

# CITY OF WILLIAMS

## *Council Minutes*

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

REGULAR MEETING OF THE CITY COUNCIL

WEDNESDAY, DECEMBER 15, 2010, 6:00 P.M.

### ROLL CALL:

COUNCIL MEMBERS PRESENT: Patricia Ash, Don Barker, Eddie Johnson, Angela Plachek-Fulcher, John Troughton, Jr., Alfred Sellers (Council Member-Elect)

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Charles Bergson, City Administrator  
Ann Siprelle, City Attorney  
Wes Goforth, Public Works Director  
Sally Barker, City Treasurer  
Sue Vannucci, Deputy City Clerk  
James Saso, Police Chief

Mayor Plachek-Fulcher called the regular meeting of the City Council of the City of Williams to order at 6:00 p.m., and led those in attendance the Pledge of Allegiance.

### OATH OF OFFICE

Deputy City Clerk Vannucci administered the Oath of Office to newly elected Council Member, Alfred Sellers, Jr. and re-elected Council Members Patricia Ash and Angela Plachek-Fulcher.

### MAYOR AND MAYOR PRO TEM

Council Member Barker nominated, Council Member Troughton, Jr., for the office of Mayor for the forthcoming year. Council Member Troughton, Jr., withdrew his name from consideration.

Council Member Ash nominated Council Member Plachek-Fulcher for the office of Mayor, Council Member Troughton, Jr., seconded the nomination. On that motion with Council Member Barker opposing and Council Member Sellers abstaining, Council Member Plachek-Fulcher was appointed Mayor for the ensuing year, effective immediately.



Council Member Ash nominated Council Member Troughton, Jr., for the office of Mayor Pro Tem. Mayor Plachek-Fulcher seconded the nomination. On that motion with a unanimous vote, Council Member Troughton, Jr., was appointed as Mayor Pro Tem for the ensuing year, effective immediately.

#### CERTIFICATE OF APPRECIATION

Council presented a Certificate of Appreciation to retiring City Council Member Eddie Johnson in recognition of his service as a Member of the Williams City Council from November 2006 through December 2010. Mayor Plachek-Fulcher presented the Certificate to Mr. Johnson.

Mr. Johnson indicated his pleasure in working with the Council and offered his future assistance should Council or the City have need.

#### PUBLIC COMMENT

Dixie LeGrande of Williams thanked the City for all it does for the citizens, such as the new curbs, assistance to the Sacramento Valley Museum, Festival of Lights, Firemen's Dance, graffiti abatement, safer crosswalks and for the Williams Community Center. She acknowledged all involved and thanked Mr. Bergson for his forward looking outlook for the City. All of this is done with a cooperative effort and the publicity for the events held in the City.

#### CONSENT

On a motion by Council Member Ash, seconded by Council Member Barker and carried unanimously, Council approved the following Consent items as presented:

#### TREASURER'S INVESTMENT REPORT

Council received and reviewed the Treasurer's Investment Report for October 2010.

#### MINUTES

Council adopted the minutes of the October 6, 2010 regular meeting of the City Council.



## NEW BUSINESS

### SKATE PARK SITE APPROVAL/VIRGINIA WAY DETENTION BASIN

City Attorney Siprelle said there is an amended Council Communication before Council. Eddie Johnson requested Council direction on the use of the water detention pond on Virginia Drive for a skate park. The plan is to begin in the Spring and form a committee of children from Williams and Colusa who would be using the skate park and would be responsible to clean and help maintain the facility. Council Member Ash asked that before he begins the process a study be done on the feasibility of the site for the requested use. There is no concrete in the facility at this time. If a slab is added we need to know where the water will go. Mr. Johnson said he is asking for approval of site consideration first and then he will move onto the next phase. It will be two to three years before the site is finished.

Dixie LeGrande said there is one in Marysville that could be very helpful to find out how they did it and they may have some resources. Mr. Johnson said he has contacted Fort Bragg, Marysville and Willows for information on what they have done. The park will be designed around what the participants want to have in the facility. All code and safety issues will be addressed.

