

CITY OF WILLIAMS

Council Minutes

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

CLOSED SESSION

JUNE 8, 2011

5:00 P.M.

CLOSED SESSION

At 5:30 p.m., Council met in Closed Session for the purpose of holding a Public Employee Performance Evaluation pursuant to Section 54957, for the City Administrator. In attendance at this session were Mayor Plachek-Fulcher, Mayor Pro Tem Troughton, Jr., Council Members Ash, Barker, and Sellers, Jr.

REGULAR MEETING

6:00 P.M.

ROLL CALL:

COUNCIL MEMBERS PRESENT:	Patricia Ash, Don Barker, Angela Plachek-Fulcher, John Troughton, Jr.
COUNCIL MEMBERS ABSENT:	Alfred Sellers, Jr.
STAFF MEMBERS PRESENT:	Charles Bergson, City Administrator Ann Siprelle, City Attorney Rex Greenbaum, Finance Officer Sally Barker, City Treasurer Wes Gorforth, Public Works Director Sue Vannucci, Deputy City Clerk Ed Anderson, Police Sergeant Jeff Gilbert, Fire Chief Jamie Speer, Associate Engineer

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.



CLOSED SESSION

Mayor Plachek-Fulcher announced that Council had held a Closed Session regarding a Public Employee Performance Evaluation and no action was taken. The Closed Session to be continued following the regular meeting.

City Administrator Bergson introduced his son, Dr. Milton Bergson.

NEW BUSINESS

Mayor Plachek-Fulcher requested movement of the following item under New Business to this point in the Agenda and Council concurred:

COMPREHENSIVE FEE SCHEDULE

City Manager Bergson said that the Consultant has been working on a study for the City regarding the fees charged for use of various facilities and the development fees for new homes or businesses. Some fees are taking a major jump such as, Parks and Recreation fees based on the Community Center project. With the economy and higher fees for other services, he does not feel this is a good move at this time. The administrative services fee is primarily for the Museum, Old Gym and Agriculture Building and he does not recommend increasing those at this time. The water connection fee is proposed to rise from \$1,600 to \$3,400 and does include water and facilities fees as had been addressed in 2007 and 2008. There are some additional options Council may wish to consider on those fees as well. The impact can be large and the City does not want to dissuade prospective businesses or potential residents from locating and building in the City. Council Member Ash asked if the fees can be changed once adopted. City Administrator Bergson said the fees could be appealed to Council who could waive or set alternate fees. Mayor Plachek-Fulcher asked if the Community Center were to not go forward what impact would there be on the fees. City Administrator Bergson said the total cost is anticipated to be approximately \$5 million and would be a \$1,500 difference. Mayor Plachek-Fulcher said now the fee is \$950 and it would go to \$1,500. The Administration costs would increase at about half that amount. City Administrator Bergson said the fee includes business and service impact fees for things such as plan review. Those fees seem to be adequate at this time and there are no recommended changes. Finance Officer Greenbaum said the fee is for business licenses and if they have rentals the fees are charged according to the number of rental units.

Doug Dove from Bartle Wells distributed further information to the Council and stated that the fees are based on the cost of the service. Should these fees for service not be collected at the level of the cost, the funds would need to be secured elsewhere. He provided a comparison of current and proposed fee rates. The detail on the facilities and the cost are in the appendix of the report. Council may wish to



phase fees in. The recommended changes are in the mid-range of the comparisons. Park land is usually provided by developers to the City. If not, there would need to be a park in-lieu fee. There is a recommendation for a traffic fee. This offsets the impact of additional traffic on the transportation system, including all areas relating to the traffic.

Council Member Barker asked why the connection fee is not addressed. The sewer lines connect into the new plant, from wells to the houses, etc. Many are very old and in need of replacement. Mr. Dove indicated that Table D6, on Page 26 discusses that issue in depth. Council Member Barker said there is no fee set aside for infrastructure replacement. Mr. Dove said replacing old lines are funded out of local funds and the City cannot expect developers to pay for the older parts of the City.

