

City of Williams

Council Minutes

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

SPECIAL CLOSED SESSION OF THE CITY COUNCIL

FEBRUARY 16, 2011

5:30 P.M.

CLOSED SESSION

Council held a Conference with Real Property Negotiators, pursuant to Section 54956.8 for the following properties:

795 Theater Road, Assessor's Parcel Number 16-320-10 (10 acres)

2600 Block of Seventh Street, Assessors' Parcel Number 16-320-11 (3.82 acres)

2700 Block of Seventh Street, Assessor's Parcel Number 16-320-16 (6.2 acres)

On all of these properties, the Agency Negotiator is City Administrator Bergson and the Negotiating Parties are the City of Williams and the agent of the property owner. Under negotiation are price and terms of payment.

REGULAR SESSION

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
Deborah Rich, Building Official



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.

PRESENTATION

PARKS AND RECREATION ACTIVITIES

City Administrator Bergson said we had received a waiver of Community Development Block Grant funds to allow the City to utilize those funds to restart our Parks and Recreation program. Council Member Barker said when we were first informed about the fund availability the City was told they could only be used for infrastructure. City Administrator Bergson advised that actually these funds can only be used for operations, not infrastructure and there is a letter in our possession so stating the use.

Parks Manager Cabral said the Finance Department has already set up funding mechanisms to track the revenue and expenditures associated with the programs. Our Municipal Code says we have a Parks and Recreation Commission in place but there is really only one active member. She will be working with the staff to oversee these programs and the financial needs.

Parks Supervisor Miller briefed the Council on the programs already scheduled, in progress and those forthcoming. Mayor Pro Tem Troughton, Jr. asked about the qualifications of the instructors for swimming lessons and Supervisor Miller said one is the zumba instructor and the lifeguards we currently utilize have taught the aquatics programs. He had asked if the instructor if she would be willing to teach other such programs.

Mayor Pulchek-Fulcher asked if there is any way that people could get a package rate if they sign up for three or more classes. She suggested three for \$90.00. Manager Cabral said they could probably get some type of reduction. City Administrator Bergson said some costs may be caught up in future years. At present the CDBG money is paying for some of the cost. Manager Cabral gave an overview of the costs and expenses. City Administrator Bergson said at some point the CDBG program money will no longer be available to us and we will need to make a determination on what programs we want to keep.

Council Member Sellers, Jr. asked if there is a regular posting or advertisement for the programs. Supervisor Miller said at present he distributes fliers around town, in the newspaper and on the website. A radio station in the area will also provide free advertising. There are some programs already in existence, such as the reading program at the library, and he can help promote those programs. Council Member Ash asked about the program in the parks and said there is someone who is interested in sponsoring a Blue Grass Festival.



Supervisor Miller said there are other classes that are not listed but will be pursued. A walking program was mentioned. Council Member Barker said there are some good local artists that could be tied together with the programs in Colusa. Manager Cabral said there are many programs like Lego, dog obedience, and special events like the Blue Grass Festival. Mayor Pro Tem Troughton, Jr. asked about the insurance for the City and waivers. City Administrator Bergson said right now they sign a waiver that had been reviewed by the City Attorney. He asked for concurrence on a blue grass festival and the Council concurred to proceed with investigation of such an event. Council Member Ash will contact the person who has shown interest and ask that she contact Mr. Miller. Mayor Pro Tem Troughton, Jr., said we need a checklist to determine if waivers have been signed. Supervisor Miller said he has a registration form that includes the waiver and they cannot participate without that form signed.

CONSENT

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

MINUTES

Council adopted the minutes of the joint regular meeting of the City Council and Redevelopment Agency Board of January 19, 2011.

TREASURER'S INVESTMENT REPORT

Council accepted the Treasurer's Investment Report for the Month of December, 2010.

FINANCIAL REPORT

Council received the Financial Report for period ending December 2010.