City Administrator Bergson said Mr. Johnson is asking for conceptual approval of the site so that he can explore what needs to be done to determine whether the site is feasible for the use. There are conditions that need to be met, a review must be done to ascertain the capacity of the pond, liability and any other issues that come forth. Mayor Pro Tem Troughton, Jr., asked if there is any feeling from the neighborhood on the proposal and Mr. Johnson said he has not yet done that research.

On a motion by Council Member Ash, seconded by Council Member Barker and carried unanimously, Council directed the City Administrator to provide Eddie Johnson with the City's conceptual idea to allow a skateboard park to be built on the site of the storm detention basin.

### PUBLIC COMMENT (continued)

Father Jay said the Smith's Motel property he owns owes the City \$106,000 according to the City figures. However, the title company is giving them mixed signals on what is actually due. There are two pieces of property and he needs to know what property the foreclosure is based on and what the actual Assessor's Parcel Numbers are, 008 or 009. He does not have the actual figure. The first figure is \$80,000 and he needs to have a complete accounting as to where the other \$26,000 came from. The



City wanted a notarized paper from his dying brother. Father Jay did not receive any paperwork from the City until after the foreclosure was discussed. He is trying to get the money and the figure is not clear. They will need to file for bankruptcy. He is asking again for the Council to place him on the Agenda. He wants the City to hold on the 21 day foreclosure so that he can get a new loan.

## OLD BUSINESS

### SACRAMENTO VALLEY MUSEUM LEASE

City Attorney Siprelle said she Mayor Plachek-Fulcher and Council Member Ash met with the Sacramento Valley Museum Board to discuss some proposed changes in the Lease for the building. Some of the major changes are that 2 Members of Council be on the Board, they pay their own utilities and that the two buildings be separated. The Board asked questions and we answered to the best of our ability. They were asked to respond by December 15<sup>th</sup> but need more time and will respond by January 5<sup>th</sup>. The Lease has the track changes with the City requested changes. The Bylaws include some suggested changes as well. The Board would be subject to the Brown Act if Council does have Members on the Board. Mayor Pro Tem Troughton, Jr., asked what stipulates the Brown Act requirements for this Board. City Attorney Siprelle said if a private organization has a public entity have Members serving as Board Member to the private entity and, if the private entity is receiving funds from the public agency, the law then stipulates the meetings are public and are subject to the Brown Act. As the City provides money to repair the building, pays the utilities and donates to them, that is also a stipulation to the Act. Mayor Pro Tem Troughton, Jr., said the building belongs to the City. We want the Sacramento Valley Museum Board to continue operating the facility. The City should not be running the Museum, only maintain and take care of it. The City should have some type of representation on the Board so they can report back to us and we can provide input, especially on controversial items. City Attorney Siprelle said the changes suggest two voting Members on the Board that now has 9 members. It provides that the Association cannot make structural improvements to the building without City approval, they would pay their own utilities, and provide a copy of the audited financial statement in February. The Lease payments received by the City for the residential building would be given to the Association, less costs and the term of the Lease would be for ten years.

Council Member Barker said Council just received this document and has not had adequate time to review and make any recommendations. City Attorney Siprelle indicated Council had discussed the suggested changes and had directed Staff to draft the proposed changes which were added to the proposed document.



The Members of the Association Board present indicated they had not received the proposed changes to the Lease document. City Attorney Siprelle said the document had been sent to Emily from the Museum for disbursement to the Board. Mayor Plachek-Fulcher said copies will be provided to the Board as soon as possible.

Council Member Sellers asked about the change in the Lease length and City Attorney Siprelle indicated that it is current fifty years which is too long of a period.

