

CITY OF WILLIAMS

City Council Minutes

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

CITY COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, MAY 17, 2017

OPEN SESSION
6:00 PM

CALL TO ORDER:

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

ROLL CALL:

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

PLEDGE OF ALLEGIANCE: Mayor Sellers Jr., invited everyone to join him in the Pledge of Allegiance.

PUBLIC COMMENT: Eddie Johnson is here representing Eddie Johnson Heart Disease and SPENCOW. About two months ago Mr. Johnson presented a proposal about a skate park and has not yet seen the proposal on the agenda. He would like to know why this has not been brought to Council and would like to have it in the next month's agenda. City Administrator asked City Council for some direction. He would like to know if this proposal should go to the Park and Recreation Commission or does City Council want it placed on the City Council agenda for next month. Council Member Bergson believes this should be part of capital improvements and discussed during budget.

Council Member Troughton Jr., asked Mr. Johnson if this proposal had been presented to the Parks and Rec Commission. Mr. Johnson mentioned that he had been working on this for about five years now and has mentioned it slightly as an idea. Council Member Troughton asked Mr. Johnson to take it to the Parks and Rec Commission and after take it to the City Administrator who then will take the proposal to the City Council. Council Member Troughton also said this might have to be presented to the Planning Commission depending on the location.

City Council gave staff direction to take this proposal to the Parks and Rec Commission and to the CIP Committee.

Citizen Robbin Gabbard told the Council she is not familiar with the procedure, but she is concerned about Canna-Hub. She would like to get more information on the matter and asked City Council what their plan regarding this is. She would like to also know if the Council will be taking public input and how will that affect the Council's decision. Basically, she wants to know if the public will have the right to vote on this and what they will need to do to vote.

City Administrator Kennedy said this is on the agenda tonight and will be discussing the issue. No decisions will be made this item is only for discussion.

CONSENT

Approve the Minutes of the Special Meeting of March 29, 2017.

Approve the Minutes of the Regular Meeting of April 19, 2017.

Approve Special Events Application #44 for the 9th Annual Fun Run and Walk; waive fees.

DISCUSSION: Council Member Bergson had revisions on the minutes of April 19, 2017 and Mayor Sellers had revisions on the minutes of the meeting of March 29, 2017.

ACTION: Council Member Bergson made a motion, seconded by Council Member Jauregui to approve item 1 and 2. Motioned passed by the following roll-call vote:

AYES: Council Member Mendoza, Jauregui, Troughton Jr., Bergson and Sellers Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Council Member Troughton made a motion, seconded by Council Member Jauregui to approve Special Events Permit Application #44 for the 9th Annual Fun Run and Walk and to waive the fees. Motion passed by the following roll-call vote:

AYES: Council Member Mendoza, Jauregui, Troughton Jr., Bergson and Sellers Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

OLD BUSINESS

Treasurer's Investment Report and Monthly Register for March 2017.

DISCUSSION: City Treasurer Cristian Villa provided the summary of the monthly report and register for March 2017.

ACTION: No action needed from Council.

Authorize the City Administrator to sign a Cooperative Agreement for the Mosquito Abatement with the Colusa Mosquito Abatement District in the amount of \$53,289.85

DISCUSSION: City Administrator Frank Kennedy explained the City once again asked the Colusa Mosquito Abatement District for an evaluation and an estimated price for this year's services. Typically, they have been performing eleven treatments for eleven weeks, but they are now recommending we consider increasing the aerial treatment to at least twice a week in September. The additional cost to do that would be an additional \$13,708 which will bring the total cost to \$53,289.85. City Administrator said the City has paid the Mosquito Abatement out of the General Fund for the last few years, and this would be a bigger hit on the general fund. He believes this is an all or nothing

situation, either the City does it right or we don't do it at all. There was still some complaints from citizens this past year.

Council Member Troughton suggested to have them spray further north of town because of the rice fields.

ACTION: Council Member Bergson made a motion, seconded by Council Member Mendoza to authorize the City Administrator to sign a Cooperative Agreement for the Mosquito Abatement with the Colusa Mosquito Abatement District in the amount of \$53,289.85. Motion passed by the following roll-call vote:

AYES: Council Member Mendoza, Jauregui, Troughton Jr., Bergson and Sellers Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Consider becoming a Plaintiff in the Citizens for Fair Representation Lawsuit.

DISCUSSION: City Administrator Frank Kennedy said this item is to consider becoming a plaintiff in the Citizens for Fair Representation Lawsuit. He explained that this is solely about representation specially for the small counties, under populated northern counties in California. They have asked the City to be named as a plaintiff in the law suit for representation. This does not mean that the City cannot pull out at any time, one of the things that had raised from staffs prospective is that the City really doesn't have any say so in that.

Council Member Troughton and Council Member Jauregui agreed that there is a need for representation and they are in favor of becoming a plaintiff in the lawsuit.

