

# CITY OF WILLIAMS

## *Council Minutes*

---

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

### CLOSED SESSION OF THE CITY COUNCIL

JULY 6, 2011

5:00 P.M.

#### CLOSED SESSION

At 5:00 p.m., Council met in Closed Session to hold a conference with Real Property Negotiators, pursuant to Section 54956.8 for property 460 Eighth Street. The Agency Negotiator was City Administrator Bergson; the negotiating parties were the City of Williams and a potential renter. Under negotiation were price and terms of payment.

Council also held a conference with the Labor Negotiator pursuant to Section 54957.6. The Agency Designated Representatives were the members of City Council and the employee discussed was an unrepresented employee, the City Administrator.

Present at these sessions 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, Alfred Sellers, Jr., John Troughton, Jr.

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Charles Bergson, City Administrator  
Rex Greenbaum, Finance Officer  
Sally Barker, City Treasurer  
Jim Saso, Police Chief  
Jeff Gilbert, Fire Chief  
Monica Stegal, Associate Planner  
Sue Vannucci, Deputy City Clerk



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

### REPORT OF CLOSED SESSION

Mayor Plachek-Fulcher reported that Council had given direction to Staff regarding the two items from Closed Session.

### PUBLIC COMMENT

Rafael Velasquez of Williams, said there are some pipes by his home that are plugged up in the winter and they are never fixed. The water goes over the top and not into the pipes. The pipes are covered and have roots and the property needs a new one. Mayor Plachek-Fulcher said Public Works will go over and check the issue. Mr. Velasquez said there is another pipe at the entrance of the apartment that also needs to be fixed. The apartments are in front of his house and when they are plugged it backs up into his yard. Mayor Pro Tem Troughton, Jr. asked Office Assistant Cruz to translate and tell Mr. Velasquez to go directly to Public Works with these issues as they happen so they can take immediate action. Mr. Velasquez said he has told Public Works about this and they have never responded. Mayor Plachek-Fulcher said when it starts to rain again he should contact Public Works so they can see the problem directly. Mr. Velasquez said he has tried to clean it himself but a City employee has always stopped him and told him not to touch the pipes.

Carmen Altamirano lives in the same area as Mr. Velasquez. She does have pictures of the water. Her husband has spoken to someone in Public Works and they have not addressed the problem. There are few pipes to make the water move away. This is right across from Inn Storage on Sixth between B and C. Mayor Plachek-Fulcher said there is no underground drainage system so the ditches need to be kept clean. Ms. Altamirano said there are no drains and there is nowhere for the water to go. There are six houses right in that area that always get flooded. Mayor Plachek-Fulcher said it issue will be checked but it may not happen until Fall.

### ORDINANCE 187-11 – REDEVELOPMENT AGENCY

Council Member Ash and Mayor Pro Tem Troughton, Jr. left the Chambers due to a conflict of interest relating to the Agency.

Jim Simon, Consultant, said our City is among the 400 Cities in California facing the implications of the State budget shortfall via two trailer bills, AB1x 26 and AB1x 27. A. B. 26 is known as the "Dissolution Act" and A. B. 27 allows for agencies to voluntarily come back into existence provided they agree to make an ongoing payment to help the State solves their fiscal problems. With the agencies contributing more money, the State will fare well. This was signed with a lot of debate. There is a lot of concern Statewide about the legality of this. The League of California Cities and Redevelopment Association have had analyses done on the aspects of these policy changes and a



lawsuit is imminent within the next week or two. They may be a stay in the courts that will put things back to where they were six months ago. In the meantime Cities are subject to A.B. 26 and can consider this Ordinance to opt back in or continue. Most agencies in the State are in a state of suspension. They are prohibited from entering into new contracts or projects. As our City is new we have only one obligation to start up the agency at about \$280,000. We will not be collecting a tax increment in this area as normal up until next fiscal year, 2012-13. Most agencies in existence have to provide a fixed payment via a formula set by the State backed on the revenue from 2008-09. The formula provides 80% for schools, county education and colleges back to them in a very complicated formula. To get off suspension the City has to make a decision between now and October 1, 2011. If we wait, the City is subject to the full bearing of the Dissolution Act, meaning we would be shuttered and would have a successor agency that would oversee the shutting down of the RDA. It is not clear if the existing debt would be treated as a legal obligation subject to repayment. As well, it is unclear how likely we could get that money back.