Council Member Barker said in November this issue was discussed. He believes that Council does not need to control the Museum operation and should not have Council representation on the Board of any private organization other than as a liaison. He would like to hear from the Board Members on regarding those issues. City Attorney Siprelle said it the proposed changes will be discussed at the January 5, 2011 meeting. Dixie LeGrande asked if all non-profit organizations in Williams have liaisons as part of their Board. If so, representatives should be rotated. Mayor Pro Tem Troughton, Jr., said there has not always been such representation on all Boards, but the City owns the museum property. The City is the trustee of City property. There have been some issues that have recently come to light that may have caused this issue. The operation should be run by the Museum Board but the City should be kept informed. With a Council Member or two on the Board, it would not interfere but would be very helpful to everyone. The City would they be aware of what is happening in relation to our property. By working together, we can assure the property is kept in the best condition. It could be very advantageous to have Council involved with the Board. This building is a showcase and a great asset to the City. We have a responsibility to the City that we must protect and address issues as early as possible.

Ms. LeGrande said the Sacramento Valley Museum Association will be responsible for the collection and display on the inside. Council Member Ash said the City has no vested interest in the collection and it should be the responsibility of the Association only.

Mayor Pro Tem Troughton, Jr., said the City does have a responsibility for the safety of the individuals and the care and maintenance of the building. He mentioned the Agriculture Building needs to be cleaned up and provided for the Museum to utilize as some storage space. We need access to and from the buildings on the North end, as well as, ADA accessibility in order to prevent the State causing us to close the building until some of safety and ADA issues are addressed. Council Member Ash said the liability for the safety of individuals to access the building is a strong concern. It is likely the City can find some funds



to address safety issues. Ms. LeGrande said an outside agency came in in 1999 or 2000 and provided some suggestions on what should be done to address safety issues. Council Member Ash said she and Wes Goforth, the Public Works Director have taken the City Engineer to the Museum discuss some things that can be accomplished as well. The Museum is losing out by not having handicapped individuals provided with access. Council Member Sellers said publicity is needed to let the public know. Council Member Barker said he would support submission of a letter to initiate discussion and would prefer a committee to work with the Board. He indicated again the Council should not sit as members of the board. He also suggested a kiosk by the overpass indicating the activities at the Museum and throughout the City.

This item will return to Council at the January 5, 2011 Council meeting. The documents will be resent to the Board.

#### PAVEMENT MANAGEMENT STUDY

City Administrator Bergson said this item is to approve a Contract for Professional Services for a Pavement Management study and presents a Master Plan for the City. In order to qualify for grants and funds from the State we need to have a Plan in place and update every two years. The funds are from impact fees and the amount is not-to-exceed \$11,916.

On a motion by Council Member Barker, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council approved the Contract for Professional Services Agreement with Associated Engineering Consultants, Inc. for Pavement Management Study Services.

#### WATER AND SEWER RATES, REVIEW, ADJUSTMENT OPTIONS

City Administrator Bergson said a Resolution 08-17 had been passed to increase water and sewer rates over a five year period at 6% and 20%. These increases were based on the Sewer Plan Study that was done. Options will be returning to Council in February. Some of our commercial enterprises have been complaining and the higher fees. Based upon the rate of the loan we received, they could hold the fees for these commercial enterprises, as well as, for residential. As this item is presently informational only at this time, we will return in February. However the new rates are to be effective in January and should Council choose to hold the rates, we will adjust the billing accordingly the following month. He recommends we proceed forward as decided in 2008. A benefit of the economic downturn has provided the City with the option to not raise the rates as highly as initially anticipated.



Mayor Pro Tem Troughton, Jr., asked if the Operation and Maintenance figures are indicative of the economic downturn and how the construction is going. Director Goforth said the process is going well, the facility should be operational by March and we should be right on target. Council Member Ash asked if there is a plan in place to address any overruns and City Administrator Bergson said the State will not allow that. They do not provide for change orders at all. The electric rates in Colusa have gone up by 30%. We need to be aware and provide for possible increases and unforeseen issues.

Mayor Pro Tem Troughton, Jr., said we cannot use these funds for operational issues, as it is earmarked for construction only. City Administrator Bergson said the Study addressed operational and capital items. Director Goforth said the O and M costs will go up. However the rates set were based on higher operational cost. Adequate funds need to be allocated to operate the plant and not change the rates dramatically. Council Member Sellers asked for clarification on the maximum rates. City Administrator Bergson said 6% is for water and 20% for sewer. Staff feels that the 20% may be a somewhat high and we could relax but it is not clear yet how much we could consider dropping or holding those rates. Mayor Pulchek-Fulcher said when the rates were approved it was based on the projected cost but with the rate on the loan we can come down in the charges.

