

CITY OF WILLIAMS

City Council Minutes

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

CITY COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, JULY 19, 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: Chris and Rosanne Blevins own a residence at 787 Redinger Way. They would like to bring the water billing to the City Council's attention. The property they own here in the City of Williams is a rental therefore they are the responsible ones to pay for the water bill. They said they understand that under the Williams Municipal Code ultimately it is the owner's responsibility for any unpaid balance. The policy has not been followed strictly and the way that it has been handled has caused bills to be high and not paid in full. The people living at the Blevins's rental were not paying the water bill in full so the balance just kept increasing. It got to a point where over four hundred dollars were owed and even though owners are obligated to pay they were not notified of what had been happening.

They don't believe that this is fair for the property owners and would like to have the Council consider having this as an agenda item on the next month's meeting. They would like for the Council to also consider having some of the fees waived.

Mayor Sellers Jr., asked Mr. Blevins if the bill came to him or if it was sent to the tenants. Mr. Blevins responded by saying that the bills went to his tenants

Mrs. Blevins went over the bill with City Council so that they were aware of what exactly is going on. Mrs. Blevins explained that the Finance Department was willing to remove the penalties but they were not willing to remove the connection fees or the returned check fees. Mrs. Blevins said they feel like this should not be a problem and they also feel like they should not have to pay a bill that does not belong to them.

Council Member Troughton suggested that the property owner come to the water department and ask them to duplicate the bill and send one of them to the property owner. This way they know what the balance is at any given time on the account. Council Member Troughton also made the suggestion of adding one hundred dollars to the monthly rent to compensate themselves.

Mrs. Blevins said they would like the City Council to revisit City policy because she believes it is not being followed consistently.

On a consensus of the City Council, this issue will be taken to the Finance Committee and will be reported on at the next City Council Meeting.

PUBLIC HEARING

Hold Public Hearing, Waive the Second Reading and Adopt Ordinance 219-17 an Ordinance of the City Council of the City Williams California Amending Section 17.01.030 and Table 17.01.030.6, 17.01.030.8, 17.01.030.10 of the Williams Municipal Code Creating a Cannabis Overlay Zone to allow the Establishment of Commercial Cannabis Uses for the Cultivation, Manufacturing, Transportation, Distribution and Testing of Cannabis Products.

DISCUSSION: City Planner Stegall explained this item is regarding the second reading of Ordinance 219-17 which establishes an overlay zone to allow commercial cannabis uses on approximately eighty acres between Margurite Street, Husted Road, Highway 20 and Ella Street. This ordinance would allow commercial cannabis uses. This ordinance would not allow out door cultivation or allow dispensaries. Recently, staff received a letter from the County concerning proper analysis under CEQA. Staff determined that the Ordinance was exempt under CEQA. Staff reviewed it with the City Attorney and felt that the exemption was appropriate. Staff determined that the exemption essentially conditionally approved cannabis business which will have no more impacts than farming manufacturing, distribution and laboratories activities that are already allowed in the business park zone. In addition, the City Attorney advised staff that there was a recent trailer bill that included an exemption for local governments that enacted ordinances regulating commercial cannabis uses and made the enactment of those ordinances exempt from CEQA Environmental review.

City Attorney Ann Siprelle explained that the exemption that staff had been relying on under the CEQA guidelines is accurate and in addition, the Governor just signed a trailer bill on June 27, 2017 that went into effect that same day to specifically provide a CEQA exemption.

City Planner Stegall explained that under CEQA, staff had found two exemptions that would apply to the project to exempt it from CEQA. City Attorney told City Council this basically meant the City is not required to conduct environmental review at this time because there will be environmental review as each individual project comes forward.

Council Member Bergson said the letter received from the County has pointed out five points that the City should consider. Council Member Bergson said that all points are local matters and believes the County is not the local agency responsible for the points raised.

City Planner explained that its staff's recommendations are to waive the second reading and adopt Ordinance 219-17.

Mayor Sellers Jr., opened the public hearing at 6:23 pm.

Greg Pluker, Colusa County Development Director explained that County staff has been attempting to keep the County Board of Supervisors aware of the number of cannabis projects that are in process

within the County. The Board of Supervisors is very interested in these projects and potential impacts not only County resources, but also on the citizens of the County. When this project was reviewed by the County, they found the use of the category exemption limited, basically public information which is really what they are interested in. The letter from the County written to the City of Williams basically suggested that it would be appropriate to conduct an initial study and distribute it for full public disclosure of the potential impacts that the option of the overlay zone may have. Mr. Pluker thanked the Council and staff for the effort in reviewing the letter and the information given.

Mayor Sellers Jr., closed the public hearing at 6:26 pm.

