

City of Williams

Council Minutes

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

REGULAR COUNCIL MEETING

COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 14, 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
Sally Barker, Treasurer
Rex Greenbaum, Finance Officer
James Saso, Police Chief
Monica Stegall, Associate Planner
Wes Goforth, Public Works Director
Sue Vannucci, Deputy City Clerk

OTHERS PRESENT: Alan Mitchell, Contract Engineer
Ivan Maldonado, Police Officer

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Gloria Estrada, mother of Rueben Lopez, thanked the Council for allowing the installation of the flagpole at the Town Square. She read a letter to the Council regarding the honor of the soldiers that have served. She also thanked them and the



citizens for their support and honor of her son and support her loss. She and her family still show support for soldiers who are located at the various bases throughout the world.

PRESENTATIONS

2012 CITY OF WILLIAMS POLICE OFFICER OF THE YEAR

Police Chief Saso briefed the Council of the process to determine the officer of the year. The City of Williams Police Department recognizes Officer Ivan Maldonado as our 2012 Peace Officer of the Year. He grew up in Arbuckle and graduated from Pierce High School in 1999. While attending Pierce he met his future wife Edella. He and Edella have been married for 6 years and have two children, Tony and Karina. Ivan enjoys spending time with his family and friends and plays on a local recreation district's basketball team. Much of his time is donated to the La Corona Boxing Club in Arbuckle where he helps young kids learn and train in the sport of boxing. In 2005 Officer Maldonado graduated from the Yuba College Police Academy in and was hired by the Williams Police Department in July of 2006. Ivan has been assigned as a Patrol Officer, Field Training Officer, is the Department's first School Resource Officer.

He is professional and dedicated to our profession. He deterred and investigated juvenile crime in the schools as well as in the community. His ability to develop rapport with the students and parents, as well as his great working relationships with school staff, has been instrumental in making the School Resource Officer program successful. Since becoming the School Resource Officer in October of 2011, Officer Maldonado has also created a Police Explorers Post for teenagers who are interested in the field of law enforcement. He welcomes youth from throughout the County.

Chief Saso presented the 2012 Police Officer of the Year award to Officer Ivan Maldonado and mentioned that he was recognized by Colusa Rotary, Senator Nielson and Assembly Member Logue.

RECOLOGY OF BUTTE-COLUSA COUNTIES

Carl Peters, new Site Manager of Recology, introduced Amy Churnigan, Public Relations and Vic Trujillo, Office and Human Resources Manager. Mr. Peters indicated Recology is an employee-owned company. The company employees become very involved in the communities which they serve. They will be working with us on providing compost once or twice per year. They would like to be involved in the Festival of Lights event. He stated that as part of the Franchise Agreement, there is an allowance for annual increases as needed. This year that increase equates to 2.2% which is approximately 51 cents for regular



customers. The fuel costs are difficult to keep up with. These rates are tied to the CPI and they did not increase the rates to match their costs. Should there be an opportunity to lower rates, they will do so. The company has a corporate structure, but is comprised of shares that are all held by the employees themselves. They defer to a Board, and everything they do is a value to them directly. Mayor Pro Tem Barker some of the seniors and single individuals produce very little garbage and asked if they could have a lower rate. Mr. Peters said they considered various programs but determined they should have one single size cart to manage, but indicated will look further at this type of rate structure. Mayor Troughton said there are many regulations and rules that are mandated by the State and commended them for their ability to meet those regulations.

CONSENT

At the request of Council Member Ash and with concurrence by the Council, the following item was pulled from the Consent Agenda for discussion.

TREASURER'S INVESTMENT REPORT AND MONTHLY REGISTER

Council Member Ash asked for clarification regarding 3 payments to Big Trees. Public Works Director Goforth indicated the Eucalyptus on C Street was removed. They also evaluate the trees which is costly. In Valley West there were trees removed and they bought the trees and fixed the sidewalk. The \$7,500 was for Theater Road to clean the ditch and for flood control. The \$1,740 was to several individuals, and City Administrator Bergson said those are the referees for the basketball program and they are paid from fees collected.