Dennis LeGrande asked if the fees for installation in new homes were included in the new fees. City Administrator Bergson said the rates did not include the fees for hookup because people pay it for new homes as an independent expense.

#### EMPLOYEE APPRECIATION LUNCHEON

Mayor Plachek-Fulcher said an employee came to her about the Employee Appreciation Luncheon previously paid by the City. Over the years the event had been held in many formats and this year it had changed to a potluck. She had asked the item to be placed on the Agenda for consideration. City Administrator Bergson it is prudent to recognize our employees and Council should do so on an annual basis.

Pete Garcia from Public Works said the cost for Granzella's to cater the event is about \$13.50 per person with an anticipated attendance of about 30 people. The Fire Department should be included. Council Member Barker said this is a short notice this year. An event to recognize our employees should be part of a budget line item and a plan put in place to recognize employees for



years of service with pins or some other type of recognition item should be done at the same time. Mayor Pro Tem Troughton, Jr. said Council recently recognized a Police Department employee. Such recognition should be done at milestones and not just when they retire. Council Member Ash said this was short notice for Council. Mr. Garcia said he will obtain sodas cheaper elsewhere. Council concurred to spend \$500 for this event.

Ms. LeGrande stated she will donate \$50 toward the event.

On a motion by Council Member Ash, seconded by Council Member Barker and carried unanimously, Council approved an expenditure not-to-exceed \$500 for the Employee Recognition event for City employees to be held on Tuesday, December 21, 2010 at noon to be catered by Granzella's.

#### RESOLUTION 10-33 - SALES AND USE TAX RECORDS

City Administrator Bergson said this item is to authorize a Consultant to examine the tax records, which cannot be allowed unless we request access and it is approved by the State. These examinations many time find errors in our the City's favor. They review current trends and project what may be happening in the region that will affect the City. The cost for the examination should pay for itself. Muni-Services will receive \$625 quarterly and a percentage of the funds they find as made by the State. Council requested a clarification of the option to cease the Contract should we determine it is not worth our while. City Attorney Siprelle said the term is not restricted and we can get out of the Contract with a 90 day notice.

Mayor Plachek-Fulcher asked if this is an ongoing process that continues regularly. Council Member Barker suggested Council review this in a year and determine if we it is lucrative, while Mayor Pro Tem Troughton, Jr., said he would like to see this back in six months. There was no concurrence from Council on the timeframe of review. City Administrator Bergson said the reports will be going before the City Finance Committee should give us a very good idea of the effect of the reviews by Muni-Financial.

On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council Member Ash and carried unanimously, Council adopted Resolution 10-33, "A Resolution of the City Council of the City of Williams Designating Muni-Services, LLC, as the Authorized City Representative to Examine Sales and Use Tax Records".



Mayor Plachek-Fulcher asked if Council should address their Committee assignments this evening and City Administrator Bergson suggested this item will be before the Council at their January 5, 2011 meeting. Mayor Pro Tem suggested that Council Member Sellers simply take on the assignments previously held by Council Member Johnson but it was determined there will be limited meetings between now and the January 5<sup>th</sup> meeting so it would be acceptable to hold appointments until that time.

REPORTS:

City Attorney	None
City Clerk	None
City Treasurer	None

COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Ash	The Festival of Lights and the Firemen's Dance were very well attended and everyone seemed to have a good time. The lights at the Museum were not on. She attended the one stop meeting
Councilmember Barker	He attended the Museum revitalization economic forum and a LAFCO meeting. LAFCO addressed the 42 acres of parks, and wants to know how many, what size and what amenities are in each of the parks. He attended the Hospital Board meeting and they will continue the electronic records reporting installation but will take more time. He met with the City Administrator and staff this morning.
Council Member Plachek-Fulcher	She attended several meetings. On the calendar it does not indicate that City Hall is closed on December 23 <sup>rd</sup> . City Administrator Bergson verified the closure.
Council Member Sellers	He visited the Museum and found it very impressive. He visited the Waste Water



Treatment Plant site, the Public Works Department, and met with the Police Chief at the Station. He also attended the Festival of Lights show.

