

CITY OF WILLIAMS

City Council Minutes

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

CITY COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, MAY 18, 2016

OPEN SESSION
6:00 PM

CALL TO ORDER:

At 6:00 pm, Mayor Troughton Jr. called the meeting to order.

ROLL CALL:

Council Members present: Alfred Sellers, Jr., Kent Boes, Santos Jauregui, Charles Bergson and John Troughton Jr.

PLEDGE OF ALLEGIANCE:

Mayor Troughton Jr. invited everyone to join him in the Pledge of Allegiance.

PUBLIC COMMENT: Citizen Patricia Ash said Citizens for a Better Williams has a clean-up day planned this Sunday, May 22, 2016. She thanked the Public Works Department for cleaning up because that took a big load off of them. She said that they would be concentrating on smaller areas of the City. There will be three Concerts in the Park this year. At the first concert, there will be a salsa making contest and Mexican food will be served by the Varsity Basketball Team. At the second concert, the Williams Police Department will be serving the dinner. At the last concert, there will be the second annual rib cook off batch challenge. For the rib cook off, they will have three Fire Departments competing and three interested in participating. She saved the most exciting news for last which is that for the month of November she has procured a very rare collection valued at a half million dollars of the photographs of Edward S. Curtis who followed the Indian Tribes for 30 years. She stated the owner of the collection has consented to let the Citizens for a Better Williams have it for a month. The owner will also come during the month of November on two occasions.

The showing of the collection will be used as a fundraiser. It will be advertised in four Northern California magazines and hopes to be featured on television. Mrs. Ash then took the time to invite the City Council Members to join them.

PRESENTATION:

Presentation from Woodland Community College

DISCUSSION: Mayor Troughton explained they were unable to attend the meeting and their presentation has been moved to the regular meeting of July.

WRITTEN COMMUNICATIONS:

Agenda from the Colusa County Board of Supervisors meeting of May 3, 2016

Letter from Stoel Rives LLP.

ACTION: No action needed.

PUBLIC HEARING:

Conduct a Public Hearing for the Appeal of the Planning Commission Decision to Rezone APN 005-056-014 from Urban Residential- High Density (R-U-HD) to Commercial Suburban (C-S)

DISCUSSION: City Planner Monica Stegall, explained to City Council that staff was just notified prior to the meeting that the applicant wishes to withdraw their appeal. There is a representative here to confirm the withdrawal stated Mrs. Stegall.

Shane Harvey is here representing Cross Development, the developer for Dollar General. He first thanked the City Council for giving them the opportunity to appeal in the first place. He stated that after extensive research with their consultants and their attorneys over the last six weeks, they have determined that they do not have a legal precedence to try and convince the City Council to overturn the Planning Commission's decision. Mr. Harvey said Cross Development wanted him to read a statement which says "It is disappointing to get to this stage and this result because we have worked diligently, in good faith and in reliance on City staff's initial encouragement and reassurances that they believe that this was an appropriate site for this store and that the rezoning request did not pose a significant hurdle to the project. We had spent a lot of time, energy and resources to develop the application for this site only to be informed right before the Planning Commission meeting that staff would not support it after all. We understand that staff cannot make an irrevocable commitment, but the one hundred eighty reversal was surprising". He stated Dollar General very much wants to be here in the City of Williams and continues to think they are a good fit here. They would like to continue working with the City of Williams to find an appropriate site that staff and decision makers can support from start to finish.

Mayor Troughton asked the City attorney if the appeal was withdrawn would that mean that this would be the end of this item. City attorney Nelson said that was correct because there was no longer an application to rule on. However, because it was on the agenda, he would recommend allowing public comment. All Council Members agreed to allow public comment.

Citizen Anil Patel would like to be on the record that the decision was already made prior to the hearing for rejection. He said regarding the zoning violation, his son who is an attorney with a law firm out of San Francisco would be taking on this matter with the City of Williams.

Mayor Troughton opened the Public Hearing at 6:09 p.m.

Citizen Lonnie Moore said he lives across the street from that particular piece of ground. He complimented Cross Development for withdrawing their appeal and said he believed that lot was not appropriate for that business and feels confident that Dollar General will be in Williams but at a different location.

Mr. Moore also applauded the City for its efforts.

Courtney McAlister, an attorney out of Yuba City, said he represented a large group of business owners in the City of Williams including the owners of Shop and Save, Roy's Supermarket, Ace Hardware, La Fortuna Bakery, Williams Liquor and Food, El Toro Loco, Dino Mart, Wayman's 76, Jensen Chevron and Orv's Shell Station. He said he had previously submitted a written letter to the Planning Commission and spoke at the hearing of the Planning Commission of March 24, 2016. He was grateful for the denial and complimented the applicant for withdrawing their appeal.

Mayor Troughton closed the Public Hearing at 6:11 p.m.

CONSENT:

Minutes of the Regular City Council Meeting of March 16, 2016

Minutes of the Regular City Council Meeting of April 20, 2016

Special Event Permit # 36 for the Citizens for a Better Williams Concerts in the Park.