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

MINUTES

Council adopted the minutes of the regular Council meetings of July 25 and September 19, 2012, and the special Council meeting of August 15, 2012

TREASURER'S INVESTMENT REPORT AND REGISTER

Council received the Treasurer's Investment Report and register for September 2012.

FESTIVAL OF LIGHTS

Council received a notice of the December 8, 2012 annual Festival of Lights use of City facilities for the event.



CHRISTMAS BALL

Council received a notice of the Williams Firefighters' Association use of a City facility for the December 8, 2012 annual Christmas Ball.

HOLIDAY LIGHTS

Council approved the request from the Citizens for a Better Williams for financial support in the amount of \$1,000 in matching funds for the purchase of lighting for the Festival of Lights Town Square Tree and directed the staff to issue such funds to CBW in a timely manner. There are funds available in City Council's special events budget for Fiscal Year 2012-13.

LEAGUE OF CALIFORNIA CITIES 2012 RESOLUTIONS

Council received the report of the 2012 Resolutions adopted at the League of California Cities conference in September.

AVOID THE 9

Council authorized Chief of Police Saso to sign a Memorandum of Understanding between the Police Departments of the Cities of Marysville and Williams for participation in the "Avoid the 9 Alcohol Related Traffic Injury and Fatalities Reductions Enforcement Program".

OLD BUSINESS

REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP)

City Administrator Bergson said Council had received a proposed list of projects for the Regional Transportation Improvement Program (RTIP). Based on County input, the process needs to start with inclusion in the County's long-range Regional Transportation Plan that is developed by the Regional Transportation Planning Agency - Colusa County Transportation Commission (CCTC) in concert with the public and transportation partners in the region. It is required to consider the short-term (0-10 year) and long-term (10-20 year) planning needs of the agency. The current RTP was adopted in December 2008 and includes short-range and long-range projects for the City of Williams. It is typically updated every 5 years, and Colusa County is preparing to update the RTP in 2013.

The RTIP is a short-range (5 years) capital listing of all City transportation projects, based on the RTP and region-wide assessment of each agencies transportation needs and deficiencies. It is prepared to implement projects and programs listed in the RTP. The following Williams projects are listed in the County's 2012 RTIP:



Road Reconstruction - Seventh Street (Crawford Road to I-5 Overpass)
Intersection Construction - Marguerite Street at State Route 20

The projects in the RTIP must be listed in the RTP to be eligible for state funding under the State Transportation Improvement Program. Staff submitted the Margurite Street at State Route 20 project for eligibility for 2015/16 State Road funds (State Transportation Improvement Program – STIP). The CCTC was unable to qualify these projects as they were not part of the RTP. Staff is currently working with the County Public Works staff to qualify transportation projects for the City and to establish eligibility for future funding.

Over the next several months, Staff will develop additional long-term projects for the RTP, and return back to Council for discussion and approval for inclusion in the County's RTP 2013 Update. From that process, additional short-term needs will be identified for inclusion in the RTIP.

On a motion by Mayor Pro Tem Barker, seconded by Council Member Sellers and carried unanimously, Council approved the road reconstruction projects of Seventh Street (Crawford to I-5 Overpass) and intersection construction of Margurite Street at State Route 20 as the projects to be part of the County's Regional Transportation Plan and part of the City's Regional Transportation Improvement Program:

ANNUAL EMPLOYEE APPRECIATION LUNCHEON

City Administrator Bergson said last year the Council had determined there wish to acknowledge all City employees in December and he suggested if council wish to continue that event, he suggested Tuesday, December 18th as a possible date. The cost is estimated at \$500 and the City will attempt to utilize a local caterer if fiscally possible. APF PA

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash and carried unanimously, Council approved the expenditure of approximately \$500 for the annual Employee Appreciation Luncheon to be held on December 18, 2012.

WATER IMPROVEMENT PROJECTS

City Administrator Bergson this project will include filters for Well 9 in Valley Ranch, a million gallon water reservoir to be located on Theatre Road, and a booster pump station, also to be located at Theatre Road.



The PACE Engineering is currently preparing the Contract construction documents including plans and specifications. Work has included the survey of the property and the route for the supply pipe that will connect to the City's water system in J Street. Also being prepared are the requisite easement documents for the path of travel for the pipe, across Theatre Road and through the west side of Glenn Colusa Irrigation District (GCID) property on the north side of Theatre Road. Plans are expected to be complete by early next year with construction to follow by the Spring.

