City against another. Council could set a guideline on the percentage split. Mayor Plachek-Fulcher said perhaps we should make the percentage 35%, 35%, 30 to be more equitable or 50%, 25%, 25%. City Administrator Bergson said he will look at the various breakdowns and report back to Council. He is looking for some direction and there are some clerical things to look at. The composition needs to be determined and it is suggested we wait for the other entities respond.

Mayor Plachek-Fulcher said there was a figure of \$60,000 mentioned and we need verification on the number. City Administrator Bergson said it based on the RDA and there are some nominal costs where we hire directly or opt for a Consultant. Mayor Plachek-Fulcher said we need to know what those costs are going to be, \$20,000 or \$70,000. City Attorney Siprelle said the way it is drafted now the Board would need to have an initial meeting and decide how much each entity would be putting in. Council Member Barker said when we first started this process the Agreement was \$65,000 each year because we do not have that much development yet. We can expect the figure is not going to be a \$10,000 or \$20,000 thing. We are going to have an Administrator or Consultant running the program and it is going to cost us up to \$200,000 or they will not take it on.

Mayor Pro Tem Troughton, Jr., asked the Finance Officer how much of the all of the taxes in the City of Williams goes to the County. Finance Officer Greenbaum said the City gets 1% of the property assessment. Mayor Pro Tem Troughton, Jr. said there is a portion of all the taxes in the City that goes to the County in some way or another, sales tax, property tax, that the County already gets as a share even before we determine the division as 60/20/20, or 50/25/25. Should we choose to hire an Administrator or Director without a clean determination on the length of the program, it may be difficult to secure a competent person. We would need to commit to at least a one year Employment Agreement. If we opt to hire a Consultant, they hit the ground running. The costs would still be controlled by the Board, would have a scope and an idea of the profitability. With an employee, we would need office space, a computer and connections, phones, furniture. A Consultant firm would not have those same costs. We would know what the budget is. The Commission would set the budget and then we will divide it up among the entities. With a Consultant we avoid that problem. They will have the right

connections. They know exactly what needs to be done and the best way to make it happen. We do not need a secretary, benefits, retirements, etc. that we would for an employee.

City Attorney Siprelle said the County will be reviewing the research and decide if they want to go ahead and get special legislation or not.

Mayor Pro Tem Troughton, Jr. asked Finance Officer Greenbaum how much each City pays that ends up in the County. We should know how much is already obligated before we start the percentage calculations. Finance Officer Greenbaum said if we have a separate Agreement, that Agreement would determine a starting point. Mayor Pro Tem Troughton, Jr. asked how difficult it would be to determine the breakdown of cost. He also asked about the protocol if we have someone just walk in and start up a business. How are we going to determine whether the City is responsible for the full benefit out of that or if the JPA or Agreement is going to receive a portion of the income. We currently have vacant structures in the City or already have plans on some a start-up business. How will the Agreement be divided to include a separation these possibilities. City Attorney Siprelle said how we determine whether a business is coming to town would be included in the JPA and that is completely subjective.

Council Member Ash asked if the Tribe goes through the legislation and becomes part of the JPA, are they still considered a Sovereign Nation and do the laws pertain to them? City Attorney Siprelle said they are still a Sovereign Nation.

Finance Officer Greenbaum said logistically, it brings up a whole lot of issues. If we want to do the 20/20/60, we would be subject to the State Board. Several Council Members began speaking over Finance Officer Greenbaum and his remaining statement was inaudible.

Mayor Pro Tem Troughton, Jr. the Agreement should spell out these types of things, but we should have some way of determining amongst ourselves who is responsible, the JPA/Commission/Board, the City, or the County. He does not want these issues to escalate into a legal battle and wants clear determination at the outset of the process to keep that from happening.

Council Member Barker said we should look at some of the other JPAs or Redevelopment type organizations to see how they have handled the problems. City Attorney Siprelle said that would actually be other Economic Development agencies. Council Member Barker said that makes more sense. City Attorney Siprelle said she will secure some sample Agreements. In terms of answering the question about the Indian Tribe, the comment should be that either the County or some other agency should work to secure special

legislation to allow them to be a member or they would be a non-voting member.

Mayor Pro Tem Troughton, Jr., said in addressing Council Member Barker's concern, someone is hired and goes through a background process, questions regarding about what and how the process has been done in other places such as the RDA, what forms have worked, and what were some of the problems have been will be answered. City Attorney Siprelle said it appears that Council Member Barker is also asking about what types of Economic Development is structured, who is on the Board, how they make decisions and the like are still unclear. Another question is that we have a Redevelopment Agency starting out with someone running it to bring in businesses and negotiate with businesses and there is a tax increment. How does that fit in with the (inaudible due to Council Member discussion).

