

CITY OF WILLIAMS

Council Minutes

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

CLOSED SESSION

COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 19, 2012
5:30 P.M.

CLOSED SESSION

At 5:30 p.m. Council held a conference with Real Property Negotiators pursuant to Section 54956.6 for the properties identified via Assessor's Parcels 016-250-015; 005-012-002; 016-031-006; 016-070-075. The Agency Negotiator was City Administrator Bergson and the Negotiating Parties the City of Williams, Glenn-Colusa Irrigation District; CalTrans; and the County of Colusa. Under negotiation were price and terms of payment. Present at this session were Council Members Barker, Sellers and Troughton, (Council Member Plachek-Fulcher arrived at 5:45 and Council Member Ash arrived at 5:50), City Administrator Bergson and City Attorney Siprelle.

The conference with Legal Counsel regarding one care of anticipated litigation, significant exposure to litigation pursuant to Subdivision (b), of Section 54956.9 was deferred.

REGULAR COUNCIL MEETING

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 James Saso, Chief of Police



Sue Vannucci, Deputy City Clerk
Ed Anderson, Police Sergeant

OTHERS PRESENT: Council Member-Elect Kent Boes

PLEDGE OF ALLEGIANCE

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

ISSUANCE OF THE OATH OF OFFICE TO NEWLY AND RE-ELECTED OFFICERS

Deputy City Clerk Vannucci issued the Oath of Office to Council Member John Troughton, City Clerk Charles Bergson and City Treasurer Sally Barker. Mr. George Simmons issued the Oath of Office to Council Member-Elect Kent Boes.

HOLD ELECTION OF MAYOR AND MAYOR PRO TEM

On a motion by Council Member Plachek-Fulcher and seconded by Council Member Boes, Council Member Ash was nominated to the office of Mayor.

On a motion by Council Member Seller, Council Member Troughton was nominated for the office of Mayor. Council Member Troughton indicated that as it appeared the appointment of Council Member Ash was imminent, he would not second his nomination.

On the motion to appoint Council Member Ash as Mayor, the motion carried with the vote as follows:

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

On a motion by Council Member Plachek-Fulcher and seconded by Mayor Ash, Council Member Boes was nominated to the office of Mayor Pro Tem.

On a motion by Council Member Sellers and seconded by Council Member Troughton, Council Member Sellers was nominated to the office of Mayor Pro Tem.

On the motion to appoint Council Member Boes as Mayor Pro Tem, the motion carried with the vote as follows:

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



PUBLIC COMMENT

Justin Myers with the Williams Little League asked Council to authorize the Parks Department to assist them with their program. Mayor Ash indicated in order for the Council to consider his request, the item would need to be placed on an Agenda and would require a Use Agreement. Mayor Ash asked if it were allowable as this is a non-profit organization. City Administrator Bergson said it is allowed and could be facilitated. Staff will place this item on the next Council Agenda for consideration.

WRITTEN COMMUNICATIONS

Council received notification from Pacific Gas and Electric regarding an increase of 5.2% in electric rates and 15.3% in gas rates.

Council received a notice of the reorganization of the Colusa City Council following the November election results.

PRESENTATIONS

RETIRING COUNCIL MEMBER DON BARKER

Mayor Ash presented a Certificate of Appreciation to retiring City Council Member Don Barker in recognition of his service as a member of the Williams City Council from November 17, 2004 through December 19, 2012.

RESIGNATION AND RECOGNITION OF RETIRING CITY TREASURER SALLY BARKER

Mayor Ash presented a Certificate of Appreciation to City Treasurer Sally Barker in recognition of her service from November 4, 2008 through December 19, 2012.

CONSENT

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

RESOLUTION 12-24 – ELECTION RESULTS

Council adopted Resolution 12-24 “A Resolution of the City Council of the City of Williams Declaring the Results of the General Municipal Election Held on November 6, 2012, and Setting Forth a Statement of the Election Results”.



TREASURER'S INVESTMENT REPORT AND REGISTER

Council received the Treasurer's Investment Report and Monthly Register for October, 2012.

FINANCIAL REPORT

Council received the Financial Report for Quarter Ending October, 2012.

MINUTES

Council adopted the minutes of the regular Council meeting of October 17, 2012 and the special Council meeting of November 8, 2012.

RESOLUTION 12-25 – CONFLICT OF INTEREST CODE

Council adopted Resolution 12-25, a "Resolution of the City Council of the City of Williams Approving and Adopting an Amended Appendix Conflict of Interest Code Pursuant to the Political Reform Act of 1974".