The United States Department of Agriculture (USDA) has approved \$3.5 million with a \$2.4 loan and a \$950K grant. The preliminary design should be complete next month with the final design in January. The bid should be on the street in March or April of 2013.

NEW BUSINESS

PROPOSITION 218 ELECTION FOR WATER RATE INCREASE

City Administrator Bergson said the USDA is requiring the City to move forward with the funds to repay the loan for the above projects.

Finance Officer Greenbaum said USDA is requiring this process in order for us to qualify for the loan and the grant. The increase would be at 7% per year over three years. The sewer rate would not be included. Council Member Plachek-Fulcher asked for a cost to the average person for the increase. Finance Officer Greenbaum said 7% each year and would equate to \$2.10 per year increase. Mayor Troughton said the City will be playing catch-up. The water needs came to light when Granzella's had the fire and the City nearly ran out of water for that fire suppression. The Council needs to pay these increases also and it is necessary to maintain and keep our water supply. Council Member Ash has a concern about the elderly and those on fixed incomes and their ability to pay for these increases. It will hit them harder. She requested that staff work out something for these citizens. Council Member Sellers asked about the length of time for the increases and Finance Officer Greenbaum said increases will be done over a three year period. Further increases may be needed but they will not be substantial. We have a large base of infrastructure that is in need of replacing and repairing. Almost every City is in need of infrastructure repair and/or replacement. Our loan will be for four years.

Council Member Sellers said that the citizens are already complaining about the rates. Council Member Plachek-Fulcher asked if the upcoming increase could be reduced. As the City must institute these increases to qualify for the loan, the rate increase forthcoming is to repay for that loan. Finance Officer Greenbaum said the City could have less of an increase for the upcoming sewer. As we have not had a lot of history on the new WWTP, he is unsure of the outcome of a decrease in the anticipated rates. City Attorney Siprelle said the question came



up on whether the City could charge some of that increase now and spread the rest of increase out to a later date. The City cannot postpone the increases to a later year because it must be done within the five years. To increase that beyond the five years the City would need to go back through the Proposition 218 process again. Finance Officer Greenbaum said Staff could analyze whether there is a need to raise the rates as high as initially anticipated. There may be some legal mechanisms to allow us to change the increases but not beyond the five years. There could be a consideration to have a rate reduction in some form. The proposed water rates would not take effect until January 2014. Mayor Troughton said the amount needed will depend upon the bids that come in for the projects. He has discussed the sewer paying off the other loan and Finance Officer Greenbaum has said it would save us \$10K per year in interest. Finance Officer Greenbaum said the water fund will probably need most of the money due to the older infrastructure and a potential rebate could be available from the sewer fund. City Administrator Bergson said the annual take on the sewer fund is approximately \$900K and 1% is \$9K per year.

Tony Sandoval of Williams asked when the Redevelopment Public Hearing had been held. City Administrator Bergson had said the bids were competitive and perhaps the rates could go down. He said the rates on the water should be going down. City Administrator Bergson said when the bids do come in and if they are higher than anticipated, the City can go back to USDA for an adjustment or drop a filter. The Council would have to make that decision.

City Attorney Siprelle said the date for the Public Hearing must be at least 45 days from notification to the rate payers.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash, and carried unanimously, Council directed Staff to proceed to notice a Public Hearing for the February 20, 2013 Council meeting on to amend the water rates for water operation, maintenance and capital improvements to the City water system.

FEAST OF GUADALUPE – SPECIAL EVENT

City Administrator Bergson indicated the Public Works Director had indicated that the cost for the City to oversee this event is approximately \$400

