

CITY OF WILLIAMS

Council Minutes

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

REGULAR COUNCIL MEETING

COUNCIL CHAMBERS
WEDNESDAY, July 25, 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:

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| 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 Josh Nelson, Associate City Attorney Rex Greenbaum, Finance Officer Sally Barker, City Treasurer Monica Stegall, Associate Planner Sue Vannucci, Deputy City Clerk Ed Anderson, Police Sergeant |

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Jose Sandoval resides on 6th Street in Williams and has continuing concerns regarding a trucking operation and the damage to his street. He came before Council last November seeking help on this issue because the trucks come out of the neighboring property that is not paved and drop large quantities of mud on the street during the Winter and during the Summer clouds of dust. There is an extensive amount of traffic, both with trucks and cars during the day and the night. This is a dead end street and he asked that Council will do require the trucks to go elsewhere. The owner dug up 6th Street to install a sewer line 3:00 a.m. There are only two street lights at this



time and it is too dark. His property has water backing up on it at present and he would like that problem addressed as well. City Administrator Bergson said that 6th above B Street is a truck route and it could be re-designated. Staff is working with the property owner at present on a Conditional Use Permit with the entrance for the trucks to be located elsewhere on the property. There was an illegal connection and that has been handled. It is a gravel road and should not be designated as a truck route. The Police Department could enforce this. The property is located between the Smith Motel and the Travelers' Inn. Mr. Sandoval's property is located at 158 6th Street. City Administrator Bergson will follow-up on this issue.

WRITTEN COMMUNICATIONS

Council received three notifications from Pacific Gas and Electric regarding rate increases and the proposed League of California Cities Annual Conference Resolutions.

Council also received an appeal regarding a proposed 32 Unit Workforce Housing Project. This appeal was filed by Mayor Troughton who identified sixteen points prompting the filing of the appeal.

Antoinette Marsh of Davis, asked what benefit would there be to have this project located on the East side of the City rather than elsewhere. It is easier to develop open ground but the short and long term cost analysis should be considered as a Fire substation will be needed. Would this project cause cuts in City services? She asked if the Fire Department had been consulted on the project, how the project will impact the long term City plan, will the City be required to seek grants. Is it prudent to approve more development on East rather than the West side of the City? What are the benefits to the City compared to the Developer? She asked that Council consider the ramifications and not take action too quickly.

Stephen Marsh of Williams said he works for the City of San Jose and responds to areas with low income housing routinely. These housing projects contain various cultural communities and require many resources to attend to their needs. There are extra translators on staff and this project will require that same addition of specialized staff. There is a train track will delay the response time to the East side as the call volume to these communities is higher. There is an increased need for Police presence. A substation will be needed, as will additional Police presence and other resources. Council Member Ash said property has been designated by the Developer for a station on that site. At present 12 to 15 Firefighters reside on the East side of I-5. The ambulance is considering locate there as well. Mr. Marsh said the station would need to meet all State standards and be fully staffed. He feels the City will be burdened by this type of development.

City Administrator Bergson cautioned Council in that this item is to be scheduled for an appeal hearing and cannot be discussed at this time. Associate City Attorney Nelson said at the Public Hearing Council and citizens will have the opportunity to their opinion on this issue. Before the Council at this time is the request to set the Public



Hearing. Council concurred and directed the City Clerk to set the Public Hearing for August 15, 2012.

PUBLIC HEARING

LIENS FOR FAILURE TOPAY FOR WASTE REMOVAL

This item was removed from the agenda and no Public Hearing was held.

CONSENT

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

TREASURER'S INVESTMENT REPORT FOR MAY 2012

Council received and accepted the Treasurer's Investment Report for May 2012.

MINUTES

Council accepted the minutes of the City Council meetings of December 14, 2011, January 18, 2012, February 8, 2012 and February 15, 2012.

ALCOHOLIC BEVERAGE CONTROL PUBLIC CONVENIENCE OR NECESSITY DESIGNATON

Council appointed the Chief of Police to act as the Designating Authority for the determination of the Public Convenience or Necessity for liquor license applications within the City of Williams.

