

# CITY OF WILLIAMS

## *Council Minutes*

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

REGULAR MEETING

COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 18, 2012

6:00 P.M.

### CALL TO ORDER

At 6:00 p.m., Mayor Troughton called the regular meeting of the Council to order.

### 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 Sue Vannucci, Deputy City Clerk

### PLEDGE OF ALLEGIANCE

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

### PUBLIC COMMENT

Jose Sandoval said he has lived at his residence at 158 Sixth Street for 9 years. There is no paving and his neighbor has trucks going in and out. He has asked that the street be graded but it has not been done because Public works says it is a truck route. There is a lot of dust and in the winter there are ruts, water and rocks. He lives on the right side of Sixth Street coming from the North and at the entrance is a 16 inch. There



is a ditch there and two people have fallen into it. He would like to put pipes and a little fence on each end to keep anyone else from getting hurt. Public Works Director Goforth said he could provide the City Standards and a history at the next meeting. Mayor Troughton suggested that Mr. Sandoval speak directly with Director Goforth.

#### COMMUNICATIONS – WRITTEN

Council received a notice from Pacific Gas and Electric regarding a rate increase of .3% for a seismic survey recommended by the California Energy Commission. Council Member Plachek-Fulcher presented materials to Staff received from Health and Human Services requesting Cities to consider making our parks smoke free. Mayor Pro Tem Barker suggested the City Attorney respond to P. G. & E. on how long this increase will be in effect and as to why citizens in this City are to pay for this survey.

#### CONSENT

On a motion by Mayor Pro Tem Barker, seconded by Council Member Plachek-Fulcher and carried unanimously, Council approved the Consent Calendar items as presented.

#### TREASURER'S INVESTMENT REPORT

Council received and accepted the Treasurer's Investment Report for November, 2011.

#### SURPLUS PROPERTY

Council declared the 1987 FMC Vanguard, VIN 1F9VM4L13HP041024 as scrap in the prescribed manner.

#### OLD BUSINESS

##### SACRAMENTO VALLEY MUSEUM LEASE

City Administrator Bergson said direction had been given by Council in that once the house is habitable and costs to repair been recouped, the City would share a portion of the proceeds with the Museum. Executive Director of the Museum, Kathy Manor, said she had spoken with the Board of Trustees regarding this item, (item number 13 in the proposed lease), the Board would prefer to have more of a commitment from the City as the statement is vague, wide open and the Board would like more of a guarantee on the funding. Mayor Troughton said he attended that meeting and the language as proposed could be



misconstrued by future Councils. If the City can recoup the cost to restore the house, The City could go back to the 90/10 share. Mayor Pro Tem Barker said that was the former language and if the City can recoup the refurbishing costs to fix the house, the City should revert back to the 90/10 share.

Council Member Ash said her concern is finding the funds for the repairs. The City will be renegotiating with the fire employees and will need to find funds for them. We will need the ½ cent tax to maintain our level of service with Police and the State is also proposing another ½ cent tax. She would like to postpone the decision until after the election on the sales tax. Once the house is rehabilitated the funds should be provided to the Museum. Council Member Plachek-Fulcher said her concern is that she cannot justify spending \$50,000 to \$60,000 of City funds for the house repair when the City may lose a Police Officer. The Board is not guaranteed they will see this money for several years. She is not willing to sacrifice Staff so that the Museum can realize some income.

Mayor Troughton said he and an Electrician went to the house and did a cursory walk through. There had been an estimate of \$20,000 for the electrical alone. The Electrician feels the cost would be closer to 30% of that figure, or ± \$6,000. The plan is not to remodel the house. The roof does not leak. There is some minor work that needs to be done inside. The electrical box would be approximately \$1,000, then the wiring and labor. He has an appointment to go through the building with the City Building Inspector to determine what needs to be done. The \$50,000 to \$60,000 estimate not a realistic figure. We need to recoup the cost to fix up the house and should then do the 90/10. There is a provision that the lease could be cancelled. City Attorney Siprelle said they could only cancel the lease should the Museum Board determine they would cease to operate.