DISCUSSION: Council Member Bergson corrected the vote on the April 20, 2016 minutes to reflect Council Member Jauregui's vote as absent because he recused himself from the discussion. Mayor Troughton made a correction to the Minutes of the March 16, 2016 meeting.

ACTION: Council Member Boes made a motion, seconded by Council Member Jauregui to adopt the consent agenda as corrected. Motion passed by the following roll call vote:

AYES: Bergson, Boes, Jauregui, Sellers Jr., Troughton Jr.

NOES: None

ABSTAIN: None

ABSENT: None

OLD BUSINESS

Treasurer's Investment Report and Monthly Register for March 2016.

DISCUSSION: City Treasurer Jorge Carmona provided the summary of the monthly report and register for March 2016.

No action needed from Council.

NEW BUSINESS

Authorize the City Administrator to Execute Cooperative Agreement between the City of Williams and the Colusa Mosquito Abatement District.

DISCUSSION: City Administrator Frank Kennedy explained to Council that last year they had authorized the Mosquito Abatement. He presented Council with information from the Colusa Mosquito Abatement District regarding the tracking and results from 2015. He said they had given him a tentative budget for this year. They are recommending the City do eleven treatments which comes to a total of \$37,946.00.

Council held a discussion on the chemicals being used for the mosquito abatement and they wanted to ensure they would be disclosed on the contract.

Council Member Boes said that when he Mr. Whitesell reported to Council, he said that in Williams there was only a couple of hundred females in the traps where as in Colusa there are thousands of them. Council Member Boes explained that Mr. Whitesell had basically stated that the City of Williams did not have a mosquito problem. He also said that this will be coming out of the General Fund and it is negotiation year and if Council is going to commit these kinds of dollars, he would rather use it for the employees.

Mayor Troughton said he generally had the same feeling as Council member Boes.

Citizen Pat Ash commented that we still had mosquitos even after they sprayed last year.

Council Member Bergson made a motion to authorize the City Administrator to Execute Cooperative Agreement between the City of Williams and the Colusa Mosquito Abatement District with the provision that the contract lists the chemicals that will be used.

Council Member Jauregui said he had a comment before continuing. He said he had received a lot of calls and comments from the citizens of Williams thanking Council for approving the Mosquito Abatement last year. He said citizens really noticed the difference.

ACTION: Council member Bergson's motion was to Authorize the City Administrator to Execute Cooperative Agreement between the City of Williams and the Colusa Mosquito Abatement with the provision that the contract lists the chemicals that will be used, Council Member Jauregui seconded the motion. Motion passed by the following roll-call vote:

AYES: Council Member Bergson, Jauregui, Sellers Jr.

NOES: Council Member Boes, Troughton Jr.

ABSTAIN: None

ABSENT: None

Adopt Resolution 16-06, A Reimbursement Resolution and Resolution 16-07, A Resolution Authorizing the City Administrator to sign a Financial Assistance Application for a Financing Agreement from the State Water Resource Control Board for the Planning, Design and Construction of the Water System Improvement Project.

DISCUSSION: City Administrator explained this will be grant through the Department of Water State Revolving Fund in the amount of four million, five hundred and fifty- eight thousand dollars. He said there were three objectives to this grant. One is to supply filtration to Well 8 to improve the quality of the water the City delivers to the citizens. Secondly, the outdated water meters will be changed to state of the art water meters. He said this would reduce the amount of hours staff takes to input data to produce the billing statements every month and there is numerous other benefits. Lastly, this grant would help provide for a new Well including filtration. He said at this point, they do believe that because of the disadvantaged community status, the City will receive one hundred percent grant funding for this. The State requires for these Resolutions to be signed in order to move forward.

Council Member Boes asked what costs will be incurred by the City other than staff time. City Administrator Kennedy said they are hoping for none.

Mayor Pro Tem Sellers asked if with the new automatic meters, will citizens be alerted about excess water use. Mr. Kennedy responded that would be a possibility and if a case comes up where there is no one home, we will be able to shut the water off saving a significant amount of water.

ACTION: Council Member Bergson made a motion, seconded by Council Member Boes to adopt Resolution 16-06, A Reimbursement Resolution and Resolution 16-07, A Resolution Authorizing the City Administrator to sign a Financial Assistance Application for a Financing Agreement from the State Water Resource Control Board for the Planning, Design and Construction of the Water System Improvement Project. Motion passed by the following roll-call vote:

AYES: Council Member Bergson, Boes, Jauregui, Sellers Jr., Troughton Jr.

NOES: None.

ABSTAIN: None

ABSENT: None

Accept USDA Funding for Sewer Improvements and Authorize Staff to start Prop 218 Process and Hold a Public Hearing on Proposed Water and Sewer Fees.

