

# CITY OF WILLIAMS

## *Council Minutes*

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

CLOSED SESSION  
COUNCIL CHAMBERS  
DECEMBER 14, 2011

5:00 P.M.

### CLOSED SESSION

Council met in closed session at 5:00 p.m. to hold a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b). There was one case to discuss. Present at this session were Mayor Plachek-Fulcher, Mayor Pro Tem Troughton, Council Members Ash, Barker, and Sellers, City Administrator Bergson, and City Attorney Siprelle.

Council also met in closed session to hold a public employee performance evaluation pursuant to Government Code Section 54957 for the City Administrator. Present at this session were Mayor Plachek-Fulcher, Mayor Pro Tem Troughton, Council Members Ash, Barker, and Sellers and City Administrator Bergson.

REGULAR MEETING  
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 Wes Goforth, Public Works Director Sally Barker, City Treasurer Jeff Gilbert, Fire Chief



Sue Vannucci, Deputy City Clerk  
Mariela Cruz, Office Assistant  
Pete Garcia, Sewer Operator  
Nick Thompson, Maintenance Worker

### CALL TO ORDER

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.

### CLOSED SESSION ANNOUNCEMENT

Mayor Plachek-Fulcher announced that Council had held a closed session on anticipated litigation, significant exposure to litigation and for a public employee evaluation and that Council had provided direction to staff.

### PLEDGE OF ALLEGIANCE

Mayor Plachek invited all in attendance to join in the Pledge of Allegiance.

### PRESENTATIONS

#### MEN'S BASKETBALL AND YOUTH SOCCER ACHIEVEMENTS

Council presented Certificates of Recognition to the Boys Under 10 Soccer, Boys Under 14 Soccer and Girls Under 10 Soccer Teams for their accomplishments during the first year of the City of Williams Soccer program. The teams were Purple Lightening, Team Barajas and Manchester United.

### APPOINTMENT OF MAYOR AND MAYOR PRO TEM

On a motion by Council Member Barker, seconded by Council Member Ash, and carried unanimously by the following roll call vote, Council nominated and appointed, John Troughton Jr. to the office of Mayor for the forthcoming year effective immediately. On roll call the vote was as follows:

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



On a motion by Council Member Sellers, seconded by Council Member Barker and carried unanimously by the following roll call vote, Council nominated and appointed Don Barker to the office of Mayor Pro Tem for the forthcoming year, effective immediately. On roll call the vote was as follows:

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

#### OATH OF OFFICE MAYOR AND MAYOR PRO TEM

Deputy City Clerk Vannucci administered the Oath of Office to incoming Mayor Troughton, Jr. and incoming Mayor Pro Tem Barker

#### CONSENT

On a motion by Council Member Ash, seconded by Council Member Plachek-Fulcher, and carried unanimously, Council approved the following Consent Calendar items as presented:

#### TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment Report for October 2011.

#### MINUTES

Council adopted the minutes of the regular Council meeting of July 6, 2011 with corrections as cited by Council Member Barker, on page five, paragraph 2, line three removing "structure" and adding "land", and paragraph five. Line five, removing "City" and adding "JPA".

#### SOLAR SITE LEASE AGREEMENT

Council approved a Power Purchase Agreement with SPG Solar for a facility at the Waste Water Treatment Plant; and the associated site lease agreement. With this approval, in conjunction with this Agreement, and based upon all of the information contained in this staff report, the Power Purchase Agreement, the administrative record, and evidence presented by staff, the City Council hereby finds as follows:



1. The proposed Project is exempt from the California Environmental Quality Act pursuant to a Class 11 exemption for accessory structures. (14 Cal. Code Regs. § 15311.)
2. The proposed Project is exempt from the California Environmental Quality Act pursuant to a Class 3 exemption for new construction of small structures. (14 Cal. Code Regs. § 15303.)
3. The proposed Project is exempt from the California Environmental Quality Act pursuant to a Class 32 exemption for infill development. (14 Cal. Code Regs. § 15332.)
4. Each of the aforementioned bases is independently sufficient to exempt the proposed Project, in its entirety, from the provisions of CEQA.
5. None of the circumstances outlined in State CEQA Guidelines section 15300.2 is present.
6. The City Council hereby directs staff to prepare, execute and file a notice of exemption with the Colusa County Clerk within five (5) working days of this action.