ACTION: Council Member Bergson made a motion, seconded by Council Member Troughton to waive the second reading and adopt Ordinance 219-17, an Ordinance of the City Council of the City of Williams Amending Section 17.01.030 and Table 17.01.030.6, 17.01.030.8, 17.01.030.10 of the Williams Municipal Code Creating a Cannabis Overlay Zone to Allow the Establishment of Commercial Cannabis Uses for the Cultivation, Manufacturing, Transportation, Distribution and Testing of Cannabis Products. 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.

Hold Public Hearing and Adopt Resolution 17-06, A Resolution of the City Council of the City of Williams Providing for the Fiscal Year 2017-18 Landscape and Lighting Assessment District No. 97-1 Annual Levy od Assessments.

DISCUSSION: Finance Officer Greenbaum explained this item calls for a public hearing and the adoption for the increase in the Landscape and Lighting Assessment District. Current increase would be based on CPI which would be at a 3.01% increase. This is equivalent to \$4.60 which would be added to currently assessed base of \$175.86 which will bring the total assessment to \$180.46 per parcel.

Mayor Sellers Jr., opened the public hearing at 6:28 pm.

Don Parsons explained he was here this evening because the City is going through this again. Last year Council discussed the CPI as far as using the Bay Area or the Western Regional, Council Member Boes at the time brought it to Council to use the lesser of the two. Mr. Parsons said the City just received new LED lights and after speaking to PG&E he was made aware that there are significant savings not only per light, but citywide. He mentioned that only the Eastside of town has to pay for this assessment, the Westside doesn't. A lot of his neighbors feel discriminated against and would like to know who pays for the Westside's electricity that is being used. He believes there is no reason why Council will need to vote yes on this item now. He thinks that what needs to happen is that Council needs to vote no and not increase the taxes on the citizens.

Robbin Gabbard lives on the Westside of town and she mentioned that the lighting on that side of town is not sufficient and would like to know if the Westside would be getting better lighting. City Attorney Siprelle told Mrs. Gabbard to speak to staff regarding that question.

Mayor Sellers Jr., closed the public hearing 6:35pm

Council Member Troughton said this was put into place sometime in the 90's. He stated that this issue was on the agenda every year because there was an agreement made back then to increase based on a CPI.

Council Member Bergson asked the Finance Officer which CPI was used last year. Finance Officer Greenbaum said the Western Urban Area was used last year.

Council Member Bergson suggested to have City Council adopt the lesser of the two.

ACTION: Council Member Bergson made a motion, seconded by Council Member Mendoza to adopt Resolution 17-06, A Resolution of the City Council of the City of Williams providing for the Fiscal Year 2017-18 Landscape and Lighting Assessment District No.97-1 Annual Levy of Assessments and increase it based on the lower CPI. 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.

WRITTEN COMMUNICATIONS

Receive Colusa Local Agency Formation Commission Adopted Final FY 2017-2018 LAFCO Budget.

Receive Application for Alcoholic Beverage License from the Department of Alcoholic Beverage Control for Roy's Market.

Receive Application for Alcoholic Beverage License from the Department of Alcoholic Beverage Control for Jeffery Piña.

Receive Notification of Pacific Gas and Electric Company's Application Requesting to Change Rates for the Recovery of Energy Purchase and the Return of Revenues from the Sale of the Sale of Greenhouse Gas Allowances (A.17.06.005)

Receive the 2016-2017 Colusa County Grand Jury Report from the Colusa County Grand Jury.

Receive Self- Monitoring Report Review City of Williams, City of Williams Wastewater Treatment Plant, Colusa County.

Receive Report from City Council Member Bergson for the League of California Cities Mayor and Councilmembers Executive Forum and Advanced Leadership Workshop.

DISCUSSION: Council Member Bergson asked the Mayor to please pull item 7 for discussion. Mayor Sellers Jr., also pulled item 9 for discussion.

Council Member Bergson said City Council had received the Grand Jury Report and would like to draw everyone's attention to report number two which reports roads. This report discusses roads but states that this report excludes the Cities of Williams and Colusa. Further in the report they talk about all the funds coming to the County for use. This report also talks about highway users tax, State Transportation Improvement Funds, property tax and in lieu of vehicle license revenues. At the

beginning of the report it talks about excluding the City of Williams, but the City of Williams is part of a JPA that uses these funds. Council Member Bergson believes that this was an oversight.

On a consensus of the Council, Council Member Bergson will draft up a letter to the County regarding the Grand Jury Report.

Mayor Sellers Jr., asked Council Member Bergson to speak on item 9.

Council Member gave Council a brief report on the conference he and Council Member Mendoza attended.

ACTION: No action needed from Council.

CONSENT

Approve the Minutes of the Regular Meeting of June 21, 2017.

ACTION: Council Member Bergson made a motion, seconded by Council Member Jauregui to approve the minutes of the regular meeting of June 21, 2017. 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 May 2017.

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

Councilmembers inquired on some items on the check register.