City Administrator Bergson said until more realistic figures are received, this item should be tabled. Mayor Pro Tem Barker said if the City does decide to repair, we should recoup the cost and uphold the proposed 90/10 split. City Attorney Siprelle advised the City to avoid obligating itself to repair the building. The language should say "if and when the City does so, the 90/10 could go forward". Director Manor said the main concern of the Board is the word "consider". The word "shall" will guarantee the Museum would be provided the 90/10 split.

On a motion by Mayor Pro Tem Barker, seconded by Council Member Sellers and carried unanimously, Council approved removing the word "consider" and included the 90/10 proportion, 10% to the City and 90% to the Museum once the City has recouped the cost to repair the Museum house. City Attorney Siprelle said lessor should consider a portion, but add the language that the lessor should contribute 90%.



Council Member Ash said she is uncomfortable as we are spending funds the City does not have on this property. City Administrator Bergson said before the City begins to spend any funds, the item will return to Council to approve the costs associated with the project.

ORDINANCE 189-11 – RECOVERY OF ATTORNEY FEES

City Attorney Siprelle indicated this is the second reading and recommendation for adoption an Ordinance introduced at the last Council meeting and would provide for the City to recover Attorney fees for things such as liens.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried by the following roll call vote, Council adopted Ordinance 189-11, "An Ordinance of the City Council of the City of Williams, California, Entitling Prevailing Parties to Recover their Attorneys' Fees". On roll call, the vote was as follows:

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

NEW BUSINESS

ORDINANCE 190-12 – NATIONAL FLOOD INSURANCE PROGRAM

City Administrator Bergson said in order for the City to have eligibility for assistance from the Federal Government, we must adopt an Ordinance as provided by the National Flood Insurance Program (NFIP). Rates could go up if we do not adopt such a plan. Mayor Pro Tem Barker said in 2003 the maps released were incorrect. Since that time they have been corrected and reissued. Some of the NFIP monitoring agencies will attempt to increase rates even though the property is just outside of the flood plain. He would like Council to review the maps carefully to see if the City has some options for action. The City should be completely clear on the exact location of the floodplain. He asked that the City Administrator contact them and determine when the latest maps will be distributed as we have not yet seen them.

Mayor Troughton said that anyone in the designated area would be entitled to these maps and the City Administrator agreed that all of the City would be qualified. We have made contact in the interim the City can check online. He will request a current map.



On a motion by Mayor Pro Tem Barker, seconded by Council Member Plachek-Fulcher and carried unanimously, Council introduced, waived first reading and read by title only Ordinance 190-12, "An Ordinance of the City of Williams Establishing a Floodplain Management Process to Meet the Minimum Requirements for the National Flood Insurance Program". Council directed the City Administrator to look into this further with the flood map procurement.

#### OPERATING AND CAPITAL BUDGET SCHEDULE

Finance Officer Greenbaum advised Council of the budget schedule and said the budget hearing will be in May. The City is on course and the 2013 budget should be consistent to what Council has seen thus far. Council Member Plachek-Fulcher asked if the Fire Department has been involved in the process and Finance Officer Greenbaum said each Department holds a meeting regarding the budget. Mayor Pro Tem Barker said there does not appear to be a Capital Improvement Program Five Year Plan to include larger projects such as the water tank construction or a filter system that require large volumes of money. The General Fund cannot be utilized for Capital Programs. Departments planning major projects should be included in the Plan. Mayor Troughton said he has met with Staff and the Finance/Capital Improvement Program meetings to plan over a ten year period. As soon as the F/CIP Committee has the necessary figures compiled, Council workshops will be scheduled so long term financing needs can be discussed.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried unanimously, Council approved the two year Operating and Capital Budget Schedule for Fiscal Years 2012-13 and 2013-14.