## OLD BUSINESS

### CAPITAL IMPROVEMENT PROJECT – 2009 WASTE WATER TREATMENT PLANT EXPANSION

City Administrator Bergson indicated the Waste Water Treatment Plant has been working since last month. The City is holding \$660,000 in retention at present. Upon recording of the Notice of Completion there is a 35 day waiting period to determine if there are other issues. There is a \$59,000 issue under review and that money will be held in escrow until the issue is resolved. Public Works Director Goforth said the Plant is running well. There is a labor dispute and some minor SCADA problems on the data acquisition causing the alarms go off regularly. Some of the bacterials are getting through the system but are being addressed.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash and carried unanimously, Council accepted as complete the Capital Improvement Program 2009 Waste Water Treatment Plant expansion; authorized the City Clerk to File a Notice of Completion with appropriate retention due to an ongoing issue with a sub-contractor.

### SACRAMENTO VALLEY LEASE AGREEMENT

City Administrator Bergson said Staff has been working on the Lease Agreement for the Museum for some time. A letter has been received from the Museum Board regarding the rental house and Council request for an audited financial statement. The Board prefers the word "audited" be eliminated. Staff believes the financial statements the Museum submits to the State will suffice for



our needs. The City must maintain the house and the other facilities on that site. The rent received from the house will support those facilities. At this time the house is inhabitable and not generating any money. The City does need to hold the house receive the rent to handle the repairs and upkeep.

Barbara Mayberry from Williams said the house is in disrepair but the Museum needs the all of that income. The Board raised the money to refurbish the Museum. At that time, the City offered the house so that a Curator could occupy it. As Ms. Manor did not require the residence, it was rented and the money was used to pay her salary. If and when it is repaired, they need that rent less the 10% that was agreed upon a few months ago.

Council Member Ash said the City did not know it would be faced with such considerable repairs needed by the house. Mayor Troughton suggested keeping the income from the unit until the renovations are covered and then revert back to the original agreement. He feels it may take a long time to repair the house and recoup our costs. Mayor Pro Tem Barker said it appears it will be between \$40,000 and \$50,000 to repair the house. Mayor Troughton said if the plumbing and HVAC is all that is necessary, it should not be that costly. City Administrator Bergson said an electrical contractor has estimated the electrical alone to be approximately \$20,000 as it needs to be brought up to code. It appears the plumbing repairs will be extensive as with other issues that need to be done. Mayor Troughton said requested exact figures. Council Member Plachek-Fulcher said there are many Code and wage requirement issues that will cost a lot of money.

Mayor Troughton thinks the facility can be brought into habitable condition without spending a great deal. He wants firm numbers. Council Member Plachek-Fulcher said it is difficult to ascertain the actual cost until the City starts tearing into it. The City needs to make a decision and move on with it as long as we do the repairs and have the funds to cover those repairs. Mayor Pro Tem Barker said the City is spending \$60,000 to replace the Museum roof and the repairs to the house are at minimum estimated to be \$40,000. It appears we are expending City funds for which the City receives nothing. The City needs to recoup some of that money and cannot continue to expend funds on these properties. Sewer lines have been replaced, power poles installed, air conditioning added and the City continues to expend money into the Museum maintenance. Council Member Ash said the City did not spend City funds on the air conditioning as that was a Proposition 40 Grant.

Mayor Troughton said this is an old house and stated perhaps the City should not put \$50,000 to \$60,000 into renovations. City Administrator Bergson suggested an architect and home contractor be contacted to secure good estimates. Mayor Troughton said a walkthrough should give us some idea.



City Attorney Siprelle said when the house went into disrepair, Council directed that the house be taken out of the lease and there is a separate description. Public Works Director Goforth said when the City needed some idea of cost to repair the old Police Department building, Mike Smith was utilized to provide us with an estimate. Council Member Ash asked as the Lease is written now, can the City sign the and when prepared to move ahead with the house, can it be add that back into the Lease. City Attorney Siprelle Ann said that could be done because it is not a Lease term. A motion could be made or the City can enter into a separate agreement with them. The City could donate the rent less 10% but it is premature to do so at this time because of the indecision on the house.

Mayor Pro Tem Barker asked for clarification on the State report contents. Ms. Manor said this report is a breakdown of the Museum's yearly expenses and revenue. It is not audited and they have no investments. City Administrator Bergson said within the Lease there are provisions for the City to handle all utilities, maintain the buildings and other items included the Lease with the understanding that the house is not part of the agreement. Some items were added into the Lease because the house was taken out. Mayor Troughton if the City spends a whole lot of money on the house it might be more than it is worth. Council Member Plachek-Fulcher said with our budget is not stable and the City should strongly consider the cost for repairs.