PROJECT 11-08 – SACRAMENTO VALLEY MUSEUM RE-ROOF

Council accepted as complete Project 11-08, the Sacramento Valley Museum Re-Roof project and directed the City Clerk to file a Notice of Completion.

OLD BUSINESS

ORDINANCE 194-14 – ZONING CODE

Planner Stegall said at their last meeting, Council had received and reviewed the proposed Ordinance to revise the entire Zoning Code of the City. The proposed Ordinance was introduced, reading of the full Ordinance was



waived and it was read by title only as required by law. All required forms have been filed.

On a motion by Mayor Pro Tem Barker, seconded by Council Member Sellers and carried unanimously, Council adopted 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"

PROJECT 11-06 – WATER TANK – ENGINEERING CONTRACT

City Administrator Bergson said the proposed Engineering Contract is for the design and construction services for the one million gallon reservoir, a water filter for Well 9 and a water booster station. The United States Department of Agriculture (USDA) Rural Development funding application requires that in order for the City to proceed with these projects and receive funding in the amount of \$3,457,000, a contract must be in place. The Council Sub-Committee interviewed and is recommending PACE Engineering as the firm of choice. PACE prepared the Project Engineering Report and is the best qualified to prepare the contract documents. Should Staff be directed to go forth with a Request for Qualifications, the process will be several more months and be more costly for an alternate firm to become familiar with the City.

Council Member Plachek-Fulcher said PACE is presently performing the workup and would we need to do that part of the process over should another firm be selected. City Administrator Bergson said this part of the project is for the design and construction phase up to \$564,000. Should the City be approved to receive the loan, the first step is the design.

Bruce Crom from PACE Engineering said this is another step in the process to secure funds from USDA Rural Development. City Administrator Bergson said the grant is \$946,000, which is down by \$50,000. It is necessary for the City to convey to USDA that an Engineering firm has been secured prior to consideration of our application. There will be some cost involved for estimates when the City reaches the construction document stage.

Mayor Troughton said he has spoken with staff and there are funds available for this part of the process. Finance Officer Greenbaum said the timing is critical and USDA will not be offering grants very soon, so the City is fortunate to be in at this point. Mr. Crom said grants are available with this year's funding schedule.

On a motion by Council Member Ash, seconded by Council Member Plachek-Fulcher and carried unanimously, Council approved an Agreement with PACE Engineering for Project 11-06, for design and construction services for the City's Water System Improvement Project.



NEW BUSINESS

LANDSCAPING CONTRACT

City Administrator Bergson said Council had given direction to Staff to solicit maintenance proposals to maintain the landscaping in Landscaping and Lighting District 9701 (L&L). A Request for Proposal went out to maintain the parks in that area as a possible money saving measure. Two proposals were received. The references for the proposed firm have been checked and are good. The recommended company proposal is one-half of the other bid received. The L&L income is \$92,000 and with their bid at \$66,000. Council Member Ash asked if there is a clause whereby the City can negate the contract and City Administrator Bergson said there is a 30 day notice required to cancel.

Finance Officer Greenbaum said the funds are available for this contract. There is presently one person assigned to these parks who could be reassigned to an open position at the Water Treatment Plant. The Sewer Fund would absorb this cost for this position.

Council Member Plachek-Fulcher said the current Staff member handling these parks is assigned to handle too much. The City looked at hiring additional staff to absorb some of his duties. City Administrator Bergson said there should be a better level of service with the outside firm as they have more staff addressing the parks, rather than one person within the City. Those parks have need for 1½ Staff, not just the current level. There is no overhead for the City. If the City would like to use the hours to be freed up by parks elsewhere in the City other than at the WWTP, funds need to be secured. At present there are no additional funds. The City may be able to contract out all of our parks depending upon the services received by the contractor. The only available funding is through the L&L.

