

CITY OF WILLIAMS

Council Minutes

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

REGULAR MEETING OF THE CITY COUNCIL
October 19, 2011
6:00 P.M.

ROLL CALL:

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Charles Bergson, City Administrator
Ann Siprelle, City Attorney
Rex Greenbaum, Finance Officer
James Saso, Police Chief
Jeff Gilbert, Fire Chief
Wes Goforth, Public Works Director
Sally Barker, City Treasurer
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.

CONSENT

At the request of Mayor Plachek-Fulcher, and with concurrence by the Council, the following item was removed from the Consent Calendar for discussion:

COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT

Police Chief Saso said the Department has been awarded a Grant for a Youth Services Officer. It is for a period of 36 months and although the City was notified after the fact, we can request an exception. The only requirement is that the City fund the position for an additional twelve months following the thirty-six months of the Grant. As yet these funds have not been identified. The Williams Unified School District (WUSD) has indicated it may be agreeable to



fund ½ of the position cost which would bring our cost us down to \$25,000 for the last six months of the funding.

Noelle Mayes, a Member of the WUSD Board said they have been discussing the option of a School Resources Officer over the past year. She supports this project and sharing the cost for the ½ year but the entire Board would need to confirm that possibility. They feel this program will be of tremendous help to the student population and their families.

Mayor Plachek-Fulcher said the Staff Report indicates the City may have some cushion on the back side. Chief Saso said the Department would probably not hire an Officer until January 2012 and it would run through the end of February 2015, at which time funding would be needed.

Council Member Ash asked if the position would be filled internally and Chief Saso said the position would be filled within the Department then would be backfilled with a new hire. Mayor Plachek-Fulcher asked if bilingualism would be one of the requirements and Chief Saso said it was not included the Job Description but all Staff who have indicated interest are bilingual. The schools and Superintendent Rossi seem to be very supportive. The ability to have three years of an Officer in the schools would be very beneficial and Mayor Plachek-Fulcher said the City can deal with the funding issue at some future time.

Chief Saso said the position would be for all of the district schools and truancy control would be under the same umbrella. It would also free up some of our Officers who spend time at the schools on issues at this time. The DARE program would not change this year, but next year there will be some changes.

Council Member Ash is in full support of the program and said the City should look at the funding needs as the fourth year approaches. Chief Saso said he has been working with Finance Officer Greenbaum on the steps needed to implement this program and to determine future funding sources. Mayor Pro Tem Troughton said this program will help lead our youth in the right direction and is for the well-being of the community. Students will not look at the Police Officer as the enemy but someone who can help them. Chief Saso said the hours would be 10:00 a.m. to 6:00 p.m. five days per week so the after school hours programs and issues can be addressed.

On a motion by Council Member Ash, seconded by Council Member Barker and carried unanimously, Council accepted the Terms and Conditions of the Community Oriented Policing Hiring Program and authorized the City Administrator and Chief of Police to sign and return the Award Package documents.



On a motion by Mayor Pro Tem Troughton, Jr., seconded by Council Member Barker, and carried unanimously, Council adopted the following Consent Calendar items as presented:

MINUTES

Council adopted the minutes of regular meeting the Council held on June 22, 2011.

TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment Report for August, 2011.

RESOLUTION 11-28 – COUNCIL MEETING DATES

Council adopted Resolution 11-28, "A Resolution of the City Council of the City of Williams, California, Changing the Dates and Frequency of the City Council Regular Meeting Dates" to the third Wednesday of the month at 6:00p.m.

DOMESTIC VIOLENCE AWARENESS MONTH

Council adopted a Proclamation declaring October 2011 as Domestic Violence Awareness Month.

OLD BUSINESS

SACRAMENTO VALLEY MUSEUM PROPERTY LEASE

City Administrator Bergson said he had submitted the Attorney review of the last recommended changes to the amended Sacramento Valley Museum Property lease and Executive Director Manor had one small adjustment. All of the terms have been met except for one concern. He will have the final draft to them well in advance of the meeting in November.

MIGRANT HOUSING PROJECT SEWER LINE

City Administrator Bergson said Dave Daulwalter from HydroScience and is familiar with this issue and will address the Council. The Migrant Housing Center



has been ordered by the State Water Quality Control obtain access to the City waste water system.