ANTIQUÉ SHOW

Council approved the budget for the Williams 36th Annual Antique Show and Sale, March 16-17, 2013

OLD BUSINESS

ORDINANCE 198-12 – GAMBLING IN PARKS

Police Chief Saso indicated this item was introduced at the Council's November 14, 2012 meeting and there have been no comments received regarding the proposed Ordinance.

On a motion by Council Member Plachek-Fulcher, seconded by Council Member Troughton and carried unanimously, Council adopted 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".

ORDINANCE 197-12 – TRUCK ROUTES

City Administrator Bergson provided the Council with a brief background on this proposed Ordinance and indicated there were no comments received since introduction.

On a motion by Mayor Pro Tem Boes, seconded by Council Member Plachek-Fulcher and carried unanimously, Council adopted Ordinance 197-12,



"An Ordinance the City Council of the City of Williams Amending Section 10.40.040 of the Williams Municipal Code Regarding Truck Routes".

NEW BUSINESS

PROJECT 12-01 – STATE ROUTE 20/MARGURITE ROAD

City Administrator Bergson said the funding sources for Capital Project 12-01, State Route 20/Margurite Road Access have changed from the original amount planned (\$221,000), approved (\$135,000) and requested (\$221,000). There are funding sources available and he will continue to apply for State and County funds. CalTrans is disallowing use of funds for the Project Approval and Environmental Document phase. Because of these changes, funding will be primarily through traffic impact fees and transportation allocations from the Colusa Transportation Commission Planning, Programming and Monitoring Funds.

Mayor Ash asked if this is the last step in the process. City Administrator Bergson said the amended Plan will get us through the CalTrans requirements and the associated report will be the last that needs to go to the State. Council Member Troughton said there was a meeting yesterday and there is some interest in the project.

Council Member Plachek-Fulcher asked if these numbers include the Environmental Impact Report as they are costly. City Administrator Bergson said it is included and there is a not-to-exceed price. Council Member Plachek-Fulcher asked about inclusion of the maps and City Administrator Bergson indicated it is also included. She then asked if the areas where the funds are being pulled are within the legal aspects of use and City Administrator Bergson indicated to the affirmative.

Mayor Pro Tem Boes asked for the source of these funds. City Administrator Bergson said as indicated previously, they are Traffic Impact Funds which are eligible uses. The City is sacrificing some road maintenance monies to cover this portion. Mayor Pro Tem Boes asked what other City issues would be suffering from the movement of these funds. City Administrator Bergson there is \$65,000 to \$70,000 available now and with the senior housing project bringing forth additional funds there will be little impact on the fund. This is a conservative use with the Traffic Impact fund fees to provide backup should there be a need for other projects. A final accounting can be returned to Council to allow an opportunity to adjust.

Rex Mayes asked if this study is required to obtain the access to Highway 20. City Administrator Bergson indicated is a requirement. Mr. Mayes asked if it answered questions to allow the project to be approved or could it stop the project. City Administrator Bergson said this project is not finalized as



yet and there are no certainties. The State has approved the first study but the City must wait for the State's final approval and they could stall the project. All indications at this time appear that the State is in agreement with the project. Council Member Plachek-Fulcher said the City Administrator Bergson will be making presenting the project to the Colusa County Transportation Commission (CTC). With CTC approval, the City can officially move forward. The CTC makes the actual recommendations to the State Transportation Commission and they must be fully knowledgeable of the possible impact upon Interstate 5.

On a motion by Council Member Troughton, seconded by Mayor Pro Tem Boes and carried unanimously, Council approved the revised Funding Plan for Project 12-01, State Route 20/Margurite Access.

COUNCIL MEMBERSHIP TO BOARDS AND COMMITTEES

Mayor Ash would like to defer this item and discuss appointments at the January 16th meeting. Council Member Plachek-Fulcher said the Local Agency Formation Commission (LAFCO) is appointed via an outside process and is not subject to change locally. In order for an alternate to be assigned, the LAFCO Board must be consulted. City Attorney Siprelle indicated the same process is required for the Colusa County Transportation Commission. Mayor Ash said there is also a Solid Waste Joint Powers Authority that will need an appointment and she will meet with them to make that appointment. City Attorney Siprelle said a JPA membership is usually approved and appointed by the Council in total. Mayor Ash will check with the County on the process. The Deputy City Clerk indicated that there is a Gang Task Force membership currently served by Council Member Sellers that should be added to the appointment list. This item to return for discussion and action at the January 16th meeting of the Council.