The other option is to look at continuing operations. The City could be signing up for the voluntary contributions to the State. The City would need to pay 80% of the schools share. A pass through of 30% of the schools share would be needed. The City would lose more money, but it is not as significant to us because of our status. Over the life of the 45 years we collect revenue; it would be about 10%. The City has not seen any revenue yet and would start to collect revenue very slowly. Staff recommends the continuing operations option. There is a minimum possibility that we will get the money back. This is the introduction of the Ordinance and the item will return at the August 17<sup>th</sup> meeting for adoption consideration. After the effective date we could begin to look at projects, most of which would be procedural in nature. The other strategic reason to do this now is these new obligations coming from the State are based on those initiated after October of this year. Between now and October, we are not subject to those debts. It would cost us less to start a project now than after October. We might be able to save some money going this route. This is a very fast moving process and adoption of the Ordinance would put us in a position to continue redevelopment at a relatively small costs.

Mayor Plachek-Fulcher said it appears the City needs to act sooner rather than later. City Administrator Bergson there is time to do a small project, like a façade project, between now and October. Mr. Simon said we need to have the second reading of the Ordinance before we could move forward. The documents were completed last Fall and Winter. Following the Winter break we were informed of the recommendation from the Governor. The Governor's proposal is not legal and we are one of several agencies that continued to go forward. Some agencies had not started and held back. Some are not moving forward rapidly to meet the deadlines.

On a motion by Council Member Barker, seconded by Council Member Sellers, Jr. and carried by the Members present, Council introduced, waived first reading and read by title only Ordinance 187-11, "An Uncodified Ordinance of the City Council of the City of Williams, California, Complying with the Voluntary Alternative Redevelopment



Program Pursuant to AB1x 27 to Permit the Continued Existence and Operation of the Williams Redevelopment Agency Under Threat of Dissolution”.

Council Member Ash and Mayor Pro Tem Troughton, Jr., returned to the Chambers.

## AWARDS AND PROCLAMATION

### SEXUAL ASSAULT AWARENESS MONTH

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council proclaimed the Month of July as Sexual Assault Awareness Month.

Mayor Plachek-Fulcher presented the Proclamation to Susan Tiffany, Sexual Assault Director of Casa de Esperanza. Ms. Tiffany advised those present about the upcoming events. Council Member Ash said the women at these shelters arrive with nothing. She is gathering materials to make packages for their use. Items such as soap, lotions shampoo, toothpaste etc. are needed. These items, should anyone wish to help, should be brought to City Hall. Ms. Tiffany said they could also use clothing.

## CONSENT

### REVISED RESOLUTION 11-21 – HOME APPLICATION

City Administrator Bergson said this Resolution needs to be revised it has been determined that the City Administrator must also sign the document.

On a motion by Council Member Ash, seconded by Council Member Barker, and carried unanimously, Council adopted Revised Resolution 11-21, “A Resolution of the City Council of the City of Williams, California Authorizing Submittal of an Application to the California Department of Housing and Community Development for Funding Under the Home Investment Partnerships Program and the Execution of a Standard Agreement, Any Amendments Thereto, and of any Related Documents Necessary to Participate in the Home Investment Partnerships Program”.

## PUBLIC HEARING

### RESOLUTION 11-23 – COMPREHENSIVE FEE SCHEDULE – USER AND DEVELOPMENT IMPACT FEES

City Administrator Bergson advised Council that this item had been before them on several occasions and changes as recommended were incorporated. The changes from previous versions are outlined in Table 3.



At 6:47 p.m., Mayor Plachek-Fulcher opened the Public Hearing. With no comments heard, Mayor Plachek-Fulcher closed the Public Hearing at 6:47 p.m.

Council Member Barker said the Fire Department is basing their fees on the proposed new firehouse. The location has moved three times but he has not seen any documents from the Vann Brothers on that land and do not need to have a fee at this time. The City does not have funding to fix our streets. The additional \$1,800 from the Fire Department should be taken from these funds and put on the roads. The difference between the current rate and the proposed rate should be used for the roads until we have the property for the proposed Fire Department facility on the East side of the freeway. In looking at fee averages from other Fire Departments, the fees average \$1,352 with our proposal at \$1,800, well over the average. The City has no funding for the repair of our streets. The Husted Road repair was only a ¼ mile and did not go to Vann Street and there was only a patch on Abel.

