

CITY OF WILLIAMS

Council Minutes

810 E Street/P.O. Box 310, Williams, CA 95987
REGULAR MEETING OF THE CITY COUNCIL

FEBRUARY 2, 2011
6:00 P.M.

ROLL CALL:

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

COUNCIL MEMBERS ABSENT: None

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

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.

CONSENT

On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council Member Ash, and carried unanimously, Council approved the following Consent items.

RESOLUTION 11-03 – U.S. BANK SIGNATURES

Council adopted Resolution 11-03, "A Resolution Authorizing the City Council and the City Administrator to Sign Checks Drawn on U. S. Bank and the City's Finance Officer and Disbursement Clerk to Make Inquiries on the Account".

RESOLUTION 11-04 – BANK OF AMERICA SIGNATURES

Council adopted Resolution 11-04, "A Resolution Authorizing the City Council and the City Administrator to Sign Checks Drawn on Bank of America and the City's Finance Officer and Disbursement Clerk to Make Inquiries on the Account".



WELL 9

Council accepted Well 9 as complete and directed the City Administrator to cause the filing of a Notice of Completion.

PROJECT 11-22 – HUSTED ROAD

Council authorized the bid for the Husted Road Rehabilitation Project 11-22 and authorized preparation of contract documents and solicitation of construction proposals. Mayor Plachek-Fulcher asked about the methodology of the pavement overlay and Director Goforth explained the process and procedure.

OLD BUSINESS

SACRAMENTO VALLEY MUSEUM

City Attorney Siprelle advised Council of the proposed revisions to the Lease based upon the direction received from the Council. The request for Council membership on the Association Board has been removed. The provision has been added that the City will pay utilities up to a maximum of \$9,000 per year. The rental income from the house will go to the Museum Association less 10% the City will hold for repairs and maintenance. Finance reports will come to Council quarterly and the audit report as completed on an annual basis.

Mayor Plachek-Fulcher said the “Lessee” and “Lessor” need to be shifted in some of the items. City Attorney Siprelle will review and check the designations accordingly. Mayor Plachek-Fulcher said the Council also wishes to have an annual list of planned events at the Museum and hours of operation. Council Member Ash said the Museum would complete a blanket permit and anything out of the ordinary or not included on the planned event list would need a Special Event Permit. City Attorney Siprelle indicated the blanket would only cover what they have listed. Mayor Plachek-Fulcher said the list would provide the City with the knowledge of what events are happening in the City throughout the years. The list for this year should be provided by March, but annually in January thereafter.

Mayor Pro Tem Troughton, Jr., said the proposed utility cap of \$9,000 is of concern. As this is a ten year agreement, costs for utilities will escalate steadily. We should be able to discuss with the Museum Board our options if costs escalate beyond the \$9,000. Council Member Barker asked if a provision could be included to negotiate the utility costs should more activities require more power or costs rise substantially beyond the anticipated. Mayor Pro Tem Troughton, Jr. said if finances for the Museum are of concern, the City should help as much as possible. We need to have some leeway to allow that assistance as necessary. City Attorney Siprelle said she could include a statement that should the amount exceed \$9,000, the Museum could petition the



Council for consideration. They would need to provide information regarding their financial situation. If the financial need arises near the end of the fiscal year, we could then negotiate what is needed for the remainder of the time. Finance Officer Greenbaum asked if the City Administrator should be the determining agent for additional funds, but Mayor Plachek-Fulcher feels it should go before the Council for discussion and consideration. Mayor Pro Tem Troughton, Jr. said as the Museum will be making quarterly financial reports to the Council there should be a clear picture of their financial condition on an ongoing basis. City Attorney Siprelle indicated their budget year is a calendar year and asked if Council is suggesting they change their year to a fiscal one. Council indicated their desire that the budget year remain the calendar year.