Mayor Pro Tem said the current Staff member only spends 20% of his time at those two parks in the L&L. The rest of his time is spent at the other City parks. With this proposed change 75% of his time is going to WWTP and so the other parks would be affected. Sewer Operator Garcia said there have been two employees spending over 50% of their time at WWTP. The Staff member handling the L&L parks also does all the weed spraying throughout the City and his time is very compacted. All of his free time will be needed to keep the weed s down. Mayor Pro Tem Barker said there are others who assist at the L&L parks.

Mayor Troughton asked how the 25% time had been determined and believes that percentage allocation is very low for the size of the project. He would like all parks to be contracted out for maintenance with a set fee. That would then allow the City to utilize Staff elsewhere in the City areas of need. Operator Garcia said there is a new program to track the hours of maintenance



needed at the plant that will have more accurate information on the needs at that site.

Finance Officer Greenbaum said the current employee is split-coded for a fraction of time spent in the L&L, as well as costs for other employees that assist. The entire 75% would come out of the L&L fund and the funds would stay balanced. City Administrator Bergson said the quality of all of the parks should improve. The contractor would be handling only the L&L parks. There will be consistency of services, repair and maintenance. The level of service should improve. The staff hours currently assigned to the L&L will be utilized elsewhere throughout the City. Mayor Troughton said the portion of time currently assigned to the L&L would be assigned to the Public Works Department at the Plant or elsewhere as needed. There are funds to cover those hours other than the General Fund monies.

Council Member Ash said spraying and weeding the ditches needs to be maintained is a high priority for her. City Administrator Bergson said the contract frees up current Staff time that could include the spraying and weeding. There will be a schedule to handle those concerns. Mayor Pro Tem Barker asked about the Husted Road canals as they are rarely maintained due to lack of staff. City Administrator Bergson said it would be an option to consider for the contractor to include this as part of their contract at an additional cost.

Stephen Marsh said the FFA should be contacted by the Council as a source to plant replacement trees in the L&L. Operator Garcia said the City is already short of staff and the FFA requires constant adult supervision, especially with machinery.

Brian Shultz of Williams asked if the City has considered hiring another person and conducted a cost comparison. The two bids were so far apart, he has a concern about the quality of the successful bidder. Mayor Troughton said the spread of the bids was considerable and if there is a concern with the successful bidder, the City has the right to terminate the contract. Employment of an additional Staff member would include a 35% to 45% additional charge above the salary for the benefits. There is a consistency of cost with the utilization of a contractor. Employee salaries and benefits always go up, whereby contracts are negotiable.

Mr. Holybee asked if the other end of the Vann street is covered under the L&L. City Administrator Bergson said all property in the L&L is covered under this contract.

On a motion by Council Member Plachek-Fulcher, seconded by Mayor Pro Tem Barker and carried unanimously, Council awarded the contract for landscaping in the Landscaping and Lighting District 97-1 to Ismael and Friends Landscaping of Yuba City in the amount of \$67,000 per year.



ORDINANCE 195-12 – COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING MANDATE

City Administrator Bergson with the passage of Assembly Bill 341, the State now mandated commercial recycling. Recology has a program in place where they can implement this recycling.

Mike Azevedo, from Colusa County, said the City and County of Colusa and the City of Williams are part of a Joint Powers Authority for reporting purposes on this State mandated program. The State legislation is the first step in the reporting program only. There is a mechanism in place and the City needs to go through the process.

On a motion by Council Member Ash, seconded by Mayor Pro Tem Barker and carried unanimously, Council introduced, waived first reading and read by title only “An Ordinance to Amend Sections 8.08.010 and 8.08.110 Related to Solid Waste Collection for Commercial Recycling”.

DOWNTOWN HISTORICAL DISTRICT

Planner Stegall said there has been an interest expressed by Council to preserve the historic downtown. The introduction of this item will facilitate discussion by the Council.

Mayor Troughton said he supports this historic designation and has been approached by citizens regarding a specific site. The barber shop on 7th Street has been told to remove the pole. If the City has a policy in place, we can protect these historical items. The Museum is another site that should be protected.

