



CITY COUNCIL MEETING

Tuesday, January 03, 2023

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

AGENDA

PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES WITH ONE (1) COMMENT, PER AGENDA ITEM

Two ways to view the meeting: In Person or on Zoom

Zoom: <https://us06web.zoom.us/j/83846111855> - Passcode: 007745

Or by phone: (669) 444-9171, - Webinar ID: 838 4611 1855

Mayor – Greg Ponciano

Mayor Pro Tem – Julie Garofalo

Council Member – Ryan Codorniz

Council Member – Denise Conrado

Council Member – Daniel Vaca

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS *(The public may comment on items scheduled to be heard during the Closed Session Meeting)*

CLOSED SESSION MEETING – 5:00 PM

- **CONFERENCE WITH LABOR NEGOTIATORS** (Section 54957.6) Agency designated representatives: City Manager Jesse Cain and Ryan Jones, City Attorney. Memorandum of Understandings (MOU's) for:

Professional Firefighters Association

Peace Officers Association

Department Heads

Middle Management

Miscellaneous Unit

- **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9)**

County of Colusa v. City of Colusa, et al - Case No 34-2022-80003851 – Superior Court of California, County of Sacramento

REGULAR MEETING – 6:00 PM

REPORT ON CLOSED SESSION**ROLL CALL****PLEDGE OF ALLEGIANCE****APPROVAL OF AGENDA**

PUBLIC COMMENTS *(The public to address any item of City business NOT appearing on this Agenda. Speakers must limit their comments to three (3) minutes each. Please note that per Government Code Section 54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda)*

CONSENT CALENDAR - All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.

1. **Approve** - Draft Council Minutes of December 6

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS**PUBLIC HEARING**

2. Hold the first reading, read by title only, and set for the second reading Ordinance 552 amending Sections 8-64. Termination Date per CDTFA local Revenue Branch Representative.

Recommendation: Listen to public comments and consider amending the expiration date of Ordinance No 552 from April 30, 2027, to March 31, 2027.

COUNCIL CONSIDERATION

3. Planning Commission Appointment

Recommendation: Council to consider applicant Jean Pierre Cativela to fill the Planning Commission vacancy until 2024.

DISCUSSION ITEMS

4. Paul Bruhn Grant

5. Clean California - Local Grant

6. Council Assignments for 2023-2024

7. Unpaid Facility Fees and number of operations

8. Water/Well Grant Update

FUTURE AGENDA ITEMS**ADJOURNMENT**



SHELLY KITTLE, CITY CLERK**Notice of Meetings and Agendas**

The Regular Colusa City Council meetings are held the first and third Tuesdays of each month at 6:00 pm in the Colusa City Council Chambers located at 425 Webster Street, Colusa California unless otherwise noted above. Copies of open session agenda packets, which are distributed to the City Council, are on file at the front desk of the City at 425 Webster Street, Colusa, California, and are available for public inspection beginning 72 hours in advance, during normal business hours (7:00 am – 5:00 pm., Monday through Thursday except for City holidays). Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection at the front desk of the City and on the day of the meeting in the Council Chambers.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at (530) 458-4740 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

“This institution is an equal opportunity employer and provider”



CITY COUNCIL MEETING

Tuesday, December 06, 2022

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

MINUTES

CALL TO ORDER – Mayor Reische called the meeting to order at 6:00 pm.

ROLL CALL –Council Members Ponciano, Vaca, Conrado and Mayor Reische were present. Council Member Hill was absent/excused.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA There was council consensus on the approval of the agenda.

PUBLIC COMMENTS

CONSENT CALENDAR - *All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.*

1. **Adopt** - Council Draft Minutes of November 15
2. **Receive and File** - Finance Department October Report
3. **Receive and File** - PRT Quarterly Commission Report
4. **Receive and File** - October Warrants List
5. **Adopt** -Ordinance 552 amending Article VIII of Chapter 8 of the Municipal Code to impose a transactions and use tax.
6. **Adopt** - Resolution to authorize Change Order #7 for the project acceptance and release of retention to R & R Horn, General Contractor Inc. for the 2020 Wastewater Improvement Project, SRF Loan Project No. C-06-7896-310 for the total amount of \$1,925,008.48
7. **Adopt** - Resolution authorizing the City Manager to execute agreements with the California Department of Tax and Fee Administration for implementation of local transactions and use tax
8. **Adopt** - Resolution authorizing examination of sales or transactions and use tax records

ACTION: Mayor Reische recused himself from Item 4 due to his financial interest with George L. Messick. Council Member Ponciano requested Item 4 be pulled. Council Member Conrado requested Item 7 be pulled. Motion by Ponciano seconded by Conrado to approve the remaining items on the Consent Calendar. Motion passed unanimously.