Mayor Sellers Jr. asked City Attorney Siprelle if the City was to become a plaintiff in this lawsuit, who from the City would be present during court. Mrs. Siprelle said their attorneys would be there representing. The only thing the agreement does mention is that Council Members could be called to testify.

City Administrator Frank Kennedy said the City would send a letter of support.

ACTION: Council Member Bergson made a motion, seconded by Council Member Jauregui agreeing to become a plaintiff in the Citizens for Fair Representation Lawsuit. Motion passed by the following roll-call vote:

AYES: Council Member Mendoza, Jauregui, Troughton Jr., Bergson and Sellers Jr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Provide Clarification and Comments on the Content of the Draft Ordinance to Regulate Commercial Cannabis activity and uses.

DISCUSSION: City Planner Stegall explained to the City Council that in March the City held a special meeting/ workshop where Canna-Hub's CEO Tim McGraw provide the Council and the public a presentation on a proposed cannabis business complex in the business park located between Husted Road and I5. At the last City Council meeting that was held in April Council directed staff to begin

working and drafting an Ordinance that would allow these types of businesses. Staff has provided a draft ordinance but the purpose of tonight is to receive further clarification from City Council on what type of uses and activities they would like to allow.

The State defines two types of manufacturing. Level 1 is non-volatile and Level 2 is volatile solvents such as butane, propane, acetone, ethanol, isopropanol and heptane which are hazardous materials. The use of volatile solvents allows for a more efficient extraction process than using water and enhance the concentration of the manufactured product.

The attached ordinance as drafted allows Level 1 and Level 2 manufacturing with the approval of a Conditional Use Permit. If the Council decides to allow Level 2 manufacturing staff recommends that commercial grade laboratories be required. These types of laboratories contain fume hoods and specialize equipment, which reduces the risk of explosion or fire. The County Department of Environmental Health Services is the agency responsible for permitting and regulating the storage and use of hazardous materials.

Commercial Cultivation:

Mrs. Stegall explained that it was staff's understanding that Council supported cultivation within a building but was opposed to outdoor cultivation. Council also supported mixed-light grow facilities that allow for a combination of artificial and natural light.

Council Member Bergson believes the City should prepare an Ordinance to facilitate this business and any business as need in light of the fact that it is new this Ordinance is good. He also thinks the City should leave it broad enough to let businesses apply and go to Level 2 manufacturing. He believes the initial idea of a conditional use permit is a good idea and that the conditional use permit should be held at Council level not the Planning Commission. This way the City Council would be making the decisions on the applications and Council would set the conditions on the new business.

Pastor Pete Rodriguez said listening to staff and City Council it sounds to him as if this was a done deal that Canna-Hub is coming to the City of Williams. Council Member Troughton Jr., said it's not a done deal and gave Pastor Rodriguez some comments.

Citizen Robin Gabbard expressed her opposition.

Citizen Jerry Gabbard also expressed his opposition.

Citizen Dan Sehnert expressed his opposition. He also has some questions on jobs that are going to be created, security and taxes.

Citizen Tami Coder said she had been born and raised here. She was gone for twenty years and she finds it very refreshing that the City Council is taking a business approach to this. She believes this is a great opportunity for the City of Williams. She thinks this is a great opportunity to make this town thrive again.

John Lauwerijssen expressed his opposition by saying if City Council was considering this because of the money they are doing it for the wrong reasons.

Mike Coder spoke in favor of the proposed project.

Sajit Singh said he is still on the fence of a citizen of Williams regarding this project. Addressing morality, he realizes that as a father it is his responsibility to teach his child about drug use whether it be legal or illegal.

After a lengthy discussion Council gave staff direction. No other action was required at the time.

NEW BUSINESS

Accept the FY 2015-2016 Audited Financial Statements performed in Accordance with Government Auditing Standards and Accept the Annual Reports for Transactions and Use Taxes and Transient Occupancy Taxes as required per Municipal Code Section 3.18.120.

DISCUSSION: City Finance Officer thanked City Council for giving him the opportunity to present the City's Annual Audit Report. Mr. Greenbaum said the auditor had completed the audit report on March 27, 2017. Mr. Greenbaum is pleased to announce that once again the City received a clean unqualified audit report as detailed on pages two and three of the audit report for Fiscal Year ending June 30, 2016. This is the eighth consecutive unqualified report the City has received since Fiscal Year 2009.

Finance Officer took some time to discuss the findings and recommendations from the auditor. He stated that in years past the auditor believes the Finance Department needs additional depth to insure sufficient time for financial statement analysis and that account reconciliations are done with in a timely manner. The auditor specifically mentioned the need of another full-time accountant to assist the Finance Officer with compliance in government regulations in addition the auditor notes that the Finance Department needs to prioritize training.

Mr. Greenbaum recommended that Council accept the FY 2015-2016 Audited Financial Statements performed in Accordance with Government Auditing Standards and Accept the Annual Reports for Transactions and Use Taxes and Transient Occupancy Taxes as required per Municipal Code Section 3.18.120.