Council Member Barker said the Consultant mentioned the Parks Fund and the citizens paid a \$500 park fee. Now the fee is \$900 and the new homes are not paying these fees. Mr. Dove said there are two fees; one is for the equipment and one for the land. As new development comes in they should pay for parks. The actual parks and recreation fees pay for new equipment. Mayor Plachek-Fulcher asked if the \$500 comes to the City and Mr. Dove indicated to the affirmative. Mayor Plachek-Fulcher asked if they are required to continue to pay this fee and Mr. Dove said these are a one-time impact fee. Council Member Barker said the next person who buys a home would have to pay the \$900 fee for the parks. Mayor Pro Tem Troughton, Jr. said if a home currently exists and impact fees have been paid, there are no further charges but only when the new homes are constructed. City Attorney Siprelle said these fees are paid when the building permit is issued and are a onetime charge only.

Fire Chief Gilbert said he received the proposed fee schedule on Friday, asked some questions and received answers. He put together the proposed fees based upon their needs. The developer has offered one acre of land and but it is included in the fee as it has not yet been received. They are searching for grants that may help. Emergency services issues should be addressed before they happen. The facility is needed on the other side of the railroad tracks to address blockage by trains and a training facility is needed.

Mayor Pro Tem Troughton, Jr. said staffing is based on population and the appendix indicates the source of that determination is the Williams General Plan. He questioned the population increase as the City limits will not be expanded. The City does have space within the current City limits to add housing. He asked if that was taken into consideration. If the land area does not increase and a population increase is seen within that area, why is a new station necessary? Chief Gilbert said when we are talking about staffing level it is part of the General Plan. Mayor Pro Tem Troughton, Jr. said he does not feel the population will increase. Chief Gilbert said planning has been based on the statistics that the Consultants have gathered. Mayor Pro Tem Troughton, Jr. does not agree with the figures in the General Plan. Council Member Ash said we need to listen to the professionals and be prepared when the time comes. Mr. Dove said we may not need that station for a while if the economy



does not rebound. If the fees are in place, the funds will be in reserve to build it when the time comes. Mayor Pro Tem Troughton Jr., feels there could be growth if an industrial park were built and jobs created. People who have moved here and commute have now found with gas prices they do not want to drive that far to work elsewhere.

Steve Tofft said he is from Williams and works for Vann Brothers. High impact fees will stop the developers from coming here to build. They started their divisions to provide houses that were reasonably priced for individuals. His concern is with the comparisons to other Cities. In making comparisons to Woodland, Rancho Cordova, etc. who are at \$9,500, it is clear they have a nexus to show the cost is needed, but there are no building permits being issued. We should be looking at the Willows' fee schedule. Vann Brothers is looking at a Phase 3 but the land is now being farmed because there is no need for homes at this time. The homebuyer is looking at \$3,200 in fees, including the school district. A 1,350 square foot house appraises at \$135,000 and these fees would not allow the builder to make an adequate profit. Council needs to carefully scrutinize all of the work on these fees and make sure they are as accurate as possible because of competing jurisdictions.

Sarvan Singh of Williams asked if these fees are comparable to others being charged in this area. Mayor Plachek-Fulcher said if there is a home being built in this area they would be charged these fees. This is a hookup fee and even if the lines are already in, there will be an impact on the water and sewer systems in the City. Mr. Singh said it is too much to have to pay. Mayor Plachek-Fulcher said the City Administrator has already mentioned two large projects that will affect the fees. Council will be asking staff to look into this. Every house that is built will have an impact on City services. City Attorney Siprelle said the fees are only due if there is a building permit. City Administrator Bergson said it appears Mr. Singh's question is if there was a house on the lot already and demolished, those fees would have already been paid so would not be subject to the same fees again. City Attorney Siprelle said they would get a credit for the original fees and only pay the difference between the original fees and the new costs.

Lorraine McHugh of Williams said Parks and Recreation fees are jumping from \$984 to \$2,800 and asked if it was to pay for the "kiddy park". Mayor Plachek-Fulcher said that park was paid by a grant. Council Member Ash said there is nothing else that will go into the parks without further funding. Mayor Plachek-Fulcher the new fees are new parks and would be on new homes. City Attorney Siprelle said the developer pays these fees, not the homeowner.