Council Member Plachek-Fulcher expressed concern that if we have a policy in place we can enforce issues but feels the City should have some flexibility. Planner Stegall suggested she explore the proposal further as the General Plan and Design Guidelines have some policies included and includes actions to keep some items intact. Staff would review the Design Guidelines on these issues at present but if historical designation policy is also in place, there would be more control. A color pallet has been adopted that will become effective with the passage of the Zoning Code.

Council Member Ash cited blighted buildings that have been ignored for significant periods. As an example, O’Sullivan’s was closed, gutted and everything was left on the floor. She also cited the Oddfellows’ Building. Planner Stegall said if a site designated as historical, it becomes qualified for funding assistance. Council Member Plachek-Fulcher asked why we can enforce residential properties that need to be abated but not with some of the commercial property. City Administrator Bergson said on some of the single family homes with residents are more of a focus. Many have been cited and we have gone to



Court on some. The Oddfellows' is more complex and owners are not cooperating. Council Member Plachek-Fulcher said many of these commercial properties have been a problems for years and have not been addressed. City Administrator Bergson said some of the known violations require internal investigation and the property owners will not let the City enter the building.

Mayor Troughton said with the Oddfellows', the City had gone through and the owner's Engineer who said this building it was safe to be entered and used. City Administrator Bergson said the next step is an Administrative Citation which we are about to issue.

Kevin Ash of Williams said the processes takes a long time and the City needs to have some power to get some action taken on these properties.

Mayor Troughton suggested that Staff move forward on this issue. Council concurred to direct Staff look at developing a policy on historical designation and return to with further information at a future Council meeting.

WORKFORCE HOUSING PROJECT

City Administrator Bergson said this item has been withdrawn from then agenda as the applicant has requested a density bonus which they have withdrawn.

REGIONAL TRANSPORTATON IMPROVEMENT PLAN

City Administrator Bergson said before Council for consideration is the draft Regional Transportation Improvement Plan (RTIP). The Colusa County Transportation Commission (CTC) establishes guidelines for local agencies' for the RTIP. Our Plan has been out of date for several years and a proposed project list is needed. The State has a rigid process of which Cities must work through. Once the list is approved Alan Mitchell of Ponticello Enterprises will prepare the application to ready it for approval.

Alan Mitchell, Engineer said the Regional Transportation Plan (RTP) is a 20 year Plan for the region. There is also a RTIP that is a five year Plan and more fluid for projects in the near future. The City has not had projects on the RTP list so we are not eligible for funding. Last January, a call for projects for the State Transportation Improvement Plan (STIP) was not funded because it was not on the RTIP. His firm is here to help us put projects forward.

Council Member Plachek-Fulcher asked Mike Azevedo of Colusa County about the funding the City missed out on and asked what procedures are needed to be assured we can receive these funds. Mr. Azevedo said that the theory is in place but in his opinion the City is out of sequence on the process. The RTP is a 20 year Plan updated every five years. The RTIP is what the County



Transportation Commission puts forth to the State. In order for the CTC to be included, the RTP must be in place and then the 5 year RTIP. The 20 year Plan needs to be addressed first. As well, the RTP needs to be consistent with the General Plan. The project was denied. The State has granted latitude to include rehabilitation projects but does have the discretion to deny. There were three projects that had been attempted the and two made it through.

City Administrator Bergson said the STIP Staff in Sacramento has indicated the reason the project was pulled was because the RTIP was not in place. Mr. Azevedo said the CTC will be moving through that exercise and the City should move head rapidly. Mayor Pro Tem Barker said this is a five year Plan and asked if the City was aware of the need for a 20 year Plan. City Administrator said this is the first he has heard of the need for a RTIP. He will look at the 20 year Plan and how it ties with the in with the General Plan. Mayor Pro Tem Barker said the projects need to be part of the 20 year Plan and this item should then return to the next meeting for discussion and approval. Mr. Mitchell said the RTP will have a long list of projects and will not just include these four. These are rehabilitation projects and will be on the RTP. Every two years the projects change. The 20 year Plan should include everything the City would want to be considered over that period which still may not receive funding. Council Member Plachek-Fulcher said the City wants to be sure the projects are consistent with the General Plan. The five year RTIP is for immediate plans.