Maria Camberos representing the group, said they are a non-profit and do not possess adequate funds to pay for all the fees. She has spoken with Chief Saso who questioned the cost and he had indicated the amount of vehicles, horses and traffic closures are considerations in determining the City fees. Council Member Plachek-Fulcher asked what the impact would be to the Police Department. Chief Saso said they are not adding any staff and the new route they are proposing is easier to maintain. Council Member Plachek-Fulcher asked



if the Sheriff's Department could be asked for volunteers to direct traffic and other possible ways to help defer the costs. Chief Saso said the group would be the responsible party to contact them. The streets to be followed are not an issue this year except the crossing of 7th. He feels the Police Department could handle it and they might wish to contact the Fire Department for assistance as well. Council Member Sellers asked if the insurance coverage was already in place if it is ongoing and Ms. Camberos said it is. They work with the City of Arbuckle and asked if the City of Williams could provide the barricades. They would place and pick them up as well. Mayor Troughton said this is a local community event and this is what part of what people pay for. The fiscal impact is not that great and we should support this event. Chief Saso said he feels the organization can police themselves.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Ash, and carried unanimously, Council approved the request of the Sacred Heart Parish for a waiver of fees for the Feast of Guadalupe event to be held on December 9, 2012 from 10:00 a.m. to 11:00 a.m.

ORDINANCE 197-12 – TRUCK ROUTES

City Administrator Bergson said Council has received a request for a change in the City truck route. Assistant Planner Stegall this amendment proposes to remove part of the currently designated truck route. The change would delete 6th Street from the Northern City limits to 7th Street and add 6th Street from B Street to 7th Street as indicated on the map within the Council packet. Council Member Plachek-Fulcher asked if there is no longer need for a truck route and Chief Saso indicated the owners are selling the property. Mayor Troughton said there are trucks parked along the road and they are using that portion of the street for parking only. Chief Saso said it was originally a truck route, was removed and then reinstated as a route. It is now being recommended for removal. By removing some areas from the truck route, it will simply push trucks from one area to another area. They are beginning to park on B Street just West of the railroad tracks and will need to be monitored.

Jose Sandoval of Williams said he wrote the letter to Council about the routes. The drivers do not pay taxes to the City because they do not live here. They should pay taxes for using the City roads. Council Member Plachek-Fulcher said if the drivers are licensed a portion of the licensing goes to the City and County. Mayor Troughton said the fuel purchases by these truckers go to the City Transportation Fund. The mess on the roads is an issue. If this was a legitimate business that was taxed and licensed it would not be an issue. City Administrator Bergson said Mr. Rivera said they represented to the City they were going to provide an access but that has not yet taken place. They are going onto the property that fronts B Street.



Council Member Plachek-Fulcher said they need to get the improvements done and the problem will go away. The other concern is the ditch. Mr. Sandoval said that the rebar is sticking out and he is concerned about someone getting hurt. Public Works Director Goforth said it was put in when the property was developed. There were no plans or topography. An encroachment permit would be needed and an engineering plan to meet our specifications. It would be Mr. Sandoval's responsibility. Mr. Sandoval indicated he would like to put in a pipe. Mayor Troughton reminded Council that this is not an item that was on the Agenda so further discussion is not appropriate. This item should be discussed with Mr. Sandoval and Director Goforth should make a presentation at the December meeting.

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 proposed Ordinance 197-12, "An Ordinance of the City Council of the City of Williams Amending Section 10.40.040 of the Williams Municipal Code regarding Truck Routes", to delete the section on 6th Street from the North City limits to 7th Street and adding 6th Street from B Street to 7th Street.

ORDINANCE – CODE ENFORCEMENT TOOLS AND PROCEDURES

City Attorney Siprelle said at the last meeting a memo had been provided on changing the Municipal Code regarding Code Enforcement and she had been directed to proceed with the recommended sixteen changes. However, Chief Saso has just seen this item and has concerns regarding the Administrative Citation section. She would like to hold this item until she has had the opportunity to meet with him regarding his suggested input.

Council concurred to defer this item to the next meeting of the Council.

ORDINANCE 198-12 – GAMBLING IN THE PARKS

Chief Saso indicated in the recent past the Department has received reports of gambling being undertaken in City parks. It is attracting very large crowds and may lead to more serious, such as collection of unpaid debts. There were three tables with 25 to 30 people around each table. There has been an assault. Residents in the area have reported suspicious activities. The City has added equipment and ADA updates and this type of activity in the parks is not appropriate. Council Member Ash does not feel this is a problem, as there is fighting with soccer and basketball as well. Mayor Troughton said if they are gambling and it involves money, it can turn very violent. Chief Saso said we know they are gambling. There were people waiting to get into the park a few days ago but the sprinklers were on. We need to have the authority to ascertain what is going on. Mayor Pro Tem Barker said he had been stopped by individuals



who have said that up to \$2,000 to \$3,000 has been involved and they were concerned about the potential violence.