Mr. Daulwalter said he is working with the Migrant Housing facility to address their violation by the Regional Board. This City line has been tested is inadequate as it had not been used, is non-functional and starts at the meter at the Center. In creating the Master Plan all of the lines have been mapped and we will be working on the modeling. This line is one of the worst in the City. One funding source could be CDBG funds and the new funding allocations are coming out soon. This project is eligible for funding but prior to proceeding he would like Council concurrence to move in that direction. The County is under an enforcement action from the Regional Board. We will not proceed with the repairs until a fund source is set in place. If not repaired, the County would still be required to address the problem and may have to update their ponds, thus being separate from the City. Another possibility would be for the City to apply for the CDBG grant and he can help with that. The County will be handling the environmental portion of the application. We have a contract with the County to do some of the pre-application issues. If the grant is successful, it may cost the City a few thousand dollars to proceed, but the line would be repaired and the running.

Mayor Plachek-Fulcher said Council originally heard a cost of \$50,000 and the numbers are now huge. Mr. Daulwalter said the numbers are not firm and some preliminary engineering needs to be done. Mayor Plachek-Fulcher is concerned about the cost escalation. Mr. Daulwalter said \$100,000 would be for a new lift station as the present one is failing. Council Member Ash asked if the City originally covered the cost for the line and Mr. Daulwalter said the County installed the line and had paid fees to the City to maintain it. Council Member Ash asked why the Center did not utilize the lines and Mr. Daulwalter he does not know why the Migrant program stopped using.

Mayor Pro Tem Troughton asked about the line length and Mr. Daulwalter said it is approximately 1000 -1500 feet. Public Works Director Goforth said the line has dried out from lack of use. Mr. Daulwalter said the \$50 K quote is simply for the line. Should a grant be secured the entire system can be replaced. Mayor Pro Tem Troughton would like a further breakdown on costs to repair the line and feels this is not a City's problem. The City should be involved only in repairing the line. Mr. Daulwalter said there is confusion on this issue. The path is not clear. The City could fix their portion with a grant and the County could do their portion separately. Mayor Pro Tem Troughton asked if we could break this down into pieces, the line, the lift station etc. and identify where the



responsibility lies for each segment. Mr. Daulwalter said that is the first part of the application process.

Mayor Plachek-Fulcher asked if the City would be more likely to secure the grant if partnered with the County. Mr. Daulwalter said it would score better as a joint application with regional solutions. Cooperative application processes are viewed more favorably. Mayor Plachek-Fulcher the large funding costs are frightening. Mr. Daulwalter as the funds are coming from Federal sources, the City would need to comply with all of the Federal regulations. Much of the contract management has a cost that is associated with a fee. Mayor Pro Tem Troughton would like a clear breakdown on the issue, locations, and an identification of each area of responsibility. The Finance Committee and the Council would like that information before proceeding too far into the project.

Mayor Plachek-Fulcher said if CDBG funding is not secured, the situation will change. Mr. Daulwalter indicated he will provide the information requested by Council and the Finance Committee. Finance Officer Greenbaum said the City is responsibility for the line maintenance and asked if there were some contributory amounts required for the County. Mr. Daulwalter said our responsibility was to maintain the lines. The County had paid for the ability to use the lines but and because they did not it is not their responsibility. Mayor Plachek-Fulcher asked if the County should be paying the bill because the failure was caused by their lack of use. Mr. Daulwalter said they had determined to pay for the upgrade of the ponds rather than using the system as it was less costly. Mayor Pro Tem Troughton said they would have needed the lift station to get into the lines even 15 or 20 years ago which drove the cost up even then. Director Goforth said he is under the assumption they will be abandoning the ponds. Mr. Daulwalter said the Regional Board cannot tell Migrant Housing what must be done.

City Administrator Bergson said earlier this year the Migrant Housing Program had asked to change the discharge time in anticipation of decommissioning the ponds. Mr. Daulwalter said with the new Treatment Plant the City can handle the load.