Mayor Plachek-Fulcher said the materials before Council indicate there is no money set aside for traffic or road issues at this time but the recommendation is to increase that fund. When houses or commercial buildings are constructed, additional Fire Department services are also needed. If we do not have the fees in place there will be no funds available when that need arises. Chief Gilbert said the Fire Authority is under contract with Laugenour and Meikle to map the proposed property for the new Station. As soon as that is done, the land will be put under the Fire Authority's name. Council Member Barker said the location of the proposed Station keeps moving and no one seems to know where it is going to land. Mayor Plachek-Fulcher asked if he is proposing to increase the traffic fee. Council Member Barker said the fee should be transferred to the streets for maintenance and repair. When the property is tied down, the City could then re-address this issue.

Mayor Pro Tem Troughton, Jr. said the indication is a one acre need and he had thought the Department would need three areas for the proposed facility. Chief Gilbert said the extra acreage will cost \$100,000+ per acre. The original study listed the Fire fee as \$3,400 which has been dropped back to \$2,900 as the acreage is now to be deeded to the JPA. Council Member Barker said the Developer was to provide the land as part of the Development Agreement. Mayor Plachek-Fulcher said additional acreage would be the responsibility of the City to purchase. The total fees are less than many other entities. Council Member Barker does not feel a Station is warranted on the East side of the City simply due to the proximity of the railroad tracks. The development fee costs will put us out of the market for proposed home construction. The Developer has said they will not do anything until the money becomes available.

Council Member Ash said for many years the City has historically given their property away. Developers now need to pay for property development. Council Member Barker said he agrees with the Study and that the money should



be moved to the highest priority of the City right now. The Fire Department is important but the streets also need to be repaired or the Engines will not be able to travel on them safely. Mayor Plachek-Fulcher said if a big industry would consider locating here and a fire or a medical emergency arises on the East side, the railroad tracks could block the Department from responding in a timely manner. Mayor Pro Tem Troughton, Jr. said the fees should not change. The discussion on the streets and infrastructure is encouraging. Developers will stop building houses with the increases in fees that are recommended. The City does have the capacity to secure adequate funds from these fees to help the streets deterioration and provide for full repair and ongoing maintenance. City Attorney Siprelle said these are Development Impact Fees and they can only be utilized for issues that affect new development. The City cannot charge Developers to fix existing problems if their project does not have a direct nexus. Even if the people in the City might cause existing roads in the City to worsen, the Developer still cannot be charged for them.

Mayor Plachek-Fulcher said the fees are essentially going from \$0 to \$1,500 and there will be some funds available to address the current issues in need of maintenance and repair. Council Member Barker said the streets on the East side of the City are starting to break down already. City Attorney Siprelle reiterated that the City cannot charge Developers for existing problems and another source of funds such as Redevelopment might be one of those funding options. City Administrator Bergson said the fees were established based on the needs of the specific Department. The streets in the City are in very poor condition and the City needs to address street repairs in other ways. The State is providing grants for Parks and other needs, but not for streets. There are some methods the City can utilize to address street needs. Mayor Pro Tem Troughton, Jr. said the County Transit cost is another area of concern where funds could be redirected to streets.

Dixie LeGrande agrees that the City has subsidized a private development on the East side. The Developers convinced the Council that the Developer was taking all the risks in the market. There were no fees to bring in from the development for infrastructure. In the future, the City should plan ahead to prevent this from happening again. She asked whether there are State mandates to provide Police and Fire services at a specific level for the population. Fire Chief Gilbert said there are no State mandate figures, simply recommendations. Police Chief Saso indicated the General Plan indicates a 2 Officer minimum per thousand in population as their recommendation. Fire Chief Gilbert said the Insurance Services Organization (ISO) has recommendations on minimum staffing and response times. If the Department does not meet those minimums, the insurance rates would increase substantially. The response time now from the Station to the houses on the other side of the freeways takes 5 to 6 minutes. A station on the East side with 15 Firefighters would drop the response time 4 minutes, which is the standard. The subdivision should not have been built without a Fire Station included in the construction. As this



discussion was being held between Staff and members of the audience, City Attorney Siprelle reminded the Council that protocol for meetings is that the discussion and questions should go to Council.

Council Member Barker said the expired Development Agreement stated the Developer would provide the land and property for parks, a Community Center, a Fire Station and schools. There was someone with the City and Council who had connections with the Developer. Thus the requirements of the Development Agreement were ignored. Ms. LeGrande asked if there was Breach of Contract and Council Member Barker said the Development Agreement was not enforced.