CITY TREASURER APPOINTMENT

City Administrator Bergson said with the resignation of the City Treasurer it is necessary to begin the process to fill the position. As this is still an elected position, it is required that the Treasurer be a registered voter within the City. City Attorney Siprelle said the City has attempted to convert this to an appointed position for many valid reasons but that attempt has failed. The Treasurer has no official duties as those duties have been directed to the Finance Officer, but a City Treasurer is required by law.

Rex Mayes asked for an explanation as to why this position has no power and why does the City have a position that is only a place holder. He said it is better to have the duties put back into the responsibility of the finances for the City. Council Member Troughton said anyone could run for City Treasurer without any experience or knowledge of finance. The complexities of a governmental budget need to have someone with the abilities to understand



public finance and the State requirements for public finance. Our current Finance Officer is fully knowledgeable of public finance and contains the expertise to control the funds of the City. There could be a person who is elected to the office of Treasurer who might actually be a CPA but we could also have someone elected that has no expertise in finance at all. The Finance Officer knows what the requirements of the State are for the proper finance protocols for the City. Mr. Mayes said there could be a person elected who had the expertise. Council Member Troughton said that is possible and then the City would then have two knowledgeable persons. Mayor Pro Tem Boes said they both would then work under the direction of the City Administrator. Council Member Plachek-Fulcher said Council had wanted to have the position become appointed so that someone who was not required to reside within the City limits could actually be appointed who would have the requisite education. It is the responsibility of the Council to review the expenditures and oversee the finances of the City. City Attorney Siprelle clarified the Council had adopted an Ordinance to transfer the duties to the Finance Officer in order to have someone with qualifications to oversee the City funds rather than leaving that responsibility to someone who may run for the office without any knowledge or ability in the field. Mayor Ash has an issue of the perception of City Administrator being elected or appointed to both the City Clerk and City Treasurer positions.

Council concurred to defer this item to the January 16th meeting to consider further options such as the appointment of another staff member to the position.

WILLIAMS FIRE PROTECTION DISTRICT BUDGET

City Administrator Bergson said the City has received a bill from the Williams Fire Protection District that is in excess of the amount budgeted of \$245,752. The obligation to the Joint Powers Authority (JPA) has been met to date. At the end of the year the final amount due will be paid. Should the Authority wish to make a change to their budget that request must come before Council for consideration and alteration to the approved City budget. The budgeted amount approved by Council will be paid. Mayor Ash said the Fire Protection budget is a year-to-year budget.

Douglas Turner with Fire Protection said the JPA Board membership includes two Council Members. The Board has an adopted budget. The Authority gives the Department what was signed off two years ago and the adopted Agreement states the City and Authority pay a specific percentage, 70/30. Regardless of what the JPA adopts the percentage stays the same. Our legal counsel has indicated the 70/30 is binding as did the City Attorney's office. The rural pays 30% and City pays 70%. It can be changed by meeting and conferring or by dropping out of the JPA. The City could also consider contracting with Cal Fire. The \$245,752 may be the City budgeted amount but is not what their budget needs are, which is listed at \$259,627.



Council Member Troughton said there is a clause in the current Agreement that specifies the JPA is to notify the City 20 days before the adoption of their budget to allow the City an opportunity to respond. The City has not received such notification from the Authority. There is no opposition to payment to the Authority but they were to notify us in order to allow the City to plan and budget accordingly. That notification did not happen. Mr. Turner asked whether the Council Members on the JPA Board presented the budget before Council. Mayor Pat said the Finance Committee was aware of the JPA budget. Council Member Troughton said it did not come before the Finance Committee or the Council for approval.

Mr. Turner said Finance Officer Greenbaum had contacted the Authority and indicated the Transient Occupancy Tax (TOT) was less than anticipated thus making the contribution to the Authority lower. Mr. Turner said the TOT portion was to be above and beyond the regular budgeted amount for Fire and was to be given to them in good faith as a supplement. It is of concern that the Finance Officer stated they would not be getting funds from TOT.

Council Member Troughton stated the Authority needs to present a budget to the Council as it was not brought to the entire Council. City Attorney Siprelle said the JPA must provide in writing a proposed budget to the Council as a whole. Mr. Turner asked if there is not a Fire budget in place that has been approved by the Council, should the current Council approved budget be utilized? City Attorney Siprelle said there is no concern about the 70/30 split, but Council needs to know what that budget is so that it can put it into the City budget. Mr. Turner said City Administrator Bergson had indicated there was a shortfall in the funds. City Administrator Bergson said the City will pay what was known to be the JPA budget. The City adopted a budget with the figures as indicated, not the higher amount. Mr. Turner said the billed amount is for last year 2011-12, but City Attorney Siprelle said the invoice says it is for 2012-13. Gerry Nall said that was the preliminary budget. They did not pass a budget until last month and this should be for 12-13.