City Attorney Siprelle said Mr. Daulwalter is asking for direction regarding provision of further information and will return with that information at a future meeting. Mayor Pro Tem Troughton requested information on all of the line breakdowns and the variable. Council concurred. Council Member Sellers asked what amount the Office of Migrant Services would be contributing. Mr. Daulwalter said the Migrant Program relies on outside funding sources and are reliant on those sources to operate as the Housing Authority. They pay the staff



costs for those who operate those facilities. The application needs to be a City application because it is a City-owned line. City Attorney Siprelle said that Migrant Housing is under the auspices Housing and Community Development. Because of that fact the application for grant money would be strengthened. Council Member Barker said the lines have collapsed and must be replaced. Mr. Daulwalter said there are several options but they are all expensive. Mayor Pro Tem Troughton said when it became known about the necessity of a lift station the cost factor became an issue. When the Board became aware of that cost they were surprised as they had not considered that cost. Mr. Daulwalter said a response it needed soon and he will coordinate with the City Administrator for the process as per Council direction.

COLUSA COUNTY TRANSPORTATION COMMISSION

City Administrator Bergson said Council had previously given direction to explore the option of a rotation schedule on the number in the membership between the Cities of Colusa and Williams on the County Transportation Commission. That rotation would provide in one year Colusa would have two representatives and the following year, Williams would have two representatives on the Commission.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton, Jr., and carried unanimously, Council approved an amendment to the Joint Powers Agreement between the Cities of Colusa and Williams and the County of Colusa for the Colusa County Transit Authority Board membership composition rotation.

PROJECT 11-06, - 2011 SIDEWALK IMPROVEMENTS

City Administrator Bergson said the City went out to bid to repair the sidewalks in selected parts of the City where trees are uprooting sidewalks and causing a dangerous condition. Staff identified several key areas. The funding is from an approval by the Colusa County Transportation Commission from the State's Local Transportation Fund. The allocation for us is at \$50,000. This allocation will allow us to add other sites such as in front of the NAPA Store and La Fortuna. Council Member Ash also has a concern on Seventh Street and City Administrator Bergson said he would check on that site and add to the list if needed. Mayor Plachek-Fulcher asked if the damage is due to the trees and asked if they are being removed. City Administrator Bergson said the roots can be reduced and root barriers installed. If that option is not feasible, the trees



can be removed. The cost for those options will be included in the bid. Council will receive updates. Any further additions or changes will be in the form of a Change Order.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Troughton and carried unanimously, Council directed the City Administrator to award a Construction Contract to R. J. Heuton Construction of Chico for the 2001 Concrete Sidewalk Repair contract in an amount not-to-exceed \$38,257; authorized the contingency and construction support costs; directed the City Administrator to execute a Construction Contract Agreement.

NEW BUSINESS

DEVELOPMENT FEE REDUCTION – BENNETT HOMES

City Administrator Bergson advised Council that at their last meeting Council had received a request for a waiver from Bennett Homes, Inc. for fees that had been approved by Council in July. This waiver is requested for the increase to the fees only and he recommends that for the 13 outstanding homes in the division that increase be so waived. Council Member Ash said the City Administrator had indicated he was going to prepare a breakdown of where these fees were distributed. City Administrator Bergson said \$900 is for Administration, \$1,000 for transportation and other portions including water all adding up to \$3,000. The Police Department did have some portion but they were not as measurable. Council Member Ash said our Administrative Fees were very low and City Manager Bergson said they are really non-existent.

Dennis Bennett of Bennett Homes said he has 13 remaining lots on Phase 9 in Valley Ranch to be developed. Building is down and they are attempting to retire debt by building out these lots. These are finished lots as they are developed and the fees had been paid. These fees are upfront fees that are paid in the development stage of the project. There is nothing further to be at this time. These added costs have hit at a very bad time. They are attempting to get these homes sold. He is requesting the waiver of the fees. The Fire fees are a different issue as they now have the added responsibility to install fire systems at a significant cost.

Council Member Barker said his concern is not as much with the fees. He does not want an open ended date for completion of these remaining homes and wants them finished within the year. If not, the fees go should revert to the new rate and he suggested to add that stipulation to the motion that these thirteen



homes be done within the year. Mr. Bennett said he has no control over the market but Council certainly has the option to do that. Mayor Pro Tem Troughton does feel that the impact fees for that area have been underpaid for a long time. He does feel there should be an ending date on the completion. Should Bennett Homes make a transaction on these lots in that they are sold to another Developer the City should have the right to reconsider the fee waiver. He asked for clarification on the cost for sprinklers and Mr. Bennett indicated sprinklers are now required as per State law and the cost will vary on the size of the home. The approximate cost is \$3,000 to \$3,200 per home.