ACTION: No action needed from Council.

Adopt Resolution 17-07, A Resolution of the City Council of the City of Williams Approving and Authorizing the City Administrator to Execute a Fiscal Sponsorship Agreement with the Sacramento Valley Museum Association.

DISCUSSION: City Administrator Frank Kennedy explained that two years ago, the City had partnered up with the Sacramento Valley Museum in order to go after a grant. The grant is a fifty percent matching grant. The City and the Sacramento Valley Museum decided to reapply. The City and the Museum have been working with Planning Consultant Gary Price and one other consultant to sharpen up the grant application.

Planning Consultant Gary Price thanked Council for letting him present this item. Mr. Price explained that the reason for this agreement is to clarify with the State Agency that reviews and approves the

grants who is responsible for utilizing the grant for their own benefit. The criticism from that State was that the 2015 grant application was being made by the City as opposed to the Museum. There was some confusion there. The point is that the City is best equipped to manage/administer the fiscal part of the grant. Staff is in the process of developing the new grant application and making assurances to the state that the money will be spent on and by the Museum.

Mr. Price told Council that this agreement would also go before the Sacramento Valley Museum Board for their approval as well.

City Administrator Frank Kennedy wanted to make the Council aware that the City should be prepared to pay anywhere from \$135,000 to \$150,000.

ACTION: Council Member Bergson made a motion, seconded by Council Member Troughton to adopt Resolution 17-07, A Resolution of the City Council of the City of Williams Approving and Authorizing the City Administrator to Execute a Fiscal Sponsorship Agreement with the Sacramento Valley Museum Association. 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.

NEW BUSINESS

Receive Memorandum of Understanding (MOU) between the Williams Police Department and the Williams Unified School District.

DISCUSSION: City Administrator explained this was the standard agreement between the Williams Unified School District and the City of Williams for the School Resource Officer. The School District will be paying half of the salary for the School Resource Officer. Now that the Police Department is almost fully staffed they have the ability to dedicate an Officer to the SRO position and staff would like to move forward.

On the Consensus of the Council this item will be placed on the next month's agenda for City Council approval.

Authorize the City Administrator to negotiate an agreement with Bisnett Design Associates to prepare the Williams Business Park Specific Plan and EIR for a fee not to exceed \$315,000 and to negotiate an advance of funds agreement with Canna Hub for preparation of the Williams Business Park Specific Plan and EIR.

DISCUSSION: City Administrator Frank Kennedy explained that a couple of weeks ago the City Council had discussed this issue at a Special City Council Meeting. This is a situation where the business park is not ready to be built on. There are several reasons for that, but specifically the environmental impact reports. The business park is zoned but there are a lot of questions in regard to water, wastewater, storm water, environmental impact reports, traffic studies everything has not been decided on out there. Whether the City likes to think it or not the City is partners with the property owners because of the public money the City has invested on Margurite Street. Even if you discount the amount of money the City received from the sale of the land that was gifted to the City, the City still spent about five million dollars in public money. Staff's proposal is to move quickly because

this process should have been completed by the property owners a couple years ago. If this had been done, there would be construction going on out right now.

Gary Price said at the last meeting the City Council gave staff the green light to move forward developing an initial project description. Staff and consulting team will be conducting a public workshop on August second. Mr. Price encourages everyone from the City Council to attend because they want everyone's input and then develop a plan around what the community wants to see out at the business park. The next step would be to prepare the Specific Plan document with the polices and several other things. This is basically to simplify the development process and make it easier for the developers. Staff wants to facilitate the process and have the whole project reviewed in one step. Mr. Price explained a project team has been assembled which consist primarily of consultants that have worked with them before.

The idea is to have a facilitated process and will not necessarily go through a formal bid process which can take time and delay the process. Mr. Price explained that the consultants on the project team have been carefully chosen to save money. For example, Fehr and Peers who would do a normal traffic study for an EIR, would charge about \$90,000 but because they are familiar with Williams they would do this study for \$74,000.

In the Williams Municipal Code there is a provision which allows the City Council to grant an exception to the bid process when the City Administrator determines it is in the best interest to do so.

City Administrator Kennedy said he wanted to make a special note. He explained that in the staff report it is recommended that City Council authorize the amount not to exceed \$315,000 which is also posted like that on the agenda. Today the new total estimate was received and the total cost with the contingencies is \$345,000. He just wanted to make the Council and everyone aware that now the request has changed for the amount of \$345,000.

Council Member Troughton said the City cannot afford to not do this. This is something that the City has invested a lot of money on and it is time to work on getting that money back. Council Member Troughton said he does not like spending a lot of money but feels this is one of the best investments the City can make.

