

CITY OF WILLIAMS

Council Minutes

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

REGULAR AND SPECIAL COUNCIL MEETING

COUNCIL CHAMBERS
WEDNESDAY, JUNE 20, 2012

6:00 P.M.

CALL TO ORDER

At 6:00 p.m., Mayor Troughton called the regular and special 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 Rex Greenbaum, Finance Officer Sally Barker, City Treasurer Ed Anderson, Police Sergeant Monica Stegall, Planner Sue Vannucci, Deputy City Clerk
OTHERS PRESENT:	Gary Price, Contract Planner

PLEDGE OF ALLEGIANCE

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

WRITTEN COMMUNICATIONS

Council received two notices of rate increases from Pacific Gas and Electric totaling .01 percent and a notice from Comcast of updates to service and changes in rates.



Mayor Troughton said the Grand Jury Report indicates we have complied with all of the concerns and have been commended for doing so. We have also received notification from the USDA regarding our application for funding. Council Member Plachek-Fulcher said the USDA letter indicates it does not appear we have applied. City Administrator Bergson said the status is that we have made it through the pre-application process and can now proceed with the full application at an amount slightly higher than we had originally anticipated.

CONSENT

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried unanimously, Council approved the following Consent Calendar items:

TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment Report for April 2012.

MEASURE G

Council received from City Attorney Siprelle the impartial analysis for Measure G. Mayor Pro Tem Barker said there was an article in the newspaper this morning indicating that visitors to the City would get the 5% which is incorrect. Todd Hansen from the Colusa-Sun Herald said the article will be corrected.

CONFLICT OF INTEREST CODE

Council directed the City Clerk to review the City's Conflict of Interest Code and report to Council should changes to the adopted Code be necessary.

PUBLIC HEARINGS

RESOLUTION 12-08 – LANDSCAPING AND LIGHTING DISTRICT 97-01

City Administrator Bergson reminded Council that at the May 23rd Public Hearing there were items raised regarding the accuracy of the Engineer's Report. Because of those concerns, the Public Hearing was continued. One question was I regard to the County of Colusa assessment of \$1 which was removed in the revision. The lots on which City wells are located were an exception. There is no tiered fee; it is all a flat at \$154 per lot. The revised Engineer's Report is attached. The sound walls were listed at \$9,000 which has been amended to \$1,000. The maintenance in the park is now at \$2,000. The City spends \$90,000 to \$95,000 per year in the landscaping district. The ledger, expenses and checks reflect that. The fee will go from \$154 per year to \$158.



At 6:08 Mayor Troughton opened the Public Hearing.

Finance Officer Greenbaum the City has been diligent in curtailing expenditures within the District to a minimum. Much staff time is not directly charged to the District. As well, City revenue is sparse and should a Cost of Living Adjustment (COLA) not be implemented inadequate funds will be available for future expenditures. As the original projection of homes to be constructed has fallen well short, costs have been kept level and structurally the District is balanced.

Walter Holybee of Williams asked if the landscaping at the end of Vann Street will ever be completed. He asked why the residents are paying for the vacant land to be lit.

Lorraine McHugh of Williams said the Engineer's Report said the lots are the same cost. The math indicates the \$3,400 collected was below the Engineer's Report. With that decrease, why are they insisting the figure is \$2,700 more when it went to \$3,400 last year, which is less than the Engineer's Report. The City Administrator had said the original \$9,000 cost went down to \$1,000 for the sound walls so why does it still need to be increased. They do not see the improvements and had requested a breakdown on exactly where the money is being spent. The sound walls are not maintained. Someone is not doing their job and the citizens are paying administrative costs. She asked why the City Administrator wants to increase the cost to the homeowners when the amounts needed are lower. The original Engineer's Report was lowering the cost but there is no indication where is the money going. They received \$3,400 less than what they wanted.

City Administrator Bergson said the City did not receive \$2,700 less. The fee was \$154 per lot. The actual expenses are around \$9,000 which reflects increases in labor. The other categories went up based upon the work that is done in the District.