Mayor Plachek-Fulcher asked if these lots are sold to another Developer, what the resultant fee issue would dictate. City Attorney Siprelle said if the City waives the fees for Mr. Bennett only; it would revert back to the original fees adopted. Council Member Sellers would like a timeline. Perhaps one year is too short of a time to provide for the sale of the homes. Mr. Bennett would prefer not to have a timeline. Mayor Plachek-Fulcher said the timeline would be as the houses sell. Mr. Bennett said the houses are presold. At present he is under contract for one more, leaving 12 remaining.

City Attorney Siprelle said there could be a time limit and anything sold after that time could be subject to the new fees. Council Member Ash concerned for the City, City workers and citizens who have lost money. Mayor Plachek-Fulcher polled Council to determine if a timeline should be stated.

A motion was made by Council Member Barker and seconded by Mayor Pro Tem Troughton to drop the fees to the former rate and set a review time for 12 months. Council Member Sellers approved and Council Member Ash did not approve. Council Member Ash said we could increase the fees now and review in 12 months. City Attorney Siprelle suggested the City set a year and then review and consider an extension of time at that time. Mayor Plachek-Fulcher said it should be set to expire in 12 months at which time Mr. Bennett could come back for a review.

Fire Chief Gilbert said Fire fees are a City fee, not a Fire Authority fee. The Fire Protection Authority cannot adopt the fee. Mayor Plachek-Fulcher said the City is looking at Administrative Fees and Chief Gilbert said Mr. Bennett is saying that the Fire Authority has control over these fees and that is incorrect. The sprinkler requirement is a national mandate. The impact on the Department does not change with the sprinkler requirement. The Department still has medical calls and the fires may not be as big, but still has an impact when sprinkler heads are knocked off and alarms are triggered. Mr. Bennett agrees the increase from the previous to the current includes the Fire fees. Mayor



Plachek-Fulcher said considering the Fire Department need the cost would be about \$4,500 with them as they .68 cents per foot. Council Member Barker said the fees total about \$22,000 per house but the increase is about \$4,500 more with the increase.

Fire Chief Gilbert asked Mr. Bennett what the amount of the adjustment is for School fees. Mr. Bennett indicated there is the annual inflator in July. The schools have only the right to incur the State fees and he does not have that information. Chief Gilbert asked for the cost of the negotiated fee and Mr. Bennett said it was \$4.10 per square foot with the State at \$2.71. Chief Gilbert said Bennett Homes gave the School District a great deal of money to the detriment of the City. City Attorney Siprelle said the City could waive the increase in the Fire, as well as, all of the other fees. The only one we cannot waive is the school fees. Mayor Pro Tem Troughton asked about the impact on the Fire fees. Chief Gilbert said he has estimated \$13,000 if the homes were built. Council Member Barker does not feel Fire and Police fees should be separated out but drop them all back for one year and re-evaluate in one year.

On a motion by Council Member Barker, seconded by Council Member Sellers and carried by the following vote, Council agreed to drop all fees back to the previous level for one year for the Bennett Homes remaining 13 lots in Valley Ranch, Phase 9. Roll call is as follows:

AYES:	Council Members Barker, Sellers, Troughton
NOES:	Council Member Ash, Plachek-Fulcher
ABSENT:	None
ABSTAIN:	None

ORDINANCE 188-11

Police Chief Saso said in May 2011 Council adopted Resolution 11-10 restricting parking in designated areas on Seventh Street but did not adopt an Ordinance to enforce the restrictions. This Ordinance would add Section 10.32 to allow such enforcement. Mayor Pro Tem Troughton asked if there have been any calls since the restrictions had been put in place and Chief Saso indicated to the negative. Some of the language in the Resolution was vague, such as where the parking permits can be obtained. City Attorney Siprelle suggested a meeting be scheduled with the hotel owners to advise them of the process.