Jim Armstrong of Williams said the Board's concern is if there is a windfall to repair the house, they want the house back to use in the future. If the house is fixed and the funds recouped in three to five years they want the income to come back to them. City Administrator Bergson would not like to commit to the 90%/10% at this time because the facilities do need repairs. Barbara Mayberry said that percentage was agreed to and Council Member Plachek-Fulcher said the split was discussed but the City did not know the house was going to fall apart. Ms. Manor said the Museum has been paying the utilities for years. Ms. Mayberry said the 90%-10% was agreed to but City Administrator Bergson said that was before the house fell apart. Council Member Ash would like to move ahead with the lease as written without the house at this point. Council Member Plachek-Fulcher said people are complaining that they are falling down on our streets and she cannot justify spending \$40,000 to \$-50,000 to fix this house.

Mayor Troughton said the cost to rehabilitate may be prohibitive. Council can consider the financial statements and leaving the house out of the equation at this time. Ms. Manor said if the house is not in the lease the City could choose not to do so in the future and the Museum would then not have the money to adequately operate. Mayor Troughton said the City needs to make a decision on whether it can afford to spend the money on the house based upon the estimates heard. The house will take a very low priority and negotiations could be done following determinations on the cost to make the needed repairs. Council Member Plachek-Fulcher said she is not willing to agree to leave the



house out and have a statement that which time the house is repaired Council can revisit the terms.

City Attorney Siprelle suggested amended language and on a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried, Council approved that if the City rehabilitates the house and rents it the City will consider giving a portion of the rent received to the Museum following the recouping the cost of rehabilitating the property; removed the word "audited" from the financial statement.

## NEW BUSINESS

### COUNCIL BOARD AND COMMITTEE APPOINTMENTS FOR 2012

Mayor Troughton suggested that the Finance and Capital Improvement Committees be combined as they are so closely related. Council Member Plachek-Fulcher indicated that the Members of LAFCO cannot be changed as they are elected to those positions. Mayor Pro Tem Barker said the Mayor Pro Tem has always been appointed to the Finance Committee. The Fire Authority is an appointed by the City. Chief Gilbert said in the past they never had an alternate in addition to the two primary appointees.

Council accepted the recommended appointments to the various Boards and Committees made by Mayor Troughton with the changes as indicated.

### ANTIQUA SHOW BUDGET

City Administrator Bergson said the annual Antiqua Show is scheduled for March and individuals are already contacting the City. Mayor Pro Tem Barker would like some other agency to take responsibility for this event. City Administrator Bergson said it would be difficult to pass this off to just anyone. Mayor Troughton suggested if there is someone who might be interested is taking on this event, they should step forward.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Barker and carried unanimously, Council approved the budget for the 35th Williams Antiqua Show scheduled for March 16 through 19- 2011 to be held at the Old Gym.

### PROJECT 11-04 WELL FILTRATION AND PROJECT 11-06 – WATER RESERVOIR – PROFESSIONAL SERVICES AGREEMENT

City Administrator Bergson said there have been ongoing discussions with USDA to secure a loan for our water system. USDA is requesting a preliminary engineering report for a water reservoir and water filters. During the interviews



for the Water and Sewer Master Plans, PACE Engineering rose above some of the others as did HydroScience. PACE has experience and in the interest of time it is recommended that they proceed. Mayor Troughton said the City need figures to present to USDA and without this report, those figures will not be available.

On a motion by Mayor Pro Tem Barker, seconded by Council Member Ash, and carried unanimously, Council awarded a Professional Services Agreement to PACE Engineering for a Preliminary Engineering Report supporting City's USDA Water Facility Improvement Loan application for Projects 11-04, Well Filtration, and Project 11-6, Water Reservoir; directed the City Administrator to execute the Agreement.