ACTION: Council Member Bergson made a motion, seconded by Council Member Troughton to accept the FY 2015-2016 Audited Financial Statements performed in Accordance with Government Auditing Standards and Accept the Annual Reports for Transactions and Use Taxes and Transient Occupancy Taxes as required per Municipal Code Section 3.18.120. Motion passed by the following roll-call vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

Adopt Electronic Communications Policy Post San Jose.

DISCUSSION: City Attorney Siprelle told City Council that this Electronic Communications Policy is being recommended by her law firm to be adopted as a result of a California Supreme Court Case. She explained that personal email accounts and personal cell phones that are used by public officials for City business are now subject to the Public Records Act. This policy is really just designed to ensure that in the event of a Public Records Request Act for electronic communications, such communications are accessible even if they originated from a personal email or are stored on a personal device.

If this policy is adopted, it recommends that you go into your personal email account and if there are any City business related items that you transfer that to your City email account Mrs. Siprelle stated.

Council Member Troughton asked the City Attorney if he holds a verbal conversation on his personal phone would that be included in the policy. City Attorney Siprelle said that if there was a voicemail message then that would be subject to the Public Records Request Act.

Council Member Bergson believes that if City Council were to use their personal phone for City business then the City should pay for their use or the City should provide them with a City cell phone.

After a brief discussion Council Member Bergson suggested to table this item because he was not ready to act on this matter.

City Attorney Siprelle said that Council did not have to adopt this policy.

City Administrator Kennedy said the problem with not adopting this policy was that this issue can become a problem when a public records request is received by the City.

Council Member Bergson suggested for the City to provide phones to staff and City Council Members and then they can decide to use them or not use them.

City Administrator Kennedy asked Finance Officer Greenbaum if he could look into getting an approximate cost to get Council Members cell phones and bring that back next month.

ACTION: Council Member Troughton made a motion, seconded by Council Member Jauregui to adopt the Electronic Communications Policy Post San Jose. Motion passed by the following roll-call vote:

AYES: Council Member Mendoza, Jauregui, Troughton Jr., Sellers Jr.

NOES: Council Member Bergson.

ABSTAIN: None.

ABSENT: None.

REPORTS

City Attorney Ann Siprelle had nothing to report.

COUNCIL REPORTS AND COMMITTEE UPDATES

Council Member Troughton attended regular meeting and met with Finance Officer, Planner, City Administrator and with the Public Works Department.

Council Member Troughton wanted to give Council Member Bergson credit for starting what is now Margurite Street. He was persistent and finally got the intersection approved. He also announced the birth of his 5th great grandchild.

Council Member Jauregui attended regular meetings.

Council Member Mendoza had nothing new to report.

Council Member Bergson thanked Council Member Troughton for the comment that he made regarding Margurite Street. Council Member Bergson asked if the LLAD process had begun and Mr. Greenbaum said that would be on the June's City Council Agenda.

Council Member Bergson attended regular meetings. He also asked if the budget would be on the next month's agenda and where the Water Master Plan stands. Council Member Bergson he said he would like to see some dollars go towards developing a Park and Recreation program. He mentioned he knew it is part time now but would like for that to be looked into.

Council Member Sellers, Jr., attended regular meetings also attended the Williams Elementary Parking Lot Ribbon Cutting.

STAFF GENERAL REPORTS AND DISCUSSION

City Administrator Frank Kennedy mentioned there was two projects going on which are Venice Park and the Road project, but he would like the City Engineer to discuss.

Police Chief Anderson reported the Police Department in the last month has been pretty quiet, no major crimes. Recently the Police Department has received the results of a Traffic Survey that was done and the City Engineer will be working on that. Two applications were received for the Police Officer position and are in the background process.

Fire Chief was absent.


City Planner Monica Stegall said staff is working on gathering information for the Water Master Plan to send to PACE Engineering. The City has also started working on the Impact Fee Study Update and staff is also gathering information for Hansford Economic Consulting. Mrs. Stegall also reported on the Hotel that will be going on Margurite Street, Morning Star, Starbucks, Orv's, Senior Apartments Phase II, O'riellys Auto parts, Arco and Dollar General.

City Engineer Trin Campos said staff is in the final design of the pavement repair project. He has the plans for review and confirming locations. In the next week, he will be sending the plans to the City Administrator for review and comments.

City Engineer Campos also gave Council an update on the Venice Park Project. Also discussed the speed survey that was done and completed. Mr. Campos said the City will have that survey in place and will address signage.

Finance Officer Greenbaum met with the City Administrator and working with FEMA for the reimbursement of the flooding.

Mayor Sellers Jr., adjourned the meeting at 8:34 p.m.


ALFRED SELLERS, JR., MAYOR

ATTEST:


Mariana Pineda, City Clerk