#### ORDINANCE 191-12 – BIDDING, CONTRACTING AND PURCHASING

City Attorney Siprelle said in 2010 Council adopted a bidding, contracting and purchasing Ordinance under the State Uniform Construction Cost Accounting and the Governor has signed into law an increase in those thresholds. Council Member Ash asked if on the bidding requirements, can the City Administrator then approve bids without going before Council. City Attorney Siprelle said the City Administrator could approve up to the threshold limits, but beyond those limits, the item would come before Council.

City Administrator Bergson said even though the limits would be raised to comply with the State levels, his plan is to bring any projects that are not routine before the Council. City Attorney Siprelle indicated any expenditure would have been pre-approved as part of the budget approval process. Council has the option of directing that all contracts be brought before them. However, presenting small or routine items Council would be overwhelming and cause



delays for projects to go forward. The proposed process is for the routine business and different contracts could or would go to Council. At present the Public Works Director and Chief of Police approve their own contracts within the current parameters.

Mayor Pro Tem Barker said items that are or should be of concern to Council could come before us so that we are aware. City Attorney Siprelle said this would be a communication issue in that the City Administrator would be required to make them aware of the items. At present Council approves anything over \$30,000 and Council could opt to leave the language as is.

Council Member Plachek-Fulcher would like to maintain the current language. Finance Officer Greenbaum said if we have a larger expenditure arise it would need to come before Council for funding approval, which would be another safeguard. Mayor Troughton said it normally go before the Finance/Capital Improvement Committee prior to coming to Council. Council Member Plachek-Fulcher said there needs to be checks and balances in place. At present Staff has the Council confidence but that may change with future Staffing changes. City Administrator Bergson said there could be abuse by future Staff. At present he takes any significant costs to the Sub-Committee. City Attorney Siprelle said there is no issue with leaving the language as is and the item could be tabled. City Administrator Bergson suggested a peer review of the contracts.

Council concurred to direct Staff to table the proposed Ordinance to amend Chapter 3.28 of the Williams Municipal Code relating to bidding, contracting and purchases of supplies, services and equipment.

#### RESOLUTION 12-01- RETAINING REDEVELOPMENT AGENCY'S HOUSING ASSETS AND FUNCTIONS

City Attorney Siprelle said with the passage of Assembly Bill 26, the Redevelopment Agency must now wind down. The City, by operation of law, has become the Successor of the Agency. Should the City wish to assume any housing responsibilities, it must be completed by February 1. Associate City Attorney Hall said it is recommended that the Successor Agency take the responsibility for this process or the County would address housing issues in the future. Should the Legislature pass language the Successor Agency could have housing assets in the future. Mayor Pro Tem Barker would like some assurance that the tax increment would be returned to the City. Finance

Officer Greenbaum said he attended a meeting on this issue last week. Our City was the only one who had just formed a Redevelopment Agency. There are many steps in the process to get recoup our Tax Increment. As we have received the 57% of property taxes, it could be utilized to pay this down. Research is still underway regarding the \$280,000 as it is relatively small in



relation to the total tax increment and most likely would be repaid through the tax increment. There is a possibility that the State could block this as well. The actual tax increment is closer to \$100,000 due to the property tax.

City Attorney Siprelle said that is unrelated to the Resolution before Council and more information will be presented to Council at a future meeting. The City could decide to rescind the Agency but it is premature to do so at this time.

Mayor Pro Tem Barker said there are continuing costs the City and there are no funds to continue paying additional fees for the Agency. Finance Officer Greenbaum said Williams does not have any housing assets at this time. There are no available funds, yet the City has assumed the additional responsibility. City Attorney Siprelle suggested perhaps it would be best to take the action in the anticipation the Legislature does take action to allow the City to have housing assets in the future. Finance Officer Greenbaum is still concerned with a possible worst case scenario. Should the County be allocated funds they could overlook Williams and provide those funds to other areas because we have taken on that responsibility without any guaranteed funding source. It is speculative and unclear.