On a motion by Council Member Ash, seconded by Council Member Barker and carried unanimously, Council introduced, waived first reading and read by



title only Ordinance 188-11, "An Ordinance of the City Council of the City of Williams Amending Chapter 10.32 of the Williams Municipal Code Regarding Permit Parking".

REPORTS:

City Attorney Video on parliamentary procedure and was shown elsewhere. It is about 50 minutes and wanted to know if the Council would like to have this in session or on their computer. Council would like it presented and Angie said we could meet an hour earlier. Ann said he has a pocket guide that he is updating and we can get that also.

Deputy City Clerk None

City Treasurer Read Treasurer's report. DB said the storm drain fund we have been buying property for years and was told by the legal department that the city did not have to return it back to the citizens. He was under the impression that we did not have to get it back. Ann said there is a provision in state law but the money needs to be spent or committed within five years. We don't have to spend it on specific park, etc., but we never have to reimburse it. DB said there is 343,161 in the storm drain fund deficit. PW has been cleaning out the drains to keep the flow. We are short there and why can't we use the land purchase money to equal that out. CB said the deficit is based on operations and maintenance. When we collect impact fees they must be for capital expenditures and we cannot use it for maintenance purposes. Rex said the balance was closer to 400K a few years ago and we are paying it down over several years. It is not growing because we did not have a separate fund. The General Fund is backfilling that deficit.

COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Ash - attended the Sacramento Valley Museum Board meeting, Citizens for a Better Williams meeting, and met with various staff members. The Fire Department will be assisting CBW in cutting the holiday tree the Sunday after Thanksgiving. The Firefighters dance will take place following after the Festival of Light. She has done some research on the Bed Races and they will return on March 17th to the downtown as an all-day event.

Council Member Barker - Community Center drawing review and design is underway. The General Plan City Design Committee met and went through the



survey results. The Plan is to have the Design Manual for consideration by the Council.

Mayor Plachek-Fulcher asked about the Brick Fund donations. Council Member Barker said when the park was being built they were to be placed in the gateway, but does not know if it was ever done. Mayor Plachek-Fulcher asked that research be done on the issue. Council concurred to add this item to a future Agenda.

Council Member Sellers – He attended the Colusa County Regional Medical Committee meeting and a meeting at the CHP office.

Mayor Pro Tem Troughton – He attended a Finance Committee meeting, met with all City Administrators, the Fire Board, the Department of Fish and Game and a meeting regarding the Migrant housing. He would like to be on the Colusa County Transit Board Agenda for next time and would like the City Council to pass a Resolution to direct the Transit Board to look at other providers and a reduction in cost. Council concurred to add this item to a future Agenda.

Mayor Plachek-Fulcher – She attended the Finance Committee meeting, a LAFCO meeting regarding redistricting of the Fire District, a Museum Board meeting, and met with the City Administrator.

STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator Bergson – He attended the November 16th Waste Water Treatment Plant. On November 17th at 6:00 p.m. there will be a City/County Dinner at the museum hosted by the City of Williams. We are in escrow regarding the property on Theater Drive. He met with Kay Spurgeon regarding a Roundup for Kids Program. There was a Partners for Education meeting at Granzella's on October 30th. Donations for this program would be the utility bill by rounding it the bill up to spend this money on kids programs.

Police Chief Saso – There was an article in the Colusa Sun-Herald today regarding Partners in Education. He will be leading a panel at Granzella's on October 26 at 8:00.

Fire – Council Member Ash said the Authority has received all of the grant money for the heavy rescue and on November 29th they will do the final inspection. The cost is approximately \$332,000. There will be a fund raiser next month.

Public Works Director Goforth – He presented a written report for Council review.



Finance Officer Greenbaum – He said they are working on the audit. Completed the State Controllers Report and it was submitted on time. MuniServices is conducting a sales tax audit. The Finance Committee is working on the Solar Project and a new proposal has been received from another Consultant that appears to be very promising.

ADJOURNMENT

At 7:43 p.m., Mayor Plachek-Fulcher adjourned the adjourned regular meeting of the Council.

APPROVED:

Ss: Angela Plachek-Fulcher, Mayor

ATTEST:

Ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: March 7, 2012