RESOLUTION 11-07 – TAX DEFERRED MEMBER PAID CONTRIBUTIONS

Council adopted Resolution 11-07, a "Resolution to Tax Defer Member Paid Contributions – IRC 414(h)(2) Employer Pickup".

NEW BUSINESS

ORDINANCE 185-11 – BUILDING CODES

City Administrator Bergson introduced Building Official Rich who discussed the proposed Ordinance. The changes related to the 2010 new



Building Codes, International Residential Code and the regulations relating to Green compliance. We have no local amendments. The City does not have any additional special needs to be considered at this time, but is considering a solar section. The main change is that all new homes must be fully fire sprinklered. In December we had about 8 building permits pulled before January 1st as they would not need to install sprinklers by the early pull. We are working on the water flow issues. Sprinklers are a low flow item similar to the low flow toilets now in place. Mayor Pro Tem Troughton, Jr. asked for clarification that anyone who wants to build a house now it must be sprinklered. Building Official Rich said after January 1, 2011 it became mandated. Mayor Pro Tem Troughton, Jr. said as it is mandated, it is an intrusion on our personal privacy. Building Official Rich said the cost is a concern, but statistics have proven that the sprinklers help to shut down a fire rapidly, minimizing the fire destruction. The sprinklers are not as much to save the structure but to allow citizens to safely exit. The "Green" regulations stipulate that windows must be tempered.

In regard to development, there are 140 to 160 empty lots yet to build out. Horizon is building as per the USDA loan requirements. Another developer, O'Neil, bought the rest of Corinthian and they are working on three model homes on the back end. Mayor Pro Tem Troughton, Jr. said the ordinance adopts those rules and we have no options. City Attorney Siprelle said the City would be subject to the law whether or not we adopt the ordinance. Building Official Rich said Pinewood Apartments had the fire sprinklers put in and they have had leaks. They tried cited the fire suppression system because the PSI had to be at a certain level. That was shown to be a correct assumption and all fire sprinklers at the unit will be replaced. The City will not be able to issue permits without submission of a sprinkler plan. Mayor Pro Tem Troughton, Jr. registered his opposition to this new regulation. Building Official Rich indicated it has been assumed sprinklers would lower insurance rates. However, if they fail insurance will not always cover the loss.

On a motion by Council Member Barker, seconded by Council Member Ash, and carried, Council introduced, waived first reading and read by title only "An Ordinance of the City Council of the City of Williams Amending Chapter 15.04, 15.08, 15.12, 15.24, and 15.26 of and Adding Chapter 15.06 and 15.10 to the Williams Municipal Code, Adopting by Reference the 2010 Edition of the California Building Standards Code (California Code of Regulations, Title 24); Incorporating the 2010 California Building Code; the 2010 California Electrical Code; the 2010 California Mechanical Code; the 2010 California Plumbing Code; the 2010 California Fire Code; the 2010 California Residential Code and the 2010 California Green Building Standards Code". Mayor Pro Tem Troughton, Jr. voted to the negative.



INTERAGENCY OPERATIONS AGREEMENT – YUBA COMMUNITY COLLEGE DISTRICT

Chief Saso said the Yuba Community College has their own Police Department with five Officers covering four campuses. They need to designate operational responsibility locally and the City Police Department will take Part One crimes, homicide, rape, robbery and aggravated assault. The Department would want to be involved in these types of crimes. This Agreement will permit the Williams Police Department to accept responsibility for those crimes. This responsibility should not impact the Department significantly.

On a motion by Council Member Barker, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council authorized the Chief of Police to sign the Inter-Agency Operations Agreement between the Yuba Community College District Police Department and the Williams Police Department clarifying jurisdiction and investigative responsibility.

BUDGET SCHEDULE

Finance Officer Greenbaum said the proposed budget schedule sets the final approval for June 15, 2011. Council Member Barker asked if a mid-year budget adjustment would be forthcoming. Finance Officer Greenbaum said there is currently no need but should something arise, it would be brought forth. The budget schedule would not be impacted. The revenue is examined each month and data is based on trends. The property tax issue has been addressed but is received several months later.