Mr. Dove said they went through the user fees and examined those fees based on use by the public to determine the updated list of cost of the City to administer. Some fees have decreased and he cited page 4 of the handout and went through Table 7. Mayor Plachek-Fulcher asked about the ABC fee and City Attorney Siprelle said it is to pay for the Police Department review and approval/denial of the application



from ABC. Mayor Plachek-Fulcher asked for clarification on a “major use permit” and City Attorney Siprelle said it if needs to go before the Planning Commission it would considered a major permit. Mr. Dove reviewed Tables 8 and 9, 10. Finance Officer Greenbaum said the water service and connection fee is currently \$2,500 and the recommendation is to decrease it to \$1,500. This process is an administrative burden and he recommends the fee remain at \$2,500 to cover those costs.

City Administrator Bergson indicated there is adequate direction to staff and Bartle Wells to adjust some of the fees and return to Council with amendments prior to adoption.

PUBLIC HEARING

RESOLUTION 11-19 – LANDSCAPING AND LIGHTING DISTRICT 97-1

City Administrator Bergson in said in the Spring, Council had directed staff to proceed with the assessment process for Landscaping and Lighting Assessment District 97-1. All proper notices to allow for approval of the assessments for 2011/12 have been complied with.

At 7:04 p.m. Mayor Plachek-Fulcher opened the Public Hearing.

Lorraine McHugh of Williams, said last year the amount was to be at \$151 and when she got the bill it was at \$152. Council is now increasing the amount to \$154.13. She asked if Dillon and Murphy were employees of the City and Mayor Plachek-Fulcher said they are under Contract and are paid for the work provided. Ms. McHugh said she wants to know exactly where the fees are going. At the last meeting she brought pictures with the weeds in her area and said it will take a fire to get them taken care of. Weeds are on the sidewalks and the street. Mayor Plachek-Fulcher said there are specifics on the allocation of these funds. There are homes in that area that did not have the assessment on them for five years. The City is allowed to increase via the assessment via the Consumer Price Index. Public Works Director Goforth said he was going to handle the issue but did not have adequate time. Mayor Plachek-Fulcher said Public Works has been busy and we have had solid rain since then. Mayor Pro Tem Troughton, Jr. said he maintains his sidewalks and street. He asked what the City responsibility is and should the property owners not be maintaining their own areas. A Code Enforcement officer will be sent out. City Attorney Siprelle said the Engineer’s Report is required by law every year.

Council Member Barker said he gave the City Administrator a drawing indicating these areas were to be greenbelts and belong to the Developer. Bennett Homes had 112 conditions on the development and the greenbelt should have been part of it. If they have not complied with the conditions, it is up to the City to address those failures. The L and L fees are in place to help cover those issues. Mayor Plachek-Fulcher asked why it would be our responsibility. Council Member Barker said if the City did not the conditions, it would be our responsibility to maintain. The houses



behind Husted have greenbelts and they need to be maintained. City Administrator Bergson said staff will research the responsibility for these areas.

At 7:16 p.m., Mayor Plachek-Fulcher closed the Public Hearing.

On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council Member Ash and carried by the Members present, Council adopted Resolution 11-19, "A Resolution of the City Council of the City of Williams Approving Engineer's Report for Levy of Assessment in Williams Landscape and Lighting Assessment District No. 97-1 for 2010-2011 Fiscal Year".

CONSENT

On a motion by Council Member Ash, seconded by Council Member Barker and carried by the Members present, Council adopted the following Consent Calendar items as presented:

MINUTES

Council adopted the minutes the of regular meeting of the Council of April 6, 2011 and the joint regular Council and Redevelopment Agency meeting of April 20, 2011.

TREASURER'S INVESTMENT REPORT

Council reviewed and accepted the Treasurer's Investment Report for April 2011.

FINANCIAL REPORT

Council reviewed and accepted the Finance Report for April 2011.

With Council consensus, the following item was removed from Consent for separate action:

PROJECT 11-12 – PARKS REHABILITATION

Council Member Barker would like the City to secure money via grants to improve and build parks. The projects for this rehabilitation are not all complete. The horse shoe pits are unsafe, there are no dumpsters, and it is almost impossible to play safely because there is missing dirt at Valley Vista. Mayor Pro Tem Troughton, Jr., asked if they were done according to the standards and Associate Engineer Speer said they were done at the standard according to the Association that provides them. City Administrator Bergson said they did the specifications as required of them. Mayor Pro Tem Troughton, Jr., said we now need to fix them. City Administrator Bergson said we



need to determine if they were done to standard and if not, we have retention funds. Associate Engineer Speer can work on this. There is problem with the decomposed granite in the Town Square. Strollers were getting stuck, being tracked all over town and is a mess. Mayor Plachek-Fulcher said the contractor did what he was asked to do so the City cannot keep the contractor from being paid because of it.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried by the Members present, Council accepted Parks Rehabilitation Project 11-12 as complete and directed the City Clerk to file a Notice of Completion.