Council Member Bergson had some questions for City Administrator Frank Kennedy and Planning Consultant Price. Council Member Bergson mentioned the largest item on the budget sheet for the Specific Plan was the traffic study from Fehr and Peers. Council Member Bergson wanted to note that there was a traffic study done in 2006, 2009, 2011 and 2013 in the same area which are worth over a quarter of a million dollars worth of traffic studies and why does the City have to do another traffic study. Council Member Bergson asked if a registered engineer could just look at the previous studies and make an educated comment on this and say what the impact will be.

Mr. Price said the most important element of the EIR is the traffic study. This is because this can be the first thing that someone can challenge you with.

Council Member Bergson asked staff to please ask the question to Fehr and Peers if all the data could be used without having to do a new study.

After further discussion City Administrator Frank Kennedy said he wanted to clear on what staff was requesting tonight. He said staff is recommending that the Council approve the \$315,000 and at the next City Council meeting he will come back to ask for the approval of the \$31,800 contingency.

ACTION: Council Member Troughton made a motion, seconded by Council Member Jauregui to Authorize the City Administrator to negotiate an agreement with Bisnett Design Associates to prepare the Williams Business Park Specific Plan and EIR for a fee not to exceed \$315,000 and to negotiate an advance of funds agreement with Canna Hub for preparation of the Williams Business Park Specific Plan and EIR and Council also concurs with the City Administrator's determination that it is in the best interest of the City to forgo the formal bidding process. Motion passed with the following roll-call vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

Authorize the City Administrator and the City Engineer to increase the scope of the pavement repair project and negotiate with Lamon Construction for additional work. Authorize the City Administrator to enter into a contract with Lamon Construction in an amount not exceed the original \$900,000 budgeted amount.

DISCUSSION: City Administrator explained that a few months ago the City Council authorized staff to design a pavement repair project not to exceed \$900,000 and pay ourselves back over a time period of three years. The bids came back favorably good. The base bid for Lamon Construction was \$638,852.90 with the alternative bid section of \$44,900 for a total project amount of \$683,752.90. Mr. Kennedy explained that there is some money left and said there are two options. The first is to continue with the same repair project that was outlined and finish the project earlier or the City can increase the scope of the project to get up to the \$900,000. The City Administrator's recommendation is to increase the scope.

Council Member Bergson said that he believes its state law that you can only increase 25% of the bid cost. He said if the scope of the work is to be changed it is not to exceed the 25%.

Council Member Troughton suggested doing the work that was included in the scope of work now and re-bid any additional scope for the remaining funds. Council Member Bergson clarified that the City can go a quarter higher.

Mayor Sellers Jr., ask the City Administrator if he can do some research. City Administrator said he would do some research and would like to have the ability to make the negotiation with Lamon Construction to the legal limit. Whatever is left over after that the City can re-bid for particular areas.

City Attorney Siprelle will be doing the research on that matter.

ACTION: City Council Member Bergson made a motion, seconded by Council Member Jauregui, to authorize the City Administrator to award a contract to Lamon Construction for a cost not to exceed the legal limit up to \$900,000. Motion passed by the following roll-call vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

REPORTS

City Attorney Ann Siprelle had nothing to report.

COUNCIL REPORTS AND COMMITTEE UPDATES

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

Council Member Jauregui attended regular meetings.

Council Member Mendoza attended regular meetings and the League of California Cities Conference.

Council Member Bergson attended the League of California Cities Conference. He also attended the Sacramento Valley Museum Board meeting.

Council Member Sellers, Jr., attended regular meetings.

STAFF GENERAL REPORTS AND DISCUSSION

City Administrator Frank Kennedy gave an update on sludge removal and Venice Park.

Police Chief Anderson was absent.

Fire Chief was absent.

City Planner Monica Stegall announced that the Planning Commission's regular meeting on July 24, 2017 will be canceled and will be holding a special meeting on August 7th at 6:00 pm. Mrs. Stegall said they will be holding a public workshop on August 2nd at 6:00 pm for the Specific Plan for the Business Park.

City Engineer Campos was absent. Tony Ozanich said he was standing in for Trin Campos and had no reports but he did have general comment regarding the Specific Plan. He has been doing this type of work for 34 years and worked on several Specific Plans. The price that was given to the City is gold. He worked on a Specific Plan in River Bank and it is approaching about \$400,000.

Finance Officer Greenbaum reported that the Finance Department had prepaid CalPERS expenditures to save a little bit over \$3,000 for this Fiscal year.

Mayor Sellers Jr., adjourned to closed session at 7:57 p.m.

CLOSED SESSION

1. Conference with Legal Counsel-Anticipated Litigation
Significant Exposure to Litigation (GC Sec. 54956.9(d)(2): one case

ACTION: No Reportable Action.

ADJOURNMENT

Mayor Seller Adjourned closed session at 8:25 pm.



ALFRED SELLERS, JR., MAYOR

ATTEST:



Mariana Pineda, City Clerk