Item 4: Mayor Reische stepped out of the Chambers. Council Member Ponciano requested clarification on a few line items. Motion by Council Member Ponciano, seconded by Council Member Conrado to approve Item 4. Motion passed 3-0 by the following roll-call vote:

AYES: Ponciano, Vaca and Conrado.

NOES: None.

ABSENT: Hill and Reische.

Item 7: Council Member Conrado asked about Exhibit A. After clarification was made, motion by Conrado, seconded by Council Member Vaca to approve Item 7. Motion passed unanimously.

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

Council Members provided updates on meetings and events they attended.

City Manager Cain provided updates on meetings he attended.

Grant Writer Vanetta reported updates in her department.

Finance Director Aziz-Khan reported updates in her department.

Grant Writer Vanetta provided updates on grants.

City Engineer Swartz provided updates in his department.

COUNCIL CONSIDERATION

9. HPC Commission Appointment

City Clerk Kittle stated applicant Cindy Steidlmayer was present if council had any questions for her.

ACTION: Motion by Council Member Vaca, seconded by Council Member Conrado to appoint Cindy Steidlmayer to the Heritage Preservation Commission. Motion passed 4-0 by roll-call vote:

AYES: Ponciano, Conrado, Vaca and Reische.

NOES: None.

ABSENT: Hill

DISCUSSION ITEMS – None.

FUTURE AGENDA ITEMS

- Status of the Planning Department position.
- The number of cannabis facilities.

- Unpaid facility fees.
- Scout Cabin kitchen remodel requested by the Lions Club.

ADJOURNED at 6:20 pm

THOMAS REISCHE, MAYOR

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: January 3rd, 2023
TO: Mayor Ponciano and Members of the City Council
FROM: Jesse Cain, City Manager, and Ryan Jones, City Attorney

AGENDA ITEM:

Hold first reading, read by title only, and set for second reading an Ordinance to amend Sections 8-64. Termination Date per CDTFA local Revenue Branch Representative.

Recommendation: Listen to public comments and consider amending the expiration date of Ordinance No 552 from April 30th, 2027 to March 31st, 2027.

BACKGROUND ANALYSIS:

On or about July 19th, 2022, Council approved the Ordinance to place Measure B on the ballot for voters to decide on a one percent increase in sales tax. The Measure was passed through majority votes.

The Ordinance was presented to the council at the December 6th, Council meeting and was approved by the council.

The CDTFA (California Department of Tax and Fee Administration) will start collecting tax on April 1, 2023, until March 31, 2027, to meet the four-year sunset clause.

The current Ordinance under Section 8-64 states a termination date of April 30, 2027. The CDTFA representative recommended changing the termination date to March 31st, 2027 which is at the end of the quarter to match the tax period.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Take direction from the City Council

ATTACHMENT:

Amended the termination date of Ordinance 552

**ORDINANCE NO. 552
(AMENDMENT)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COLUSA, CALIFORNIA AMENDING SECTION 8-64 OF
ARTICLE 8 OF CHAPTER 8 OF THE COLUSA MUNICIPAL
CODE TO CLARIFY THE TERMINATION DATE OF THE
CITY'S TRANSACTIONS AND USE TAX

WHEREAS, the City of Colusa Transactions and Use Tax Ordinance (the "Ordinance") was adopted by the voters at the November 8, 2022 Municipal Election and by the City Council of the City of Colusa; and

WHEREAS, the Ordinance added Article 8 to Chapter 8 of the Colusa Municipal Code

WHEREAS, the intent of the voters and the City Council, as expressed in the ballot question, was for the tax to terminate four years after the commencement of collection; and