Council Member Barker asked Ms. Manor, Museum Director, if she had received a copy of this latest version of the proposed Lease and she indicated she did not receive a copy until today. City Attorney Siprelle indicated she will make the changes as directed and send it via e-mail to Ms. Manor for distribution to the Association Board. She indicated the City Engineer needs to prepare a new legal property description to include the entire property.

Mayor Plachek-Fulcher said she attempted to attend the Association Board meeting today but it had been rescheduled without her knowledge. She asked that she be included in the notification list for all future meetings. This item continued to the next meeting of the Council on February 16, 2011.

NEW BUSINESS

RESOLUTION 11-05 – DEFERRED COMPENSATION AND HEALTH BENEFITS FOR CITY COUNCIL MEMBERS

Finance Officer Greenbaum said the proposal is to provide the option of participation in the City's Deferred Compensation (457) Plan to the Council at a \$50 match from the City. Council would also have the option of enrollment in the City's medical plan at their own full cost. Participation in either or both of these plans is at the option of the individual Council Member.

Council Member Barker said it would then be by individual choice and those who did not want to participate would not be included. Finance Officer Greenbaum agreed. With the Deferred Compensation Plan, the individual would not be taxed until the funds were withdrawn.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council adopted Resolution 11-05, "A Resolution Authorizing Offering City Council Members to Participate in the California Public Employees' Retirement System Deferred Compensation Plan and Health Benefit Plan".



Mayor Plachek-Fulcher advised Council that the following item under New Business would be deferred to a future meeting:

ORDINANCE 185-11 - 2010 BUILDING CODE AMENDMENTS

RESOLUTION 11-06 – CITY CLERK SALARY

City Attorney Siprelle said in 2006 Council adopted a Resolution raising the City Clerk's salary from \$495 to \$750 per month, as at that time, there was a City Clerk providing a significant amount of the identified functions of a municipal City Clerk. An elected City Clerk is not bound to the same requirements as an appointed one as the only requirements to run for this office are that the individual be a registered voter and residing within the City limits. The proposal to have the salary at zero would dissuade those running for the money without any qualifications from considering the position. Should a qualified individual consider running, Council could pass a Resolution to adopt a new salary commensurate to those qualifications demonstrated. Mayor Pro Tem Troughton, Jr., said this qualified elected official could then direct the staff member actually performing the duties of the position as a qualified Municipal Clerk. City Attorney Siprelle said the qualified elected Clerk would assume the duties of the staff person performing the work. If the elected Clerk is not qualified, they would be supervising and directing a staff member who would have more knowledge than the elected person who is not a qualified Municipal Clerk. All of the duties would be delegated to a Deputy City Clerk, as is the current status within the City with the City Administrator designated at present as the Interim City Clerk.

Council Member Barker feels no individual would run for this office without significant salary attached. City Administrator Bergson said we would be gambling that someone qualified may not apply. Council Member Barker said if the salary is identified as negotiable, Council could then discuss what to pay the person based upon their qualifications. If they were not qualified or State certified, they would need to qualify once they became elected. The pay should be negotiable depending upon what happens in the election. City Attorney Siprelle the salary could be zero now and if someone qualifies, Council could then pass the Resolution to amend the salary as determination on qualifications is made. Mayor Pro Tem Troughton, Jr., a salary change could be made at any time by Council. City Administrator Bergson said the ballot language for the next election could state that the policy allows for the salary to be negotiable. Council Member Barker said the voters have voted twice indicating they want elected official. He believes it is a slap in the face to the voters to remove any monetary reference from this position. City Administrator Bergson said we have not had an official, Certified Municipal City Clerk for several years. Should the salary remain at \$9,000 annually we are paying for someone who would not be certified just to sign papers. Mayor Pro Tem Troughton, Jr., said if we hire someone qualified on the ballot but is not a City Clerk, they cannot do the actual job. If



we get someone who is certified and can perform the duties, we can negotiate with them at that time. He wants the limitation that someone who wants the position but does not want to do the job, we should not have to pay them. Council Member Barker said the City Clerk has mandated duties and asked if they are not qualified, who will perform those duties. City Administrator Bergson said there are standards to become a Certified Municipal Clerk in the State of California.