City Administrator Bergson said he has direction and will bring the item back to Council.

BUDGET - FISCAL YEAR 2010-2011

Finance Officer Greenbaum advised this item had come before the Council for direction in June, 2010. The major changes that have occurred with the Fire District budget at \$25,000 for the two years, with \$20,000 from the water and sewer 1% Fire District and the additional \$5,000 from savings or deferrals in the General Fund. Council Member Ash said the Fire Department has an annual budget, not a two year budget. Finance Officer Greenbaum agreed but as the City budget is a two year budget, they allowed for that \$25,000 in the second year to cover the possibility of need to continue that amount. As well, with the revenue in constant change with property tax, sales tax, etc., we will need to adjust our budget accordingly in that second year. Staff had utilized that direction to finalize the budget. There have also been some changes in allocations summarized in the written material. Three internal services funds will be established to track more completely City-wide expenditures. The document is a policy and guideline document inclusive of the budget itself. Staff continues to refine and track the budgeting document, revenues and expenditures for the City. Should additional revenues be received, those suggested expenditures will come before Council for consideration.

On a motion by Council Member Ash, seconded by Council Member Troughton, Jr., and carried unanimously by the following vote, Council adopted the Fiscal Year 2010-2011 budget effective July 1, 2010.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr.,
Plachek-Fulcher
Noes: None
Abstain: None
Absent: None

CONTRACT - ROSENOW SPEVACEK GROUP - REDEVELOPMENT PLAN
ADOPTION SERVICES AND PROGRAM ENVIRONMENTAL IMPACT REPORT

City Attorney Siprelle said Council had previously directed Staff at the September 22, 2010 Council meeting, to seek a contract with Rosenow Spevacek Group (RSG) for the purpose of developing a Redevelopment Plan and determination of the Project Area for the City. The City Administrator had begun to look at firms who might be considered for the Environmental Impact Report. He secured some quotes and it was found that RSG could also conduct the EIR. Staff has negotiated an amendment to their original Agreement to include preparation of the EIR for the RDA. It is recommended that Council consider and approve the amendment to the Contract for that purpose as required by the California Environmental Quality Act.

Council Member Barker said the Agreement is not attached and it is difficult to determine if the Agreement is acceptable without it being in place. City Attorney Siprelle acknowledged that the Agreement was not included and she does have it available if the Council wishes to review it at this time. It is in the standard Professional Services Contract format and the big difference is the amount in this versus the one Council approved before. The scope of work to include the EIR and the associated increase in the price from \$136,015 as approved previously, to \$195,822. The item can be continued to provide for an opportunity to review the Agreement. The Consultant has begun the process and the amended Agreement is backdated to September 22nd. Council Member Barker said the \$60,000 additional cost and is significant. City Attorney Siprelle said the Agreement does outline fully the Scope of Work for that extra proposed amount in the cost. The amount seems to be reasonable and all five of the proposals had approximately that amount proposed. Mayor Plachek-Fulcher said she has seen all of the documents and feels they are fine because she was involved in the interviews process. City Attorney Siprelle said a quote was received from a General Plan Consultant but remaining with the same firm throughout the process is the most cost effective means for the City. Council Member Barker said if Council all received a copy of the Agreement so that they can understand what is to take place, he would be comfortable with proceeding.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously by the following roll call vote, Council approved the Contract with RSG to provide Redevelopment Plan adoption services, including the preparation of a program EIR.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr.,
Plachek-Fulcher
Noes: None
Abstain: None
Absent: None

COUNCIL MEMBER COMPENSATION

City Attorney Siprelle said some Council Members had expressed a desire to consider increasing their compensation as allowed by Government Code Section 36516 (below), following ratification of all other employee group Memoranda of Understanding. At present, Council Members receive \$200 per month. Under State law, Council is allowed to receive up to \$430 a month and the Mayor, as much as \$537.50 per month. Such change in compensation would require adoption of an Ordinance. Should Council so direct, staff can begin the process of creating the Ordinance for consideration at the total allowable amount per the Government Code, or some other desired amount.

“36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).
(2) The salaries approved by ordinance under paragraph (1) shall be as follows:
(A) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month”.
“(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.”

Council Member Barker said the Colusa City Council Members have been receiving \$300 per month for years. As we are of comparable size, we should use them as our example. The Mayor receives \$400 per month. Mayor Plachek-Fulcher said she did not run for Council for the money. Council Member Ash indicated she is not comfortable taking a raise at this time. Mayor Plachek-Fulcher said Council has not increased their salaries in over twenty-five years. If Williams Council salaries are comparable to Colusa, that would be acceptable as we would still be below the State guidelines. Mayor Pro Tem Troughton, Jr., it would be desirable to be an adequate amount to cover Council expenses and does not feel the proposed increase is

unreasonable. Mayor Plachek-Fulcher asked if the majority of the Council felt comfortable with \$300 for Council and \$400 for the Mayor. Council salaries have not been amended since 1987 and stand at \$200 for Council Members, with \$250 for the Mayor.