Mayor Troughton said the fee is also reflecting what the County is charging. The Engineer's Report was rubber stamped by the Engineer without looking at the revenues and expenditures. The figures on the amended Report are clear.

Mayor Pro Tem Barker said he examined the Engineer's Report and said some of the figures were COLA adjustments. The information in the first Report was not entirely accurate and had no relation to what was actually spent. Three-fourths of a position is assigned to the parks. There is also a very small administrative cost and includes hours of several people putting in work throughout the year. The Finance Officer has provided figures numbers which are realistic and accurate. The \$52,000 indicated includes salaries and benefits for the $\frac{3}{4}$ time position. The sound wall figure was adjusted downward but the



benefit cost that makes up the difference. He has requested that a landscaping Request for Proposal (RFP) go out to obtain bids on the cost to maintain to determine possible cost savings. Some of the items that were to be included in the District have not been put in place as there were inadequate contingencies in the Development Agreements. There needs to be a contingency for replacement of trees and shrubs as they die. Most of the cost for service is in salary, benefits and insurance. If the RFP shows it can save money, Council will consider that option.

City Administrator Bergson said the RFP will include continuance of improvements on Vann and we can look at shutting off lights that may not be used. The concern is that lack of lighting could increase activities in those darkened areas that may be of concern to the residents. The decrease in the cost to maintain the sound walls reflects the cost in the labor.

Lorraine McHugh of Williams said she has not seen anything done in the District. This is the first year there has been any discussion of a COLA. The residents are paying administrative costs without any results. Mayor Troughton said Nicholas Ranch did not have an L & L. Ms. McHugh said she did not have any notification about the L & L and what is being done and she sees nothing happening. Council Member Plachek-Fulcher said there are no labor costs. The lawns are getting mowed, bathrooms, cleaned, sprinklers maintained, etc. which are all part of the costs. She personally observes 3 to 4 staff members working in the District daily.

Mayor Troughton asked about the work on the wells and City Administrator Bergson said the wells are not part of the L & L.

Mayor Pro Tem Barker said there were no replacement trees or shrubs provided in the District. Should the RFP can go forward, there be more time for that type of activity in the area. The current partial time staff member handling that area is spread too thin and cannot handle all that is need to maintain the District.

Mr. Holybee asked if the residents are paying for maintenance to the field behind Taco Bell. Mayor Pro Tem Barker said that is the farmers' property which is maintained by his staff, not by the City.

At 6:30 p.m., Mayor Troughton closed the Public Hearing.

Council Member Sellers Alfred said when any complaints have been made regarding the L & L; response time by staff has been good. He encouraged citizens to continue to call with complaints should it be necessary. It appears the



COLA is justifiable based on the information presented but suggested more detailed information be provided in the future.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried unanimously, Council adopted Resolution 12-08, "A Resolution of the City Council of the City of Williams, California Confirming the Engineer's Report and Assessments and Providing for the Landscaping and Lighting District No 97-01 Annual Levy of Assessments".

RESOLUTIONS 12-13, 12-14, AND 12-15 – GENERAL PLAN

Planner Stegall said the process to update the General Plan began 2 ½ years ago with several Staff and citizen meetings. Each of the 7 elements of the General Plan were reviewed, Land Use, Circulation, Housing, Open Space and Conservation, Public Safety, Noise and Public Facilities. On June 4, 2012, the Planning Commission reviewed the General Plan and recommended that Council certify the Final Environmental Impact Report and adopt the General Plan.

Paula Daneluk, General Plan Consultant with Development Impact, Inc., said there were some comments received which have generated a response and were addressed. Council will need to make a determination on the adequacy of the EIR, adopt the Statement of Overriding Considerations relative to the unmitigated adverse environmental impacts and certify the Final EIR before adopting the General Plan Update. It is understood that the possibility of the City building out by 2030 as indicated may not be a reality at this time.

At 6:40 p.m., Mayor Troughton opened the Public Hearings for the General Plan and for consideration of the proposed Zoning Ordinance item below.