On a motion by Mayor Pro Tem Barker, seconded by Council Member Sellers and carried unanimously Council introduced, waived first reading and read by title only, Ordinance 198-12, "An Ordinance Of The City Of Williams Amending Sections 13.10.050 Of The Williams Municipal Code Related To Gambling In Parks".

REPORTS

City Attorney – She distributed a pamphlet entitle "Sunshine and Technology" giving the Council guidelines regarding social media, Facebook, e-mail, and text messages. There could be issues in regard to the Brown Act.

Deputy City Clerk – She gave the Council the unofficial results of the November 6th election.

City Treasurer – She read into the record the September Treasurer's Report.

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Ash – There will be a town cleanup on Sunday, with 45 members of football team assisting beginning at 8:00 to 12:00. The CBW tree cutting trip will be the Sunday following Thanksgiving. The December 8th Festival of Lights applications are available for booths or the parade.

Mayor Pro Tem Barker – He attended all of the Downtown revitalization meetings; all of the Measure G meetings/public forums; the Colusa Health Fair; a Personnel Board meeting and met with the City Administrator.

Council Member Plachek-Fulcher – all of the usual meetings

Council Member Sellers – He attended the school board meeting; an Indigenous Circle meeting; the Measure G meeting; and the progress in education meeting on community perspective. He also met with the City Administrator.

Mayor Troughton – He met with the Finance staff; attended a Personnel Board meeting; the School Board meeting; the Gang Prevention meeting and met with the City Administrator and the Police Chief.



STAFF GENERAL REPORTS AND DISCUSSION

City Administrator – He said Measure G passed. There is a lot of construction planned. McDonalds expanding and they will be updating the street at 4th and B. ARCO on East side is moving ahead, permits are due the end of the month and the plan is to start in January. Senior housing project is breaking ground in February. County Office of Education is approximately at the halfway point. The old AM/PM is coming into compliance by removal of the underground tanks and cleaning the dirt. There is a possible sale of the property. Construction of water facility will start next year. He will be in Los Angeles for the Thanksgiving holiday.

Police Chief – Proposition 30 passed. There will be SLEF money in the amount of \$100K per year with \$20M to municipalities for prison realignment. The DARE graduation was today. The Department is still attempting to hire a new Officer. They went through one panel and found no suitable candidates so applications are being accepted through November 30.

Fire Chief – Council Member Ash said meeting is next week.

Public Works Director – Leaf season upon us and they are trying to pick them up on a regular basis. The sidewalk grinder has been received and 11 spots have been addressed thus far with 350 more to go. Council Member Ash said there is no handicapped ramp at 10th Street and Public Works needs to handle that.

Finance Officer – He thanked the Fire District and Police Officers Association for their help in passing Measure G. Council Member Plachek-Fulcher indicated that CBW should also be thanked.

RECESS

At 7:32 p.m., Mayor Troughton recessed the regular meeting of the Council and convened in Closed Session.

CLOSED SESSION

At 7:35 p.m., Mayor Troughton called the Closed Session to order. Council held a conference with the Labor Negotiators pursuant to Section 54957.6. The Agency Designated Representative was the City Administrator and the employee organization was the Management employees.

Council also held a public employee performance evaluation pursuant to Section 54957, for the City Administrator. Present at these sessions were Mayor Troughton,



Mayor Pro Tem Barker, Council Members Ash, Plachek-Fulcher, and Sellers, City Administrator Bergson and City Attorney Siprelle.

REPORT OF CLOSED SESSION

At 8:00 p.m., Council reconvened in regular session. Mayor Troughton reported that Council had met in closed session to discuss labor relations and the City Administrator evaluation. Council had provided direction.

ADJOURNMENT

At 8:01 p.m., Mayor Troughton adjourned the regular meeting of the Council.

APPROVED:

Ss: John J. Troughton, Jr., Mayor

ATTEST:

Ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: January 23, 2013