Council directed the Staff and City Attorney to prepare a proposed Ordinance to increase the Council salaries consistent with the surrounding Cities at \$300 for the Council and \$400 for the Mayor.

RESOLUTION 10-28 AND ORDINANCE – AMENDMENT TO THE PERSONNEL MANUAL AND MUNICIPAL CODE §2.06.050, AUTHORITY TO HIRE, EVALUATE, AND FIX SALARIES FOR ALL EMPLOYEES

City Attorney Siprelle said this item is to request changes to the Personnel Manual to take the City Council out of the role of giving raises, hiring and firing employees and give that authority to the City Administrator as long as the decisions were consistent with the Personnel Manual.

Council Member Barker asked if that would include the Department Directors. City Attorney Siprelle said Council is under contract with the Department Directors and would have to approve salary increases but the City Administrator has the authority to give to them of up to 5% subject to approval of the City Council. The City Administrator would have the authority to hire and fire the Department Directors. The current Code states the Council would have the authority of the employment and discharge of the Finance Director. Council Member Barker indicated at that time we were not getting good information from the City Administrator and needed to have more authority over the Finance Officer. There were some issues about the figures provided to Council. Mayor Pro Tem said the employee would still have the right to appeal to the Council if they felt the action of the City Administrator regarding their employment was unreasonable. The City Administrator should be over the Directors.

City Attorney Siprelle said language in the current Personnel Manual provides that Council has the authority to evaluate and fix salaries. With the adoption of the Memoranda of Understanding with the employee associations this year, that provision was removed. As well, the City's Municipal Code provides for the Council to employ or appoint new employees upon a recommendation by the City Administrator. The Government Code also stipulates those positions over which the City Administrator should have authority. It is prudent for the City Council to concede those appointments to the City Administrator with their sole appointing authority to be that of City Administrator, City Attorney and Finance Officer. The remaining appointments would be by the City Administrator which would be subject to Council approval.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously by the following vote, Council adopted Resolution 10-28, "A Resolution of the City Council of the City of Williams, California Amending the City of Williams Personnel Manual" and introduced, waived the first reading and read by title only, "An Ordinance of the City Council of the City of Williams Amending Section 2.06.050 of the Williams Municipal Code Regarding the City Administrator's Power of Appointment and Removal", and repealing Section 2.18.070 of the Code.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr.,
Plachek-Fulcher
Noes: None
Abstain: None
Absent: None

MODIFICATION AGREEMENT - ANIMAL CONTROL CONTRACT BETWEEN
THE COUNTY OF COLUSA AND CITY OF WILLIAMS.

City Administrator Bergson said the Agreement with the County of Colusa for Animal Services had been approved in May 2010. At that time our knowledge of the fees from the Veterinary Hospital for euthanasia services was limited. Those actual costs have now been received and require an increase in cost to be added to the Agreement. There are adequate funds in the budget to cover these increases.

There was a question from an unidentified citizen in attendance on why the City of Williams does not charge a dog licensing fee. Mayor Pro Tem Troughton, Jr. said the County charges the fee because they handle all of the issues with dogs. If we charge a fee, dog owners would be doubly charged. We pay the County about \$70,000 for the services they provide.

On a motion by Council Member Barker, seconded by Council Member Johnson and carried unanimously by the following vote, Council authorized the Mayor and City Administrator to sign the Modification of Agreement for Animal Control Services between the County of Colusa and the City of Williams.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr.,
Plachek-Fulcher
Noes: None
Abstain: None
Absent: None

WILLIAMS ANTIQUE SHOW – CONSIDERATION OF SUPPORT

City Administrator Bergson said the Williams Antique Show is in its 33rd year. Many visitors come to the City to participate in this event. It is held at the Sacramento Valley Museum but they are considering cancelling the event this year due to funding shortages. It is suggested that the City contribute \$2,000 to assist them. As well, the City administrative support would be approximately \$100.

Mayor Plachek-Fulcher said this group is a non-profit. When Council donated money to the Citizen's for a Better Williams they were required to present financial information for the last year. City Administrator Bergson said they would be required to submit such documents as well if Council so desired and directed staff to request the documentation. Council concurred.