#### ORDINANCE 190-11 – FLOOD PLAIN MANAGEMENT PROCESS

City Administrator Bergson indicated the City Attorney has advised of a need to hold on this item. Council concurred

#### RESOLUTION 11-32 – APPROPRIATIONS LIMIT (GANN)

City Administrator Bergson said every year the City needs to establish the Gann Appropriations Limit to determine what the City can accept as minimum. The funds in excess may need to be returned to the State. The table shows the tax revenue subject to the Gann limit. Staff is recommending that the Gann limit be set at \$3,854,848.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker, and carried unanimously, Council adopted Resolution 11-32, "A Resolution of the City Council of the City of Williams Establishing an Appropriations Limit for Fiscal Year 2011-12".

#### RULE 20A UNDERGROUNDING ELECTRIC UTILITIES PROJECT

City Administrator Bergson said in the 1960s the Public Utility Commission required all overhead utilities to eventually become underground. They collect funds in their rate structure to pull overhead wires and poles. The City has \$400,000 set aside and the County has \$3,000,000 but does not have many areas with overhead poles. The County is willing to provide some of their funds for our needs. Staff is recommending the nomination of E Street to place the utilities underground. The item would return to Council with full estimates and a Public Hearing to initiate proceedings. Council Member Ash said it may take five to seven years to actually begin the project. City Administrator Bergson said from the time the City passes the Resolution and it goes into the process it could be five to seven years.

Council concurred to have staff move ahead.



## JOB DESCRIPTIONS

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash and carried unanimously, Council approved the Job Descriptions and salary placement for Water Pollution Specialist I/II, Treatment Plant Maintenance Worker and Administrative Secretary – Public Works as presented.

## RESOLUTION 11-31 – PERMIT PARKING VIOLATION FINES

City Attorney Siprelle indicated that Council had adopted Ordinance 188-11 to provide for permit parking. The proposed Resolution is to amend the civil penalty for violation of the permit parking Ordinance.

On a motion by Council Member Ash , seconded by Council Member Plachek-Fulcher, and carried unanimously, Council adopted Resolution 11-31, "A Resolution of the City Council of the City of Williams Adding a Fine for Violation of the Permit Parking Program to the Schedule of Civil Penalties for Parking Violations".

## ORDINANCE 189-11 – RECOVERY OF ATTORNEY FEES

City Attorney Siprelle indicated the proposed Ordinance would it would amend the Nuisance Abatement language to provide that Attorney fees could be recovered when necessary.

On a motion by Council Member Ash, seconded by Council Member Sellers, and carried unanimously, Council introduced, waived first reading and read by title only Ordinance 189-11, "An Ordinance of the City Council of the City of Williams Entitling Prevailing Parties to Recover Attorney Fees".

## SPECIAL EVENT – FEAST OF GUADALUPE PARADE

Public Works Director Goforth said he and Police Chief Saso had met with the sponsors prior to the event and discussed pre-staging and signage. On the day of the event, the group did not follow the approved and marked route where Staff stations to diverting traffic.

Mayor Pro Tem Barker said the approved event Policy provides that these applications are to be submitted 45 days in advance, which was not the case for this event. The event should not have been allowed to go forward based on that error alone. Mayor Troughton asked for Council input regarding the requested fee waiver as they did not follow the approve route, that staff was there on Sunday and there are costs involved. There are also some liability issues.

On a motion by Council Member Ash, seconded by Council Member Sellers, and carried unanimously, Council denied the Special Event Permit Fee



Waiver, for the Feast of Guadalupe Parade held on December 11, 2011 due to the cost to the City to mitigate the event.

#### REPORTS:

City Attorney - City Attorney Siprelle provided Council with the most recent version of Rosenberg's Rules of Order. A video will be provided for Council to be run at a future meeting.

Deputy City Clerk - None

City Treasurer – City Treasurer Barker read the previously accepted Treasurer's Report provided under the Consent Calendar.

#### COUNCIL REPORTS AND COMMITTEE UPDATES:

Council Member Ash – She attended the Capital Improvement Project Committee meeting, the Personnel Board meeting, met with the City Administrator and attended a One-Stop meeting. She attended a Wetlands dinner and a hunting trip will be provided for some of our injured soldiers. She attended the Firefighters' Dance, the Transportation District Board meeting and the Festival of Lights.

Mayor Pro Tem Barker – He attended the Tri-County Dinner. As he has been ill he has been unable to attend some of his normal meetings. He did meet with the City Administrator on several issues.

Council Member Sellers – He attended the Joint County/City meeting and the Chamber Holiday mixer. He also attended the Festival of lights and the One Stop meeting.