On a motion by Council Member Ash, seconded by Council Member Barker, and carried unanimously, Council approved the proposed two year Operating and Capital Budget schedule for Fiscal Years ended June 30, 2011 and June 30, 2012.

PERMIT PARKING

City Administrator Bergson said the issue of permit parking for truckers has come up from hotel/motel owners serving them. He is seeking direction regarding truck parking on Seventh Street. He provided the map of the streets where trucks should not be allowed as they are damaging the pavement. The City does not want to deter trucking, but if we establish routes allowable, it will get them off those of concern and put them elsewhere. There are steady customers at some of the hotels that drive trucks and they need to have some assurance of parking. He is looking for direction and solutions. One possible solution is permit parking and that would insure that some hotels would have parking space available for clients of the hotel. The broader issue is what the trucks are doing to the street. Seventh was designed to handle trucks.



Mayor Plachek-Fulcher said that deterring them from other streets would limit where they could park. Council Member Ash said they have been designated them along certain streets. There is plenty of parking across from the Stage Stop motel, on Sixth, at Granzellas, and McDonalds. They can walk a block. Trucking is a vital part of the economy and if that is taken away by not allowing adequate parking, they will go elsewhere. Mayor Pro Tem Troughton, Jr. asked if they are given a permit and designated parking, does that eliminate others from parking in those spaces? City Administrator Bergson said to assure hotel owners night parking, they could then only park there with a permit during certain hours. The hotel would issue the permits. Others could not park there at night. City Attorney Siprelle said it would say permit parking only at certain hours. The Police Department would enforce this.

Council Member Barker when we did the designated truck route, part of it included signage on the side streets. Public Works Director Goforth said the signage is in place. Mayor Pro Tem Troughton, Jr., citations were issued when the signage was first in place, but how the repeat visitors know where they can park. He does not see the problem. He doesn't see a problem on Seventh at 10:00 at night but he does see it on Eighth Street. The only concern he has heard is that a driver parked five feet from a stop sign blocking views and it nearly caused an accident. Some park in the City easement because there is no other place to park. Mayor Plachek-Fulcher asked if the Police Department is flexible. Chief Saso said they have addressed the issue near the stop sign only. Mayor Pro Tem Troughton, Jr. said someone almost got hit at the stop sign incident and the Police Department had them move the truck. You cannot block Sixth because there is a truck fuel stop and Sixth is not wide enough for trucks to park. City Administrator Bergson said trucks in town are one issue and the permit parking is the other. The permit is a method of increasing TOT. In the broader view, it is the trucks tearing up our streets. Mayor Plachek-Fulcher said tearing up the streets is an issue, but that is going to happen. We want the travelers to stop here. The permit is only going to work if we could find areas where they could park during certain hours. At no cost to them they could pick up the permit. Chief Saso said this would include recreational vehicles, horse trailers, etc. The Stage Stop is the only business on that block. His problem is the one we need to address.

Manish Patel from the Travelers Inn said there are two big trucking companies that stay at their hotel. We have parking on "B" in the back, on City property and his property. He would like to have some of these spots, three or four at best. There is room on both sides. He has had these customers for three or four years and has invested money in keeping them. He cannot afford to lose repeat customers and does not want them to go elsewhere. Mayor Plachek-Fulcher asked if the Smith Hotel property, currently in foreclosure, could be utilized for parking. Chief Saso said there is someone living in the house. Council Member Baker said behind Mr. Patel's business is space to park and Chief Saso said it is not large enough for trucks. Director Goforth asked about the