City Attorney Siprelle said some Cities with a lot of housing have opted out and others want to maintain the control for possible future issues. Council Member Plachek-Fulcher asked for clarification as to what benefit this would be to the City as it appears to be a financial gamble. Council Member Sellers asked if this would be considered a challenge to the State. City Attorney Siprelle indicated that would not be the case. City Administrator Bergson if the State does reinstate Redevelopment Agencies and the City has not adopted the Resolution, would the funds then default to the County. City Attorney Siprelle indicated that could be an option. There is currently a Bill under consideration to extend the February deadline to March. Mayor Pro Tem Barker stated should we take no action then nothing happens. City Attorney Siprelle indicated if the Legislature does revive the Agencies. the City would have retained the authority to revive housing. Council Member Plachek-Fulcher said it would wise to adopt the Resolution as a measure to protect the City. Finance Officer Greenbaum asked if adopted, following April 15<sup>th</sup> could the City then rescind this decision. City Attorney Siprelle agreed the City could rescind the whole agency at that time. This would be preserving our options at this time

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash and carried unanimously, Council adopted Resolution 12-01, "A Resolution of the City Council of the City of Williams, Providing for the City's Election to Retain Housing Assets and Functions of the City of Williams Redevelopment Agency".



## REPORTS

City Attorney - None

Deputy City Clerk - None

City Treasurer – The Treasurer presented the Treasurer Investment Report for November 2011

## COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Ash - she attended Fire Board meeting where they held the election of new officers, and indicated that 80% of the services they provide are to the City of Williams. She met with the Police Chief and with the City Administrator. There will be a Citizens for a Better Williams meeting next week. She was interviewed by KLUV radio on the history of Williams. She also attended a Colusa Rotary meeting where a presentation on the proposed bio fuel plant was received. Also received information that the Hilton and other businesses will be coming to Colusa. The bed races have been postponed to be held next year on St Patrick's Day.

Mayor Pro Tem Barker – He met with the City Administrator and Department Directors on budget and City issues

Council Member Sellers – He attended Colusa Regional Medical Center. The Chamber meeting will change from Wednesday and Thursday.

Council Member Plachek-Fulcher – She attended the Citizens for a Better Williams meeting, LAFCO, the Transportation Advisory Committee, and the Fire Board Meeting. She also met with the City Administrator.

Mayor Troughton – He met the Police Chief, the Director of Public works, the Finance Officer and the City Administrator. He also attended the Transportation Committee meeting, Capital Improvement Committee meeting and the Museum Board meeting. A properly noticed workshop will be scheduled for the budget discussions.

## STAFF GENERAL REPORTS AND DISCUSSION

City Administrator – We have received one bid for the roof at the Museum. He is reviewing the submission and it appears to be under budget. The damage in the City Hall vestibule will be worked on during Presidents' Day weekend and on the following Tuesday. The Antique Show will be held at the Old



Gym on March 17 and 18. The County of Colusa has some funds available for street improvements which may be available to us 7<sup>th</sup> Street and the connection of Marguerite to Highway 20. We must work quickly on preparing the proper paperwork if we are to be considered for some of these funds, the estimate of up to \$674,000 would be available. The Airport Advisory Committee is considering another hangar and a fence but there are some issues with an endangered species. The comment period for the General Plan ended last Friday and those received were from Water Quality Control, LAFCO and the County of Colusa. Our Consultant conducted water filter test. He attended the Colusa Transit Committee meeting and our concern regarding the need for the current level of service will be considered

Police Chief – He said there is an extended absence of staff due to an injury of employee. This employee will be off for at least four months due to an off duty injury. There was an attempted murder in the City that began as arson issue. The person from the trailer was found dead in Indio.

Fire Chief – None.

Public Works Director – He indicated the City is ready for the anticipated storms. The Treatment Plant progress is moving along. They were working on Solar Plant last week. He will review potential new hires on Friday. PACE is working on the water issues.

Finance Officer – None.

Building Official (as needed)

## ADJOURNMENT

At 7:25 p.m., Mayor Troughton adjourned the adjourned regular meeting of the Council.

APPROVED:

SS: John J. Troughton, Jr., Mayor

ATTEST:

SS: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: July 25, 2012