Mayor Troughton said he had attended the public workshop on this item and had expressed his opinion at that time. This is a guideline for the City at this time.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash and carried unanimously, Council adopted Resolution 12-13, "A Resolution of the City Council of the City of Williams Certifying the Environmental Impact Report for Williams 2030 General Plan Update"; Resolution 12-14, a "Resolution of the City Council of the City of Williams Making Findings Regarding Environmental Effects and Adopting a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations for the Williams 2030 General Plan Update"; and Resolution 12-15, a "Resolution of the City Council of the City of Williams Adopting the Williams 2030 General Plan".



RESOLUTION 12-16/ORDINANCE 194-12 – 2012 ZONING CODE UPDATE

Planner Stegall said this proposed Resolution and Ordinance would completely amend the City's current Zoning Code. It was broken down into three modules. The identifiable elements are: development yield is driven by land use, minimum lot or parcel size, and, for nonresidential lots, parking requirements; it is relatively easy to administer; useful where the impacts of certain uses on abutting uses cannot be appropriately mitigated (e.g., it is appropriate to rely on a use-based system to separate a refinery from a residential neighborhood) and is relatively inflexible; minimum lot size requirements create incentive to "pave over" undeveloped parcels in order to maximize development yield; use lists tend to get highly specific/complicated over time, in order to carve out exceptions to accommodate proposed developments. The Planning Commission recommends that the Council review concur with the Negative Declaration and adopt the Code with minor revisions.

Planner Price said there are some opportunities for revisions to the General Plan but not for the Ordinance.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash, and carried unanimously, Council adopted Resolution 12-16, a "Resolution of the City Council of the City of Williams Adopting a Negative Declaration for the 2012 Zoning Code Update".

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash, and carried unanimously, Council introduced, waved first reading and read by title only Ordinance 194-12, "An Ordinance of the City of Williams Repealing Chapters 17-02 Through 17-10 and Chapters 17.12 through 17.118 and Amending Chapter 17.11 of Title 17, Zoning, of the Williams Municipal Code".

OLD BUSINESS

ORDINANCE 193-12 –TRANSACTIONS AND USE TAX EXTENSION-MEASURE G

City Attorney Siprelle said this proposed Ordinance came before Council at the May 30, 2012 to insure the language is in place if the voters approve Measure G, the extension of the ½ cent Transactions and Use Tax (sales tax). There were no questions or concerns expressed at the introduction of the Ordinance.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash, and carried unanimously, Council adopted Ordinance 193-12, "An Ordinance of the City of Williams Amending Section 3.18.170 of Chapter 3.18 to the City of Williams Municipal Code Relating to Re-Authorizing and Extending the One-Half Cent Transactions and Use Tax for General Purposes Subject to the Approval of the Voters to Continue to be Administered by the State Board of Equalization".



NEW BUSINESS

FISCAL YEAR 2012-13 and 2013-24 BUDGETS

Finance Officer Greenbaum the major program highlights for the budget include the following:

- (1) a 16 year repayment plan for the existing \$320,000 deficit in the Storm Drain Enterprise Fund. Approximately \$20,000 per year will be transferred from the General Fund to the Storm Drain Fund;
- (2) the 2 year grant funding for one Police Officer. Funding expired in fiscal year 2011-12 and that cost is to be funded by the General Fund (GF);
- (3) the City received a 3 year School Resources Officer grant allowing the City to hire an additional Police Officer. Those funds will expire in fiscal year 2014-15;
- (4) the Local Sales Tax Fund 340 was established in 2010-11 to track the ½ cent sales tax revenues and expenditures. Allocated expenditures include Police, Fire District and Public Works;
- (5) the Fire District budget was established in 2010-11 to provide detail on contributions to the District. The GF contribution is \$218,752 that includes the estimated Transient Occupancy Tax apportionment. Contributions from other Funds include Proposition 172 which is part of Fund 390.
- (6) a Capital Projects Budget is a 5 year improvement plan currently under development and will come before Council in September 2012.