Mayor Troughton - He thanked Council Member Plachek-Fulcher for assistance on the proposed new truck stop issue. He attended all of the usual meeting, met with the Chief of Police, Public Works Director, and City Administrator. He also attended the Capital Improvement Program meeting, the Personnel Board, Museum Board meeting. As the Finance Committee and the Capital Improvement Program Committee are combining, there will be many meetings to help with the continuance of the sales tax. A plan needs to be developed and brought before Council to discuss on how the City can move ahead to reduce our debt. We have some old obligations, one from 1996, all of which are 30 year loans. The interest alone is substantial. The City is now considering a water loan and need to figure out how we can best pay that off. We want to put a plan together to shorten these loans and save interest. We would like to have workshop to discuss financial issues. He does not want to pass along our financial



issues to future generations. We have the treatment plant costs and infrastructure issues.

Council Member Plachek-Fulcher – Said she is working with CalTrans and Assembly members on our highway 20 project. LAFCO has been working with the Cities of Colusa Williams on the General Plan Environmental Impact Reports. She attended the Wetlands dinner and will be working on the bed races.

#### STAFF GENERAL REPORTS AND DISCUSSION:

City Administrator – The City hosted the joint City/ County dinner right after ribbon cutting. He attended a meeting at the Colusa County airport and they are trying to find funds to build a new hanger. The County Transit Agency is not happy about the transit review request from the City, but asked that it be brought to them. It will come up at their meeting in January.

He and the Finance Officer attended the Municipal Finance Seminar in Long Beach. One of the highlights is that Governor Brown is looking at trigger cuts. Education and some City funds will likely be cut but they have yet to be identified. “California Forward” ballot issues were also an item, and the thought is that the committee on taxes on sales activities be formed. The Governor is also proposing a California Pension Reform Act to go on the ballot next year. The State system has money that he wants to go into a second tier and there will be a lot of efforts to do the same with City employee retirement.

The taking of the Redevelopment funds is going before the California Supreme Court.

He has received an e-mail and a letter from CalTrans that directing the City to decide which of two ways to proceed with the connection to Highway 20. Staff has met with Jody Jones of CalTrans in March. A letter was sent and staff will meet with them again next week. There is a lot of red tape before us. Many phone calls have transpired and the City is now told a project specific traffic support report is needed which is a change from what they told us in 2010. Council Member Plachek-Fulcher said CalTrans change in requirements is based upon a proposed methanol plant in Colusa that may happen in 20 years. City Administrator Bergson said the Traffic Consultant will be attending the meeting next week. Council Member Ash asked that Vann Brothers be kept in the loop and City Administrator Bergson said he has been talking with Steve Tofft of Vann Brothers.

Police Chief - No Report.



Fire - Fire Chief Gilbert said invitations are forthcoming for Christmas event function beginning at 1:00 with Santa arriving at 3:00. There was an incident on the East side whereby a carbon monoxide detector was sounding in a residence. There were extremely high levels recorded at the residence. Staff spoke with P.G.E. who had indicated the family had not changed their filters since they had moved into the home and the heater was producing carbon monoxide at a deadly level. The Department has taken delivery of a \$300,000 rescue vehicle that has been in the works for several years. It was paid for with grants, volunteer and other funds. The vehicle will be dedicated to fallen firefighters and is used for heavy rescue. The Fire Authority is very concerned with the intersection at Eighth and E. There was another person hit at that intersection a few weeks ago. There was discussion that there was no need for a stop sign but he feels the flashing lights will not work. There is too much traffic at this intersection and someone will get killed or seriously injured there. Mayor Pro Tem Barker said there had been a traffic study with metering in place and CalTrans has indicated there is no evidence for stop signs at that intersection. Chief Gilbert said regardless of the indications, there is a need to have something there. City Administrator Bergson said the City can do further review as there is a new Traffic Engineer consultant under contract. Council concurred on the need for further review.

Public Works – Director Goforth said the E Street safety project is finished. Sidewalk repair and replacements have been done and a Notice of Completion will come before Council at the next meeting. There will be an employee luncheon tomorrow. Council Member Plachek-Fulcher asked about the safe routes to school and the flashing crosswalks. Director Goforth indicated they have been installed.

Finance Officer – Nothing to report.

#### ADJOURNMENT

At 7:55 p.m., Mayor Troughton adjourned the adjourned the regular meeting of the Council.

APPROVED:

Ss: John Troughton, Jr., Mayor

ATTEST:

Ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: July 25, 2012