DISCUSSION: City Finance Officer Rex Greenbaum said there has been a lot of issues with the removing of sludge. He said one of the options that came up is to work with the USDA for potential funding. He stated USDA does not fund specifically operation maintenance but they do fund capital. He stated they had come up with a potential solution where they can fund the capital component and also remove the sludge from the Waste Water Treatment Plant. Mr. Greenbaum said the grant was not finalized but was very close to being done. The total project award is four million five hundred thirty-three thousand which would be a grant of two million two hundred eighty-three thousand and a loan component of two million two hundred fifty thousand. The proposed loan would be amortized over thirty-nine years at a 1.75 percent interest rate with annual payments of eighty-one thousand eight hundred fifty-five dollars. He stated in order to fulfill our loan obligation we would need to increase the water and sewer rates. Staff needs authorization from the City Council to begin the Prop 218 process to increase these rates. Mr. Greenbaum did mention time is of the essence and if the City doesn't move on this relatively soon, the City can lose the grant opportunity.

Mayor Troughton wanted to clarify to everyone that if the City does not finance through USDA the City will lose the grant.

City Administrator said the City recently received a notice from the State indicating the City will begin to receive fines if there is not a sludge removal plan as soon as possible.

Council Member Bergson asked about how many tons of sludge needed to be removed. Council and staff held a discussion regarding what is actually being required to be removed.

Council Member Bergson questioned why the State is only threatening the City and no other potential users and said he objects to that treatment.

Waste Water Operator Peter Garcia said it come down to compliance with the PDS Permit and if the City does not comply, they can revoke that permit at any time and be fined daily.

After a lengthy discussion, Council Member Boes thanked staff for the work that was put into this. He said that the numbers that had been presented to them at a Finance Committee meeting were much higher.

ACTION: Council Member Sellers Jr., made a motion, seconded by Mayor Troughton to Accept USDA Funding for Sewer Improvements and Authorize Staff to start Prop 218 Process and Hold a Public Hearing on Proposed Water and Sewer Fees. Motion passed by the following vote:

AYES: Council Member Bergson, Boes, Jauregui, Sellers Jr., Troughton Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Authorize the City Administrator to sign a contract with John Lambirth for the removal of the Pond 2 stockpile sludge.

DISCUSSION: City Administrator Frank Kennedy explained this is a very similar issue. The Pond 2 stockpile that was discussed was very easy to remove. Mr. Kennedy said they had received three bids which were all acceptable qualified bids. He is suggesting to contract with John Lambirth Trucking who's bid came in at one hundred and four thousand dollars.

Council Member Boes asked if this could be tabled until after the Prop 218. City Administrator said no because the removal of this sludge in Pond 2 is what will prevent the fine from the State in the amount of half a million dollars.

ACTION: Council Member Bergson made a motion, seconded by Council member Boes to Authorize the City Administrator to sign a contract with John Lambirth for the removal of Pond 2 stockpile sludge.

AYES: Council Member Bergson, Boes, Jauregui, Sellers Jr., Troughton Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

REPORTS

City Attorney had nothing new to report.

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Jauregui attended regular meetings.

Council Member Boes attended regular meeting. Council Member Boes said at LAFCO's next meeting they will be discussing the Annexation the Fire Department is taking on. Council Member Boes asked if they are still dedicating the Pool to Wes Goforth and Mr. Kennedy said staff is looking into buying the sign.

Council Member Bergson reported on the Groundwater Sustainability Agency. He said there was some corrections that needed to be made and will be coming back to City Council at the next meeting. He also said he would like to put forth a plan for street repairs which will be on the agenda for next month's meeting.

Council Member Sellers, Jr., attended regular meetings.

Council Member Troughton, Jr., attended a Finance and a Personnel Committee meetings.

STAFF GENERAL REPORTS AND DISCUSSION

City Administrator Kennedy said on the first week of June they will break ground on the Water and Sewer Rehabilitation Project. He said they had worked with the contractor so that this will not interfere with Pioneer Day on June 4, 2016. Mr. Kennedy stated he would be taking a webinar that is put on by the League of Cities for Medical Marijuana. He is needing two Council Members to sit on the Committee.

Council Member Bergson and Council Member Boes were assigned to the Committee.

City Planner Monica Stegall will be having a Planning Commission meeting on Monday, May 23, 2016 at 6:00 p.m.

Fire Chief was absent.

Police Chief John Osbourn attended the California Rural Crime Prevention meeting.

Finance Officer had nothing additional to report.

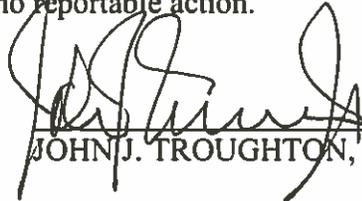
City Engineer gave a report on the ADA Self Evaluation and Transition Plan.

ADJOURNED: Mayor Troughton Jr. adjourned the regular meeting at 7:08 pm to Closed Session.

CLOSED SESSION

1. Public Employee Performance Evaluation Pursuant to Section 54957
Title: City Administrator
2. Conference with Legal Counsel-Anticipated Litigation
Initiation of litigation (GC Sec. 54956.9(d)(4): Three cases
3. Conference with Labor Negotiators (Gov't. Code Sec. 54957.6)
Agency designated representatives: Frank Kennedy
Employee Organization: City of Williams Employee Association

At 9:00 pm, City Administrator stated, there was no reportable action.



JOHN J. TROUGHTON, JR., MAYOR

ATTEST:



Mariana Pineda, City Clerk