General Fund revenue is consistent with the 2011-12 projections with an increase of less than 4%. In 2012-13 the increase in fees and licenses is assisting the City to recoup our actual costs. Water and Sewer Fund revenues have been adjusted to account for the increases in rates scheduled for December 2012. Projected revenues for the Sewer Fund were adjusted for corrections made to commercial and residential accounts. The Landscaping and Lighting District revenues have been adjusted with the 3% increase to assessments. Expenditures have been constrained to maintain a balanced budget. The Police Department Grant Fund has been affected by the expiration of the 2 year Police Officer grant. The City has received 3 year funding for a new School Resources Officer Grant to expire in FY 2014-15. The Capital Project Fund relies on contributions from other funds on specific projects. The Street Fund includes Proposition 42, Local



Transportation Funds and gas taxes. Budgets have been reduced by \$8,000 to take into account the anticipated reduced apportionments.

Assumptions for expenditures include the scheduled merit increases as per the current Memoranda of Understanding. Benefits are included in those agreements. It is likely that significant increases to the Public Employee Retirement System contributions will be felt with that cost to the City in 2012-12 anticipated at \$13,000. Utility costs continue to increase, discretionary expenses to be kept at the 2011-12 level and repairs and maintenance have been limited or deferred. Expenses for Special Revenues and Grant Funds have been limited except for the Recycling and Community Development Block Grant Program Income Funds. There is an annual operating surplus in the Street Fund which is for the planned payback of capital projects expended in previous periods. Water and Sewer Operations are non-discretionary costs and are kept to the level of current trends.

Economic recovery is slow and the City still needs to budget cautiously. At this time, the City is structurally balanced.

Mayor Troughton asked if an estimate has been determined regarding the projected savings to the City with the installation of the solar array. Finance Officer Greenbaum said it is unclear when the project will be completed and what the actual savings will be until it has operated for a period.

Finance Officer Greenbaum asked Council to consider requests for the addition of staff, such as the proposed Waste Water Treatment Plant positions. Mayor Troughton said the City is required to have properly certified Treatment Plant staff and the Water Treatment Specialist II and the Maintenance position and funded through Enterprise Funds. However should the ½ cent sales tax measure fail, the City may need to transfer a General Funded employee into this the Maintenance position. Council concurred to proceed with the Water Treatment Specialist II position only at this time. An eligibility list will be created for the Maintenance position.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried unanimously, Council adopted the City Budget for Fiscal Years 2012-13 and 2013-14.

RESALE INSPECTIONS

City Administrator Bergson said there have been many complaints made to the City regarding properties that are in poor condition and have Code violations for years. The addition of an Ordinance that would allow the City to address these issues and provide for properties to be inspected prior to resale to insure they are in compliance with the law. As an example we have found the property at 105 Sixth Street, a trucking operation, had an illegal meter for 10 to 15 years.



When the property goes up for sale the owner or buyer would pay a fee for inspection and the City would set a timeline for the correction to be done. There is no warranty that the City is insuring the property is in good condition or that it meets all Codes, thus limiting our liability. It would be based only upon what the City staff can see.

Attached to the Staff Report is a sample Ordinance from the City of Davis for review. The City Council can choose to have more lenient or tighter language as desired. It will provide that gross issues be addressed.

Mayor Troughton asked should we do the inspection and something is missed is the City liable if discovered at a later time. City Attorney Siprelle said the City would not be liable because the notice says the Cities inspection was limited. Council Member Ash asked how detailed the inspections would be. City Administrator Bergson said at present it would be a basic walk through the house and the terrain with only obvious issues addressed. The fee would be paid by the buyer or the seller much like a title search. Council Member Ash asked if building permits would be checked and City Administrator Bergson said we could inspect the property and check the building permits for such things as a garage conversion. City Attorney Siprelle said the seller can request an exemption if they have had a recent inspection and permit within five years. Council Member Sellers asked if this applies to any age home, and City Attorney Siprelle said it would apply to any residential or commercial property. Council Member Plachek-Fulcher asked about the process should the owner fail to correct the issues. City Administrator Bergson said we can go through Code Enforcement and place a lien on the property. Mayor Troughton asked if the seller or buyer could waive the inspection with an "as is" clause. City Administrator Bergson said there would be no allowances for waiver of the inspection. City Attorney Siprelle said the City is attempting the City and the buyer.