Mayor Plachek-Fulcher asked Council to think back about a year ago when Council minutes did not make sense. She said the taxpayers were not fully educated on the issue advantages of an appointed City Clerk when they voted. Council Member Barker said that it appears the Mayor is indicating that the taxpayers did not know what they were doing. Mayor Plachek-Fulcher said ballot language can be confusing to all of us. Mayor Pro Tem Troughton, Jr., said if someone walks through the door now who is qualified, they become the City Clerk. However, it is not likely that someone who is not going to receive a salary is going run for office. City Administrator Bergson said even the \$9,000 in the budget will not attract a qualified person. Council Member Barker said it appears Council wants to manipulate the language to keep someone from running for the office. Council Member Sellers, Jr. said it is required by law that we have an elected City Clerk. He asked that should the Resolution be approved, what would we do with the savings incurred. Finance Officer Greenbaum said we currently do not have that \$9,000 budgeted. We are using the existing funds to pay for our part-time Consultant City Clerk services. A budget modification would be needed should we maintain the \$9,000 for an elected City Clerk. Mayor Plachek-Fulcher said if we have someone who is elected that and is not knowledgeable about City Clerk processes, we would be paying them for a job which would be delegated to someone else who needs to do the work. City Attorney Siprelle said the reason the law says they are to be elected is that there is a very old statute in California. There is another provision allowing local entitles to determine whether they could be elected or appointed. The duties are very complicated and we cannot risk having someone who does not know what they are doing. Because there has not been adequate education to the voters, they have not approved that change. Council Member Sellers said who would come in to volunteer without pay. Mayor Pro Tem Troughton, Jr. said he sees this that if the right person comes in we can address the money at that time. Council Member Barker wants it in the language rather than a "non-paid volunteer" position change it to say the "position is negotiable". Mayor Pro Tem Troughton, Jr. said it could be solved at the time it becomes an issue. Council Member Barker said that where it says an unpaid volunteer position, it should be added the salary is negotiable. Mayor Plachek-Fulcher said it gives the impression that they will be paid. Council Member Sellers, Jr., said we should leave it open because the law requires a City Clerk. City Attorney Siprelle said we should eliminate for now and add language that if a qualified person applies, the Council may consider appropriate salary.



On a motion by Ash, seconded by Council Member Barker and carried unanimously, Council adopted Resolution 11-06, "A Resolution of the City Council of the City of Williams Determining the Elected City Clerk as an Unpaid Volunteer Position".

PROPOSITION 40 PARK FUNDS EXPENDITURE PLAN; PROJECT 11-12 – SEVENTH STREET PARK

City Administrator Bergson said Council in 2002 had approved the use of Proposition 40 funds. The County of Colusa had also set \$62,000 for use on the Veteran's Building. The County has indicated they will not be utilizing these funds for that project and have requested they be utilized for the City Parks Rehabilitation Projects. The State Department of Housing and Community Development (HCD) has approved the use of the remaining Proposition 40 funds at \$112,925 for our existing park improvements and to start the improvements to develop a park at the corner of 7th and E Streets. HCD personnel has indicated if we timely submit the amendment to the Expenditure Plan we can use the money for the park improvements to Redinger and Venice Parks and the development of the 7th and E Street Park. We are ready to proceed, have a contract, and the County will let us utilize the \$62,000. The findings to amend the current construction contract will need to return to Council at a future time. Mayor Plachek-Fulcher asked if the plans for 7th Street diagram need go to the Planning Commission before Council can provide input. City Attorney Siprelle said Council could provide input at this time. The question was asked if there would be grass on the site. Public Works Director Goforth said there should be grass which is the white area on the diagram. The cost for the irrigation system needs to be presented. The placement of the Christmas tree is of concern as it is unclear if it can be moved. There was a Chevron Station on that site previously and there may be concerns about underlying concrete. One of the sidewalks may need to be moved. There are two brass lights that had been purchased previously. Mayor Plachek-Fulcher asked about a water line for a fountain, a flagpole on site and the option of artificial grass. Director Goforth will look into those issues. The kiosk has three sides and would contain Williams history, Museum activities and other information. Council Member Ash asked that the site be referred to as a Square rather than a Park. This was the original site of the Williams Hotel. Perhaps the flagpole could be erected where the tree is placed. The banner will remain and Mayor Plachek-Fulcher said we could consider finials on the top.