Mr. Mitchell said the City should wait for the CTC to identify projects. City Administrator Bergson said Staff lay the process out for Council and return with specifics.

FLAG POLE

City Administrator Bergson said the City has received a request from Gloria Estrada, mother of Rueben Lopez, to have a flag pole erected in the Town Square. Ms. Gloria Estrada feels the Town Square would be an appropriate location for this flag pole to honor all of our Veterans. She indicated she will either donate the flag or will direct fund raising to involve the community as part of the ownership of the flag. Council Member Ash said the City has several parks but there is no City flag pole. She feels Ms. Estrada has given enough and the cost should be assumed by the City. A 30 foot commercial grade flag costs approximately \$1,500. Additional cost consideration would be the concrete base and Staff time. Council concurred to direct Staff to move forward. Should the cost exceed \$2,000, the item will go before the Finance Committee for review.

REPORTS

City Attorney – No report.

Deputy City Clerk – No report



City Treasurer – The Treasurer presented the Treasurer’s Investment Report for May 2012.

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Ash – She met with the City Administrator, the Finance Officer, the Police Chief, the Acting Public Works Director and the Fire Department. She attended the Fire Authority Board meeting, the Citizens for a Better Williams meeting and two Concerts in Parks. She also participated in placing and removing 100 flags in the Downtown on the Fourth of July.

Mayor Pro Tem Barker – He met with the City Administrator, attended a Personnel Board meeting and has filed for re-election as a member of the City Council.

Council Member Sellers – He attended the Colusa Regional Medical Center meeting, the One Stop meeting and met with the City Administrator.

Council Member Plachek-Fulcher – She attended her usual meetings. She is in support of the installation of the flag pole but feels that some type of dedication ceremony should be held. Council Member Ash indicated that perhaps the Citizens for a Better Williams could consider installation of a plaque.

Mayor Troughton – He met with the Finance Officer, the Police Chief, attended a Personnel Board meeting, a Museum, a meeting on Public Employee Retirement System issues, the Water Projects and the Landscaping and Lighting District issues.

STAFF GENERAL REPORTS AND DISCUSSION

City Administrator Bergson – September 29 at 10:00 a.m. is the tentative date for solar array dedication. Shuttles will be available to transport from the parking area to the dedication site. There will be two more Concerts in the Park, on August 2nd and August 14th.

Police Chief – Sergeant Anderson said there were 936 Police events during June with 58 reports written, 31 arrests, and 116 citations. During the Concert in the Park, the K-9 Association served refreshments. There were no issues during the July 4th observance.

Fire Chief – Fire Authority Board President Ash said accidents are up. With the fires in the hills, the Wilbur Springs Station is staffed. There was a severe accident on Highway 20. A grant was written for the County and \$972,000 was awarded for benefits, recruitment and retention of Volunteers. At present the Department has a consistent group of 16 assisting. The call statistics are that



77% of calls were in the City, 12 % rural, with 287 calls thus far this year, with a total of 3,620 response and training hours.

Public Works Director – Acting Director Garcia said operations are running smoothly and the Department is trying to keep up with work orders. He will meet with Staff on the placement of flag pole.

Finance Officer Greenbaum – He has been working on the USDA loan materials to qualify the City for a grant for the Water Projects loan.

Building Official (as needed)

RECESS

At 7:45 p.m., Mayor Troughton recessed the regular meeting of the Council to meet in Closed Session.

CLOSED SESSION

At 7:48 p.m. Council held a conference regarding Public Employee Performance Evaluation pursuant to Government Code Section 54957 for the City Administrator. Present at this session were Council Members Ash, Barker, Plachek-Fulcher, Sellers and Troughton and City Administrator Bergson.

CLOSED SESSION ANNOUNCEMENT

Mayor Troughton announced that Council had met in Closed Session regarding a Public Employee Performance Evaluation for the City Administrator and had provided direction. Council also directed the City Administrator to issue a Request for Qualifications for a City Engineer.

ADJOURNMENT

At 8:32 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: November 14, 2012