investment and requirement for construction of sidewalks. Building Official Rich said if improvements overall have been over \$15,000, the requirement for curb, gutter and sidewalks is necessary. Chief Saso said the truck driver in question has been cooperative and moves back as requested. Mr. Patel is looking for more spaces. Mayor Plachek-Fulcher asked about the Shop and Save location for parking or the old mobile service station. Chief Saso said it is a problem of convenience. Mr. Patel said if the parking is not convenient, His guests will not stay. On "B" Street, the ditch is not safe, but there are two spots he would love to have. There are two local drivers parking there at present. If he could get those two spots where the flatbed was parked it would be helpful. Chief Saso indicated we should work with him to help and City Attorney Siprelle said we could create a permit zone for certain spots. Chief Saso and Director Goforth will work together to try and help him with two spots. The location at Seventh and "B", just West of Seventh could be another possibility. Chief Saso will meet with Mr. Patel try and figure out this and come back to council.

REPORTS:

City Attorney	There is a case in Los Angeles County on medicinal marijuana and the court held that Cities can prevent dispensaries.
City Clerk	Nothing to report.
City Treasurer	The December 31, 2010 was summarized.

COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Ash	She attended a school board meeting, a Citizens meeting and the usual meetings with staff.
Councilmember Sellers	He attended the Colusa County Medical meeting. They are building a new facility in Yuba City, for a total cost of \$14M. The first phase will be residential and second phase the lab.
Council Member Plachek-Fulcher	Attended general meeting with Senator LaMalfa.
Council Member Barker	On February 4th he attended the meeting with Senators LaMalfa and Neilson. Some of the issues were cutting the cost of the budget. Senator LaMalfa is very active in



the budget process. One of the issues in 2011 is the dump site for \$11B. They are concerned about the realignment of the districts. The budget deficit was \$28B and is now \$1.5B more now that the State is not going to go forward with the selling of the State buildings. The budget is more like \$40B deficit. The funds for the Police Officer \$100K is being cut. Chief Saso said it is a State cut. Council Member Barker said Community Center is going back and forth with the County.

Council Member Troughton, Jr. Applicants are coming in for the Waste Water Treatment Plans.

STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator

The Finance Sub-Committee will meet next Wednesday at 3:00. Solar presentation will be held at the next meeting. Met with staff on Antiques Show and all 19 slots are filled. We are doing some advertising. Attended County General Plan update meeting and it will wrap up in two or three months. Our General Plan update will be soon. Migrant housing has been ordered to stop using the ponds. They would like to revise their agreement. The Finance Sub-Committee would need to look at that first. He received a call from someone who owns Mr. Williams' pool table and he would to bring it back to the town. There is a Great Grand-daughter named Mary Wells who might be interested in it. Mayor Plachek-Fulcher asked about the local motor cycle business and whether they are permitted. City Administrator Bergson said he was planning to shut down. Mayor Plachek-Fulcher said they are still bringing in motorcycles and Council would like the City Administrator to take action as soon as possible. Council Member Barker asked about the Museum Lease status and indicated and Council had wanted to get that done by the first of March. City Attorney Siprelle said it will likely be coming



to Council at the first meeting in March. The residential lease is finalized.

Finance Officer

The financial statement has been received in draft form from the Auditor. Comments from last year have all been addressed except for the issue with our system. He will be working on that issue as the Auditor does not feel it is system sophisticated enough for our needs. He did the roll up with Excel manually and would like the system to do it by itself with the manual format. The City is still on budget. We are looking at ways to cut costs, one of which if our insurance coverage and we are considering Golden State as the carrier. It is believed the City will achieve cost savings and better service. The Smith Motel sale has been postponed until march 7th. We are in the process of getting an appraisal. If the value is not what they owe, we can get the bankruptcy filing dismissed.

Fire Chief

Council Member Ash said since the negotiations in 1991, it was to get the property moved to local ownership. That is now done.

Police Chief

The Sheriff's Department annual meeting will be here at City Hall on April 14 at 6:30. This will be a public meeting. The Vehicle License Fees money concerns will affect us because we use ours for salaries. He will not be at the next Council meeting. Mayor Pro Tem Troughton, Jr., said the County is talking about \$600K in cuts. If we rely on outside funding we get into trouble and should use our own funds.