Mayor Pro Tem Boes said there is a miscommunication and that Council is agreeable with paying the amount if properly noticed. Council Member Troughton said if there had been proper communication with the Staff without the dispute this could have been easily addressed and managed. He was considering recommending to the Council that the budget for Fire should be increased. This could have been solved by meeting with Staff, adopting the proper budget and going to the various authorities. Mr. Nall said the JPA is not written like that. The JPA did not direct them to talk with the Finance Officer, just directed them to bill. They should have sent the budget to us 20 days before adoption. Council Member Troughton said there was a letter sent indicating the City was in arrear without any discussion and Mr. Nall said the letter was directed by the Board. Council Member Troughton said the Council Members on the Board are the liaison. The budget needs to be done with the 20



days notification. Mr. Nall said if there is no communication it is the Council not communicating with their liaisons. Mr. Turner said he assumes the Council liaisons are communicating to the entire Council. Council Member Plachek-Fulcher said she assumed that when it went to the Finance Committee it would come back to the entire Council. Mr. Turner said the rural district knows exactly what transpires. He asked if there was a statement from the Finance Officer that they would be backing out some of the other funds. There were a couple of years when the TOT did not receive anticipated funds and the Fire Department had gone without. Council Member Plachek-Fulcher said she spoken with the Finance Officer who had adjusted the funds to Fire because of the TOT shortfall. She said the City Administrator had said they would get the remainder at the end of the year. Council Member Troughton said the City should be setting payments that are paid quarterly. The budget needs to be properly funded but the \$259,627 was not presented to us in a total budget form. He asked the City Administrator to work with the Finance Officer to fund the JPA at the higher amount. Mayor Pro Tem Boes said there are some minutes dated September 10, 2012 that show the budget of the JPA. He asked if those minutes could be considered as notification and pay the amount due by January 9th.

Council Member Plachek-Fulcher said the Board was unaware of the 20 day notice requirement. She said that Kara Alvernaz, the Chief Finance Officer for the Fire Department sent a letter to the City Administrator on September 15, 2012 with the budget attached and he did not respond until November 13th. City Administrator Bergson said the letter was never received by his office and the November letter was in response to the invoice. Council Member Plachek-Fulcher said that perhaps in the future letters should be sent to the City Administrator certified.

Mayor Pro Tem Boes suggested if this can be considered as notice to the Council, the City can make the delinquent payment by January 9, 2013, and amend the budget to the reflect new budget amount. Council Member Troughton said the presentation of the budget at a public meeting is for the Council to be aware of the budgeted amount is to allow public comment and questions about the content of that budget. City Attorney Siprelle said this item is on this Agenda as receiving the letter from the Authority Board and providing direction to Staff.

Council Member Plachek-Fulcher moved that Council direct Staff to pay the unpaid balance invoiced by the Authority Board. City Attorney Siprelle said that action is not on the Agenda. Council Member Plachek-Fulcher asked that Council give direction to Staff. City Attorney Siprelle said Council cannot approve the higher budget amount at this meeting. Mr. Turner said the amount is for the Fiscal Year 2012/13. Council Member Plachek-Fulcher said that the Fire Chief Finance Officer Angie should then bill the previous amount and bring that current because it is still 2011/12 operations. City Administrator Bergson said the City is paying on the 2012/13, but Council Member Plachek-Fulcher said the



City cannot pay amount because the City has not received the amount. City Administrator Bergson said the City cannot pay more than was authorized. City Attorney Siprelle said amount is the 2011-12 amount because the City was not aware of their budget change. The City has not made the final payments for the 2012-12 budget years as yet and City Administrator Bergson said the City can bring this current.

Mr. Nall said the JPA can waive the interest. The preliminary budget figure this year was not presented within the 20 days this past year was because they were waiting on the outcome of Measure G. The \$259,627 is a good figure for 2012-13 but may need to be increased. They need to send a preliminary budget for 2012-13 and will direct Staff to do so. City Attorney Siprelle indicated there will be no late fee. Mr. Turner said there is lack a of communication that needs to be addressed. They assumed that what is said in the their open meeting would flow back to the Council as a whole. Council Member Troughton said this invoice and letter were a surprise. The budget could be set at any level and with justification, the City would be obligated to pay that amount. Mayor Pro Tem Boes said the JPA is set like it is to protect the JPA and the City.