Police Chief Saso suggested on the kiosk we might want to consider a running ticker for messages. Director Goforth said there is one in Public Works that might be considered. Council Member Ash asked that the Masons be contacted about the possibility of painting a mural on the wall. Mayor Pro Tem Troughton, Jr., said this needs to go before the Planning Commission.



Sarvan Singh said he wants the Plan on the site. Mayor Plachek-Fulcher provided him with a copy. There will be a parking spot and the banner. Mr. Singh said he does not like the Plan. In Orland they have the two posts. The City of Williams cannot be done in that fashion because it interferes with Pacific Gas and Electric equipment. The building height is too low as well.

Council Member Sellers, Jr. asked about the composition of the benches and Director Goforth said they are looking at all options.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council approved the Expenditure Plan for Parks Supplemental Proposition 40 Funds and approved the Plan for the 7th and E Street Park (aka Historic Downtown Square), Project 11-12.

REPORTS:

City Attorney	Nothing to report
City Clerk	Nothing to report
City Treasurer	Nothing to report

COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Ash	She attended the Williams School Board meeting and introduced herself as the Liaison to the Board.
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Councilmember Sellers	He attended the newly elected Council Member seminar presented by the League of California Cities and it was very good. He shook the Governor’s hand. He also attended LAFCO meeting, the Community College dedication, and toured the League of California Cities office.
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Council Member Plachek-Fulcher	She met with Department Directors, went to the Museum meeting today but it was cancelled. She is a LAFCO Commissioner, and had a meeting with Kathy Moran to determine the alternate member. The College has a waiting list. She met with Supervisor Marshall.
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Council Member Barker	He attended a LAFCO meeting to receive recognition for his service, attended the
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College dedication and the Community Center meeting of which we are no longer a part. It will be leased from the County. He also met with City Administrator and the Finance Officer.

Council Member Troughton, Jr.

Met with the City Administrator and Code Enforcement and they are working on a worksheet so that we can follow what is happening. They want to track the incidents from the beginning to the end.

STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator

We received the notice of round two of Proposition 84. Last year we submitted the Veteran's building for consideration. This year the applications are due in July. We do not qualify for grants under the National Resources Conservation Forum. He met with Supervisor Marshall regarding the Veteran's Building, sent a letter to the Army Corps of Engineers regarding the Cortina landfill and met with Ms. Manor from the Museum. All but four spaces are reserved for the Antique Show. He had two phone conversations with Interim City Planner Price regarding Redevelopment and the General plan are the topics. Met with two different companies for presentations on Risk Management Insurance, PARSAC and Golden State. He attended a Colusa County Transportation Commission Meeting and they approved the LTF funding. He attended LAFCO, obtained base value tax information from County, attended SCORE meeting. The Circulation Plan is done and we need to ask CalTrans if they can proceed without the full blown Plan. The Traffic Impact Report and General Plan are needed. He went to the Farm Show and held a phone conference with Bond Consultant who will be here at the next Finance meeting.