Mayor Pro Tem Troughton, Jr. said the impact fees for other Cities are all different. Impact fees are in place to protect the City after the Developer is built out. The fees for the East side development were inadequate to maintain the necessary infrastructure. The City recently had to rehabilitate the well in the development at a cost of \$50,000. To correct the problem the fees would need to be substantially higher than proposed. Creation of more jobs in the area will bring buyers for the homes. Prospective buyers will not live here and commute due to the cost for fuel. The economics affecting our Country have a direct impact due to the drop in home prices, making the problem for the Cities even larger. Houses will still sell even if the fees are raised. Ms. LeGrande said the original discussion from the Developer was they took the risk but in actuality the Developer has put the City at risk.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr. and carried unanimously, Council adopted Resolution 11-23, "A Resolution of the City Council Adopting the Comprehensive Fee Schedule for the City of Williams".

## NEW BUSINESS

### BUILDING DESIGN STANDARDS AD HOC COMMITTEE

Planner Stegall recommended to Council that they form an Ad Hoc Committee to study the City Design Standards. Council Member Barker said the General Plan Update Committee could be tasked with this responsibility as they have knowledge of the City and our needs. Planner Stegall indicated she had spoken with Valerie Ehrke, a local Architect who has indicated interest in serving at no charge for her time as this Ad Hoc Committee would be all volunteer time. The recommendation is that the Committee be comprised of two Council Members, a design person, a member of the public and one Planning Commissioner, with staff serving as liaison. The Committee charge would be review the Design Guidelines for the downtown, residential, business park, benches, garbage cans, etc.



On a motion by Council Member Barker, seconded by Council Member Ash and carried unanimously, Council selected recommended option 2, to include two Council Members, a design person, a member of the public and one Planning Commissioner, with staff serving as liaison to an Ad Hoc Committee to review the Building Design Standards.

REPORTS:

City Attorney	None
Deputy City Clerk	None
City Treasurer	None

COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Sellers	He attended Music at the Park and received comments that the music should be more represented of the members of the public.
------------------------	---

Council Member Ash	She attended Music at the Museum and help place the Flags on 4 <sup>th</sup> of July.
--------------------	---

Council Member Barker	He met with the City Administrator on parks issues such as weeds and trash. He also met with Community Center Committee and reviewed the plans for modifying Legion Hall. He attended Music night and was very pleased with the program as it adds to the quality of life. Donations paid for the program.
-----------------------	--

Mayor Pro Tem Troughton, Jr.	He attended a Finance Committee meeting today, met with Public Works, the Fire Chief, the Mayor and the City Administrator and discussed the Museum roof, the water tank, new system for water supply, repayment to the State and Colusa County Transit discussion.
------------------------------	---

Mayor Plachek-Fulcher	She attended the usual meetings, received a letter regarding the condition of our parks. She also attended the Museum Golf Tournament fund raiser which and raised over \$6,000.
-----------------------	--

STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator	He indicated the City is no longer part of SCORE, our Risk Management provider and are not part of Golden State Risk Management Agency (GSRMA). This change will provide more funds returning to the City. We have received
--------------------	---

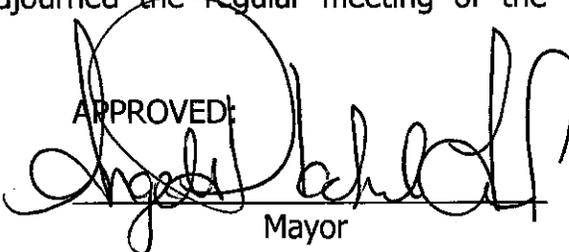


proposals for new a Traffic Engineer and a Water Sewer Master Plan proposal. He attended the County Transit Commission meeting. The Commission will forward the information on the State law outlining the mandate for Cities to provide transit. He asked the Commission to place on their next Agenda consideration to add another member from the City of Williams to the Commission. A letter should be written to them to reiterate that request. He attended a meeting on the Landscaping and Lighting District. He has received a proposal for street sweeping and will present that information to the Council. Applications went into I-Bank for our proposal and the Proposition 84 is in. Pacific Gas and Electric was out today to a present a Grant of \$80,000. The money will go into the General Fund. Soccer had a very big kickoff.

Police Chief	None
Public Works	Absent
Finance Officer	He said Pacific Gas and Electric has provided the check and the City has some other reimbursable costs which should generate an approximate additional \$60,000+ back from them over the next few years. The Smith Hotel issue is still under negotiations with a settlement likely very soon.

**ADJOURNMENT**

At 7:30 p.m., Mayor Plachek-Fulcher adjourned the regular meeting of the Council.

APPROVED:  
  
 Mayor

ATTEST:

  
 Susan L. Vannucci, Deputy City Clerk

Adopted by Council: December 14, 2011