Mayor Pro Tem Troughton, Jr., said the financial documentation for the Museum should extend beyond this event. City Attorney Siprelle said it would depend upon how much depth Council wants. Mayor Plachek-Fulcher said what was required previously of the Museum would be the preference. Council Member Barker said the City is working on an Agreement with the Museum at present. A total financial report would be preferable as we own the building and the information would be shared with supporters on such as the landscaping work and other things capital items that have been undertaken at the site.

City Administrator Bergson said generally when the City has made a donation to an organization we have not focused it down to a single event. Mayor Plachek-Fulcher said organizations have had to show one year of financial report for every year a donation was requested, including all income and expenditures. City Administrator Bergson said that is not a public document but for our records only. Council Member Barker said the City was cited by the Grand Jury on issues such as this and he does not want that to happen again. The rules should be applied equitably to all who receive donations from the City. City Attorney Siprelle said that before the City provides monetary support, it can be a requirement for the organization to provide the previous year's revenue and expenditure report. The Auditors require such information to utilize during the annual audit.

Mayor Plachek-Fulcher asked if we are required to change Auditors every three years. Finance Officer Greenbaum said there is no such requirement. Each entity has the option on the amount of time they wish to maintain the current Auditor. He is investigating whether the City could find a less expensive Auditor.

On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council member Johnson and carried unanimously and the following vote, Council

approved City report for the Williams Antique Show to be held in March 2011 at the Sacramento Valley Museum in the amount of \$2,000 and Administrative support valued at approximately \$100 with the condition that the Council receive a financial report for the event.

Ayes: Council Members Ash, Barker, Johnson, Troughton, Jr., Plachek-Fulcher
Noes: None
Abstain: None
Absent: None

REPORTS

City Attorney On Thursday, October 28, 2010, Best, Best and Krieger will be holding a client appreciation open hours from 5:00 to 8:00 p.m.

City Clerk On November 1st, Sue Vannucci, the new City Clerk/Human Resources Manager, will be starting work for the City. On November 4th there will be joint City/County meeting at the casino. There are three write-in candidates for Council.

City Treasurer Nothing to report.

COUNCIL REPORTS AND COMMITTEE UPDATES:

Councilmember Ash Reported on Fire Board meeting she had attended, Museum centennial planning meeting, meetings on the Festival of Lights and Firemen's Dance, and Ethics training.

Councilmember Johnson Nothing to report.

Councilmember Barker Reported on Board meeting attended and Ethics training.

Mayor Pro-Tem Troughton, Jr. Reported on Fire Board meeting, met and conferred with the Fire Association with the Police Chief, Public Works Director and Finance Committee.

Mayor Plachek-Fulcher

Attended the LAFCO conference.

STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator

P. G. & E. has started working on the pole, but there are still some issues of concern. Our staff will be done in about four weeks. CalTrans will start working on the E Street ramps next month and will be detouring. They went through the Agriculture building and School District will have their hazardous materials removed within ten days. Conference call with the General Plan contractor and the traffic engineer to update the traffic element. The red tag on the Odd Fellows Building has been cleared but it is not open to the public. They have to upgrade the building to meet the code to open. The insurance representatives were here Thursday and Friday and discussed business. Met with two County Supervisors and the Mayor and the County will be upgrading the Vets building and will be using their CDBG loan. The Circus Carson and Barnes will be here on May 6th. They need their insurance certificate. Council indicated there had been several problems with this group in years past.

Police Chief

Absent

Fire Chief

Absent. Report made by Council Member Ash that there is a new tool to screen volunteers and will let the Department know what volunteers are reporting to duty.

Public Works Director

Staff will be putting a video camera down into Well 9 tomorrow. It should be back up on November 10th. WWTP is about 50% complete. Working on a safe routes to school grant.

Finance Officer

Nothing to report.

CLOSED SESSION

At 7:45 p.m. Council recessed the regular meeting and met in Closed Session to discuss a Public Employee Performance Evaluation pursuant to Section 54957 for the City Administrator.

Council also held a Conference with Labor Negotiators pursuant to Section 54957.6. The Agency Designated Representatives were City Council and the discussion was regarding an unrepresented employee, the City Administrator.

Present at these sessions were Mayor Angela Plachek-Fulcher, Mayor Pro-Tem John Troughton, Jr., Council Members Don Barker, Eddie Johnson and Patricia Ash.

No report from the Closed Session was made in the Public Session as no action was taken.

ADJOURNMENT

At 8:00 p.m., Mayor Plachek-Fulcher adjourned the meeting of the City Council.

Approved: _____
Angela Plachek-Fulcher, Mayor

Attest: _____
Charles Bergson, Interim City Clerk

Notes taken by: Mariela Cruz, Office Assistant

Adopted by Council: January 6, 2011