Mayor Plachek-Fulcher said we discussed the Redevelopment issues and watched the Governor's speech where it indicated he would be taking those funds. She asked if it will sit in limbo until that changes. City Administrator Bergson said pending funds will be funded. The tax increment from this point forward is in question and the Governor is proposing it not be funded. Mayor Plachek-Fulcher said as we have created our RDA but it will just sit here for now. City Administrator Bergson said the money is there, but the Governor is saying it will go to the State or to the Counties. It is possible he will siphon some money back to the Cities at some point.

Finance Officer

RDA does not get shut down as we have established our base year which will help us jump start the program when we get the funding. The Audit Report will be done in a few weeks. We met with potential replacements to SCORE. Either PARSAC or Golden State would be a better fit for the City. A presentation before Council will be done before a final decision is recommended. The bankruptcy hearing for the Smith Hotel is scheduled for Feb. 7th and they need to show cause. The Judge is requiring an order of legal presentation that may dismiss the bankruptcy and it should go to sale. Council would like continued updates on this issue. On January 24th, we received a letter from HCD that we have cleared all of our audit findings. It should not have any effect on our bond rating other than in a positive way.

Council Member Barker asked for a mid-year financial report and Finance Officer Greenbaum reminded Council they receive them monthly at present.

Fire Chief

Nothing to report.

Police Chief

Chief Saso said the Department had a total of 1039 calls this month, with 74 Officer Reports, 51 misdemeanor and felony arrests and total citations at 161. There has been an increase in residential burglaries but the Department made an arrest today. Code Enforcement has been very active and has been out every day. It has been going better than expected. The College is open and we have not had any incidents. The Department is fully staffed.



Public Works Director

Director Goforth said Well 9 is back in service. The Water Department put up their call numbers. The E Street safety project is on hold as we are still waiting on P. G. & E. They are working on the new annex. He met with the Pavement Management System people and will be meeting with the Solar Power Plant people beginning on Monday. Mayor Pro Tem Troughton, Jr., asked about Wells 3 and 6 and the questionable water quality. Director Goforth said they are flushed and they are on the State books. These are old wells. Council Member Barker asked if they could be redrilled. Director Goforth said they have a manganese issue. We have three we are using.

PUBLIC COMMENT

Sarvan Singh said he has talked to the Spanish speaking people and they feel they cannot come to Council meetings because they have no translator. He wants someone there to translate for them. Mayor Plachek-Fulcher said a translator could be provided if there was advance notice so that we could make arrangements.

Phillip Camberos (translated by Santos Jauregui) asked how late at night citizens can be at the Northview Park. Chief Saso said at present it is until dusk. Director Goforth said the lights were adjusted on Monday. They go on at 4:00 and off at 10:00. Mayor Plachek-Fulcher asked if citizens could be there at night and Chief Saso said it would not be a problem if they were involved in an activity such as playing ball. City Attorney Siprelle said the Municipal Code would dictate the Park closing times. Mr. Camberos one of his sons was playing basketball at 8:00 and the Officer said they had to leave. He asked why did they stopped them from paying when they were not doing anything wrong. Chief Saso will check into this and Director Goforth will check on the lights. Mr. Camberos said another Police Officer had stopped his wife because one of the tail lights was out. He will go to the Police Department and speak with staff on this issue.

Mayor Pro Tem Troughton, Jr. suggested that citizens who wish to speak should fill out the card and give it to the Deputy City Clerk so that citizens can speak early in the meeting rather than have to wait until at the end of the meeting.



RECESS

At 7:21 p.m., Mayor Plachek-Fulcher recessed the regular meeting of the City Council to meet in Closed Session.

CLOSED SESSION

Council held a Conference with Real Property Negotiators, pursuant to Section 54956.8 for the Theater Road Property. The Agency Negotiator is Charles Bergson and the Negotiating Parties are the City of Williams and the property owner. Under negotiation are price and terms of payment.

ADJOURNMENT

At 7:40 p.m., Mayor Plachek-Fulcher adjourned the Closed Session of the Council.

APPROVED:

ss: Angela Plachek-Fulcher, Mayor

ATTEST:

ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: March 2, 2011