NEW BUSINESS

PLANNING COMMISSION APPOINTMENT

City Administrator Bergson said staff and two Council Members interviewed two applicants for the Planning Commission and are making a recommendation that Mr. Don Povlson be appointed to the vacancy. Mayor Plachek-Fulcher said he was on the school board for 2.5 years. He does travel but he would make concessions from the job to do meet Planning Commission needs. Council Member Ash said he is very involved and pro Williams.

On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council Member Ash and carried by the Members present, Council appointed Don Povlson to the Planning Commission, effective immediately.

REPORTS

City Attorney	None
Deputy City Clerk	None
City Treasurer	Treasurer Barker gave the Treasurer's Investment Report.

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Ash	She attended park dedication ceremonies. With Pioneer Day, rugby games, class reunions and other events in the City, hotels were nearly full and the restaurants packed. She thanked Public Works, the Police Department and Fire Department, and the County Roads, Division, Colusa County volunteers, Morning Star, Recology, and many others for their assistance on the event.
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- Council Member Barker He attached the Community Center meeting on the Veteran’s Hall remodel. The City Manager presented design maps for the remodel and the plan is to tie it in with parks. The Parks dedication well attended. He met with the City Administrator on variety of issues.

- Mayor Pro Tem Troughton, Jr. He attended a Personnel Sub-Committee meeting, the Finance Committee meeting, the Parks dedication and met with the City Administrator, Public Works and the Police Chief. He announced that is Grandson would be in Sports Illustrated soon.

- Mayor Plachek-Fulcher She attended the usual meetings, working with Public Works to get the Park dedication on track. Parks and Recreation helped with the ribbons. She attended Pioneer Day and a Deployment Ceremony last week for her daughter who is now in the desert.

STAFF GENERAL REPORTS AND DISCUSSION

- City Administrator He attended a meeting on the General Plan Draft. The Plan will go to the Planning Commission in September and to the Council in October. He met with the Fire Chief regarding fees. He attended the Williams Community Center and made presentation on the Veteran’s Park. He met with staff on budget. The Technical Advisory Committee met on a proposed laundry on Sixth Street. Colusa County Transportation met and endorsed the Highway 20 access. LAFCO wants to review our Municipal Services Review. He met with the Personnel Committee regarding the Accounting Specialist I/II/III and the Parks and Recreation Clerical position recommendation. Hettended Pioneer Day.

- Police Chief None

- Fire Chief None

- Public Works Director Pioneer Days and the Parks Dedication did not cause a lot of staff time. The Treatment Plant did a tie-in today. There will be no pumping until July and the project is 96% complete. Training being undertaken at present and the meters are on time. The Husted Road project dig out is done but the asphalt will not



come out until Friday. He is working with the Police Department on the striping on Ella.

Finance Officer

He is working on budget and options have been provided. We closed to a balanced budget.

The Smith Motel update-he did get correspondence from Mr. Marahj's attorney on the payoff provided a few years ago. The calculation on the payoff, even if payments are not made, still accrue interest. The figures from the past said there was to be no interest for the first 10 years. We are now looking at attorney's cost. The foreclosure will proceed. They want to pay us off on one of the smaller notes and it will still go through a judge. They wanted to give a check for the \$24,000 and we want an agreement for the entire amount. Mayor Pro Tem Troughton, Jr., said there was some kind of an agreement that had not been properly recorded. Finance Officer Greenbaum said there was a demand request that was provided by City staff and the note said there was a deferred interest. The amount did not allow us to accrue interest on the one loan. The current staff was not aware of this previous agreement with the staff. Mayor Pro Tem Troughton, Jr. asked how far this goes back. Finance Officer Greenbaum said he had to rebuild and the loan goes back to early 1990's.