Council Member Troughton, Jr.

He met with the City Administrator, Chief of Police and Director of Public Works. We are finishing the Fire Association Memorandum of Understanding and will be meeting again on Saturday. Met with Code Enforcement and the Building Officer on a paper trail to determine what has been done and resolve some of the problems. He is hopeful the issues with the Museum works out well and wants it to continue in operation.

#### STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator

He provided October production report. He attended the County General Plan Circulation Element and they brought up transit connections to the Sacramento International Airport on I-5 and an East/West to Yuba City. They are anxious to provide more public transportation. He met and spoke with the General Plan consultant. The owners of the Odd Fellows building will be coming in January to make a presentation to the Council. He met with SCORE and told them will be using a different company as their costs are too high. They indicated to staff they collected and will be refunding the City an estimated \$145,000. We will be saving between \$20,000 to \$30,000 and will be transferring in July to another firm. He attended the Municipal Finance institute in Monterey. Bill Lockyear was present and gave an update on PERS costs and benefit rates. We have budgeted adequately for this year. He



recommended that Cities encumber their Redevelopment Funds so that the State cannot take them. He judged the Festival of Light Parade, attended Planning Commission meeting, the Colusa County Transportation Committee meeting and learned \$140,000 will be coming to us to repair Husted Road. The City will have it spent within a year. The County wants a plan on the scheduling of the project and Council will be receiving one. He has met with the proposed coaches for Parks and Recreation basketball program and has 15 teams. Pacific Gas and Electric will be presenting a check to the City for energy efficiency.

Police Chief

This Friday night there will be a sobriety checkpoint 7<sup>th</sup> and E from 6:00 p.m. to 10:00 p.m. He will be on vacation from December 21<sup>st</sup> through January 4<sup>th</sup>. Sergeant Anderson will be in charge. He attended gaming meeting and discussed a grant. The State may release these funds for a two year grant at \$25,000. The City has received half but by June we should have the second half. AB 616 was offered to extend the money for COPS and booking fees. The League of California Cities supports the Bill, as does law enforcement. It will impact us tremendously. It removes the sunset clause and is \$100,000 that we can use for salaries. We would lose two of our eleven officers without these funds.

Ms. LeGrande suggested inviting Governor-Elect Jerry Brown here to a meeting as his family is from the area and still owns property here. If he can see the impact removing funds from the City programs, he might become more engaged in local government.

Fire Chief

Absent.



Public Works Director

He said three to five inches of rain is expected this weekend. They are working to remove leaves. They are working on Well 9 trying to get it back on line soon. The Department is returning to a to 5/8 schedule on January 17th, 8:00 to 4:00. The Waste Water Treatment Plant is at 67.4% complete. The Generator is huge and the cost was \$240,000. It is presently stored at the WWTP. The new City Hall annex is wired for phones. There will be a security camera installed. Mayor Pro Tem Troughton said he had talked to Mr. Jensen about moving the pole at the Chevron. P. G. & E is requesting that he sign an easement and we should try and help him. Director Goforth said CalTrans has been helping us.

Council Member Ash said there is a lot of activity on the Casa Lupe site and asked if any permits have been pulled. City Administrator Bergson said he believes they have a plan and permit in place.

Finance Officer

Absent.

Mayor Plachek-Fulcher thanked the Public Works Department and the Police Department their assistance with the Festival of Lights event.

ADJOURNMENT

At 7:42 p.m., Mayor adjourned the regular meeting of the City Council.

APPROVED:

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Angela Plachek-Fulcher, Mayor

ATTEST:

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Susan L. Vannucci, Deputy City Clerk

Adopted by Council: January 6, 2011