Council concurred to direct staff to prepare an Ordinance to require property inspections on resale for residential and commercial properties within the City.

REPORTS

City Attorney – None

Deputy City Clerk – The League of California Cities annual conference is forthcoming and she asked if any Council Member would be attended. The Council expressed concerns regarding the cost versus benefit for smaller Cities. It was suggested that an Association of Small Cities be explored.

City Treasurer – The Treasurer read the Treasurer's Investment Report for April 2012.



COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Ash – She met with the City Administrator and the Finance Officer, met with the City Manager and City Council of the City of Colusa. They will be meeting again soon. Pioneer Day went well. She expressed thanks to Morning Star for funding the fireworks display. The Citizens for a Better Williams has received a picture of Alex Jauregui, who was injured in the service of his Country. He and has received his new legs, is walking and doing well. He should be home is about six weeks. She thanked staff for the welcome home to Amanda Plachek, who has also been serving her Country.

Mayor Pro Tem Barker – He met with the City Administrator, attended a Personnel Board meeting, the opening of the Colusa County Fair opening and the Senior Picnic.

Council Member Sellers – He attended the Gang Task Force meeting and received data on the numbers of gang members in our County and on youth at risk. He also attended the dinner at the Colusa Country Fair opening, the Senior Picnic, the One-Stop Partnership meeting and the Colusa Regional Medical Center meeting.

Council Member Plachek-Fulcher – She attended all of her regularly scheduled meetings, met with staff, and will meet be meeting with the Developers on the truck stop proposal. She thanked staff for the attention to her daughter upon her safe return from Afghanistan.

Mayor Troughton – He met as part of the Finance Committee and the Personnel Board. He also met with the City Administrator regarding the solar array, with the Finance Officer and represented the City at the Fish and Game Commission meeting. He felt the fireworks display was very good. He will be attending an upcoming meeting on Highways 20 access request. We have received an update on the Grand Jury Report indicating they are pleased with the City progress on addressing former concerns.

STAFF GENERAL REPORTS AND DISCUSSION

City Administrator Bergson – He said Concerts in Park begin again tomorrow. There is a Colusa County Transportation Commission meeting next week and the \$68,000 reimbursement is on the Agenda. The Museum house is undergoing repairs under repair contract and should be ready for occupancy soon. The next Planning Commission meeting is scheduled for July 9. The USDA loan has received approval to move forward. The Senior Housing Project will break ground in January and there will be a dedication ceremony for the Solar Array



in August. It is suggested that the July Council meeting be changed from July 18th to July 25th. Council concurred.

Police Chief – Sergeant Anderson indicated there was no report.

Fire Chief – Fire Board Member Ash said that 50% of the Fire calls are on the West side of I-5, 8% are rural on the West side, 22% are on the East side, with the rural East side calls at 8%. There have been 211 calls thus far this year. There were 171½ training hours during May.

Public Works Director – Water operator Blevins said in response to the statement earlier in the meeting regarding shutting down some of the lighting in the Landscaping and Lighting District 97-01 would be a safety issue. There has been some activity of concern in that area and without adequate lighting it would be very dark. City Administrator Bergson suggested we explore operating every other light rather than all of them.

Finance Officer Greenbaum – He has submitted all of the reimbursements for Local Transportation Fund allocations along with the \$68,000. The County has commended the City on how well our reimbursement requests have been done.

Building Official (as needed)

ADJOURNMENT

At 7:42 p.m., Mayor Troughton adjourned the regular and special meeting of the Council.

APPROVED:

SS: John J. Troughton, Jr., Mayor

ATTEST:

SS: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: October 17, 2012