Building Official

She said the Smith Motel said the now has an Engineer working with Mr. Marahj and they are trying to get a permit to stop the foreclosure proceedings and have been unable to secure. They were under false impression that this is just a remodel. The Engineer was not aware of anything that has transpired to date so information was send to him. He indicated he will remodel the condemned apartments and the existing building. The P. G. & E. report indicates that everything had been pulled especially for the underground gas leak.

Straw Hat has a temporary Certificate of Occupancy and must have an ADA specialist for parking. The owner of the property, Bud Tracy, said the letters that had been sent to Cole English had not been forwarded. Mr. Tracy was aware of the ADA



circumstances. He sent his ADA specialist to bring the property to code put a plan in place. Council Member Ash asked why the letters were not sent to him originally and Building Official Rich said she did not know. Planner Stegall said they were issued for the pole sign which is not working. There is a sign on the roof but they do not have a permit for that sign. They did not get permission from the Planning Department. Mayor Plachek-Fulcher asked why it is taking six months for them to get anything rectified and they should not even have their doors open at this time. Mayor Pro Tem Troughton, Jr., asked about a check list. Building Official Rich said it is on the back of the Permit. They first pulled a permit for a tenant remodel. They had some problems with one of their contractors. Mayor Plachek-Fulcher said they opened before they had a permit. Building Official Rich said the permit was approved after the fact. Mayor Plachek-Fulcher said we need to do something with them and Building Official Rich agreed they should be accountable. Mayor Plachek-Fulcher asked if we can red tag and Building Official Rich said she would need to be instructed to do so by the City Administrator. City Attorney Siprelle said the City should shut them down. Mayor Plachek-Fulcher asked for Council input and they concurred to direct the Building Official to shut them down.

Mayor Plachek-Fulcher asked about the motorcycle business and Building Official Rich said the last contact was with staff. City Administrator Bergson said he has spoken with him regarding his taxes and he will call him in and tell him if he does not pay his business will be shut down. Council directed the City Administrator to meet with him.

El Toro has complied with their conditions and she and the Fire Chief have been working with them. Smoke detectors have been installed and they have been approved to live upstairs.

She does not know what is happening with the Odd Fellows building. Their Architect gave us a set of plans for a basic tenant improvement for the bottom floors. The plans to the Fire Chief who sent them to Mr. Cochran who indicates the building will need fire



sprinklers. She will meet with staff to have direction on what to do with them. They are not complying with the plans submitted. Mayor Plachek-Fulcher said the City Attorney has indicated we cannot force them to do anything. Council Member Ash said there is a window that is sagging right next to the alley and it needs to be addressed before someone is hurt. Building Official Rich said the Architect and the Fire Department are having differences of opinion of the project.

The Marsh Building has an approved set of plans for the building right next to the Chinese Restaurant. She must have a licensed electrician and plumber do this.

Regarding Bennett homes, there are two homes to be built right now and they are coming in on Friday to pull three more permits. They cannot build the 1,200 square foot units because they are being appraised for less than the cost to build. One home will be fire sprinklered.

The Tenth and D units has been red tagged. The letter was sent certified and we have not yet received any response. She drove past today and someone was on site mowing who indicated he was hired by RE signs that were in turn hired by Three Brothers Bank. She cannot locate any information on this bank to date. Her understanding is that the bank has ownership of the property and will be refurbishing it. She needs direction from staff and the City Attorney on what to do next.

The house on A Street that has a trailer behind it is listed for sale, but not the trailer. Her concern is they will not be accountable because they have been red tagged and nothing has happened. Mayor Plachek-Fulcher asked why there has been no follow up. Building Officer Rich said the owner had indicated he was given permission by Planning, but it appears to be a fraudulent document. It is in a flood zone. City Administrator Bergson said the red tag has been issued and a demolition permit has been given.

Building Official Rich said the owner of the flattop located next to the ambulance came in and got a demolition permit.



The Colusa County Film Commission (Hollywood) issued their fifth scholarship to Elizabeth Puentes from Williams High School who was elected by the Commission to attend the San Francisco Film Arts School. Five individuals were turned away.

ADJOURNMENT

At 8:03 p.m., Mayor Plachek-Fulcher adjourned the regular meeting of the City Council.

APPROVED:

Ss: Angela Plachek-Fulcher, Mayor

ATTEST:

Ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: September 28, 2011