Public Works Director

The Treatment Plant will start up in April with fresh water and then will merge to waste water. The ribbon cutting will be in June or July. The storm has not affected us here very much. On March 8th there will be a bid opening on the Husted Road project. Council Member Ash asked if Jamie would be writing the Waste Water Treatment



Plant manual and has now found out that she is not qualified. Director Goforth said ECO:Logic will be writing the manual as it is very technical. The treatment operators will be starting training next week. The funds come from the Sewer Revolving Funds. Council Member Barker said we are using two staff to read the meters and elsewhere they have sensors. We should have a state-of-the art one to save money. Director Goforth said half of the meters are touch read and we are swapping out the old ones as we can to be funded with bond money. City Administrator Bergson said we are working toward 2012. We need a contract to make the change over and it pays for itself. Director Goforth said right now we have other priorities. Mayor Pro Tem Troughton, Jr., said it would be better if we had the new system, but right now we can do a lot more quickly with the two working together. It is also safer with two people.

Building Department

Building Official Rich said at Dennie's Motorcycle there is an open permit on the ADA issues. He was going to close. They actually have a County license, not a local one and they are working on retroactivity and tax issues. Mayor Pro Tem Troughton, Jr., asked City Attorney Siprelle what can be done to stop this until they have met the requirements. City Attorney Siprelle said we can make them close. Mayor Pro Tem Troughton, Jr., said Council would like them to be given an ultimatum. Director Goforth and Building Official Rich said they have not met the requirements with either Public Works or Building. Mayor Plachek-Fulcher said we would be losing money if they close down but they should follow the rules. City Administrator Bergson will go meet with him this week. The Pinewood issues will be addressed. Shawn O'Neil does not have any plan to build out yet because he is waiting for Bennett Homes to



do something. On February 22 there will be a meet and greet with the Hollywood people and a discussion on a scholarship. In regard to the Odd Fellows Building, they do not have any P. G. & E. facilities at all, no gas or electricity. They have a legal Engineer that has approved the bottom floor for occupation. Any changes would need to come before the Planning Department. One individual has indicated they would like to open a fruit market on the corner. It needs to go before the Planning Commission. Where the Chinese Restaurant is up for sale, from the bridal shop to the beauty shop in the Marsh Building, there are five businesses for sale. Mayor Plachek-Fulcher questioned the flat top house and what is going to happen there. Building Official Rich said she is working with Esther and the lady did get back to her. A second letter has gone out. She had wanted the Fire Department to burn it but it is too close to the ambulance. This was about two weeks ago. Council Member Ash asked about the Tenth Street apartments. Building Official Rich ordered them up and the owners have been contacted, because the bank was going own. P. G. & E. came and pulled the meters due to vandalism. It is boarded up. Mayor Plachek-Fulcher asked if a log could be created to provide a status on all of these issues, when the letters were sent, etc. Mayor Pro Tem Troughton, Jr. said he had asked Beverly at the Police Department to work up a tracking worksheet issues between Code Enforcement and Building can have a status update. That will let Council know what was said and done. He asked about the Odd Fellows and the Engineer indicating it is safe on the bottom. As a City, does the Engineer sign off and give to us verification to us? Council Member Ash said there is some concern about the black mold on the second floor. Building Official Rich had taken pictures



before they painted over it. The Health Department said it is up to us because they don't have an expert. The whole roof on the second floor was gone so when it rained it came down through. City Administrator Bergson said rather than an empty building, we can get it up to speed and then the owner can then address the issues to make it occupiable. Building Official Rich said that a business license application is requested they must go through all of the departments.

ADJOURNMENT

At 7:38 p.m., Mayor Plachek-Fulcher adjourned the regular session of the Council.

APPROVED:

Angela Plachek-Fulcher, Mayor

ATTEST:

Susan L. Vannucci, Deputy City Clerk

Adopted by Council: March 23, 2011