City Administrator Bergson indicated the budget will be placed on the Council's January 16th Agenda for review, and the Fire Authority will present a proposed budget to Staff and the current past due amount will be brought current.

REPORTS

City Attorney – None

Deputy City Clerk – None

City Treasurer – vacant

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Troughton – He attended a Personnel Board meeting, and met with the City Administrator and the City Attorney. He stated in the Mayor's Report for the last year the following:

In regard to Finance prior to when the present Finance Officer was appointed, there were no Finance Reports available, the Grand Jury Report was critical of finance; Federal monies for the Waste Water Treatment Plant were withdrawn; calculations for the WWTP loan were not accurate; without the \$6 million forgiveness, the rate calculation would have made the revenues short thus an inability to meet the loan payments; the loan for the Police Department building was \$400,000 plus \$100,000, the previous City Administrator did not get the loan; the Finance Officer could



not provide actual numbers; Ms. Drayton was utilized to evaluate our finances. The present Finance Officer, Mr. Greenbaum, has provided clean audits and can be contacted for financial status updates at any time. Prior to his employment, there was no accountability in the Finance Department. Other issues related to the enterprise zone, (Chapin), the current City Administrator and himself stopped the additional funding of \$20,000; Prior to Mr. Bergson's employment, there was no Regional Transportation Improvement Plan funding. He stated he has a great respect for the Fire Department and would like these issues to be resolved and the communication to flow.

Council Member Sellers – He attended a Gang Task Force meeting, Colusa County Operations meeting and a Colusa Regional Medical Center meeting. He also met with the City Administrator.

Council Member Plachek-Fulcher – She attended all of her regular meetings.

Council Member Ash – She attended Capital Improvement, Finance Committee, One Stop, and Fire Board meetings. The Festival of Lights was a success. She also announced that Alejandro Jauregui has his running legs and is doing very well.

STAFF

City Administrator – He said most staff will be off during the holidays but there will be a few working. City Hall and the Annex will be closed from December 24th through January 1st. The remodeled Community Center will be holding their Open House on Saturday, January 12, 2013 from 10:00 a.m. to 2:00 p.m..

Police Chief – There was the annual DARE graduation for 5th graders and he thanked Sergeant Anderson for his participation in that program. He also thanked Officer Garcia for his involvement in the GREAT program which held their graduation. The Department is down a position and interviews are being today and tomorrow. One Officer is also on extended leave. During the Festival of Lights event there were some juveniles breaking into 5 homes. Those individuals have been apprehended.

Fire Chief – Mayor Ash indicated that 86% of calls this past month were within the City and 14 in the rural area with a couple of severe accidents. Training is ongoing.

Public Works Director – Absent

Finance Officer – Absent



RECESS

At 7:30 p.m., Mayor Ash recessed the regular meeting of the Council.

CLOSED SESSION

At 7:38 Council held a closed session to conduct a Public Employee Performance Evaluation pursuant to Section 54957 for the City Administrator. Present at this session were Mayor Ash, Mayor Pro Tem Boes, Council Members Plachek-Fulcher, Sellers and Troughton, and City Administrator Bergson.

REPORT OF CLOSED SESSION

At 8:30 p.m., Mayor Ash reconvened the regular session and announced that Council had met in closed session to hold a conference with Real Property Negotiators on four property locations. The Agency Negotiator was Charles Bergson and the negotiating parties the City of Williams, the Glenn-Colusa Irrigation District, CalTrans and the County of Colusa. Under negotiation were price and terms of payment. Staff has been directed to proceed with the acquisition of the property at North 7th Street, APN 05-012-002; and the property on Theater Drive, APN 016-025-015 owned by the Glenn-Colusa Irrigation District. The CalTrans property adjacent to Interstate-5, APN 016-032-033 will return to Council and the property at Margurite and Highway 20, APN 016-007-075 discussion was for information only.

Council also held a Public Employee Performance Evaluation for the City Administrator and provided direction to Staff.

ADJOURNMENT

At 8:38 p.m., Mayor Ash adjourned the regular meeting of the Council.

APPROVED:

Ss: Patricia Ash, Mayor

ATTEST:

Ss: Susan L. Vannucci, Deputy City Clerk

Adopted by Council: February 20, 2013