WHEREAS, collection of the tax will commence on April 1, 2023; and

WHEREAS, the Ordinance inadvertently calls for collection to end on April 30, 2027; and

WHEREAS, the City Council desires to amend the Article 8 of Chapter 8 of the Municipal Code to clarify that the tax will terminate on March 31, 2027; and

WHEREAS, this amendment will not extend the term of the tax or in any way increase the rate of the tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA, CALIFORNIA, CALIFORNIA DO ORDAIN AS FOLLOWS:

SECTION 1. Section 8.64 of Article 8 of Chapter 8 of the Municipal Code is amended to read as follows:

"Section 8-64. Termination Date:

The authority to levy the tax imposed by this article shall expire at the end of March 31, 2027."

SECTION 2. Effective Date. This Ordinance relating to a tax for the usual and current expenses of the City shall take effect immediately

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Colusa hereby declares that it would have

adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

INTRODUCED BY THE CITY COUNCIL OF COLUSA ON JANUARY 3, 2023, AND
PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
COLUSA this _____ day of _____ 2023 BY THE FOLLOWING VOTE.

AYES:

NOES:

ABSENT:

ABSTAIN:

GREG PONCIANO, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: January 3, 2023
TO: Mayor and Council Members
FROM: Shelly Kittle, City Clerk

AGENDA ITEM:

Planning Commission Appointment

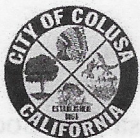
Recommendation: Council to consider applicant Jean Pierre Cativela to fill the Planning Commission vacancy until 2024.

BACKGROUND ANALYSIS: Ryan Codorniz was sworn in as the newly elected council member at the December 20th regular city council meeting. City Clerk Kittle received Mr. Codorniz's resignation letter as Planning Commissioner on December 21st. His seat was from 2020-2024.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: Council to consider appointing Jean Pierre Cativela to the Planning Commission to fill the vacancy until 2024.

ATTACHMENT: Application: Jean Pierre Cativela

**CITY OF COLUSA****APPLICATION FOR COMMISSION VACANCY**Name: JEAN-PIERRE "J.P." CATIVIELAAddress: [REDACTED] OAK STREETResident of County ☐ Resident of City ☒ Resident of Colusa Unified School District ☐Phone: 916- [REDACTED] Email: [REDACTED]@cogentcc.com

I am interested in the vacancy on the following Commission:

☒ **Planning Commission – 4 year term**

Three (3) members must be residents of the City at the time of appointment and during his/her term, and shall not be officers or employees of the City. Two (2) members may be residents of Colusa County, residing within two miles of the boundaries of the City at the time of appointment and during his/her term, and shall not be officers or employees of the City.

☐ **Parks, Recreation and Tree Commission – 4 year term**

Applicant must be a resident of the Colusa Unified School District at the time of appointment and during his/her term, and shall not be an officer or an employee of the City.

☐ **Heritage Preservation Commission – 4 year term**

Applicant shall be resident of the city or residents of Colusa County if they live within two miles of the city limits at the time of appointment and during his/her term, and shall not be officers nor employees of the city.

☐ **Other/Committee:** _____

Briefly, state your interest in serving on this Commission and give a summary of your education, experience and/or qualifications that you believe would be relevant to this Commission.

See attached

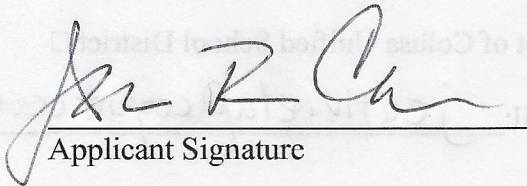
Are you available on the dates and times when this commission meets? ☒ Yes

☐ No

Item 3.

I have read and understand the responsibilities of the Commission as set forth in the Colusa City Code and agree to work to carry out these responsibilities. I further understand that I serve at the pleasure of the Colusa City Council and can be removed from this position, with or without cause, at any time.

I, the undersigned, state that I am a citizen of the United States and fulfill the residency requirements listed above, and that I wish to have my name considered for appointment to the commission indicated above.


Applicant Signature

12-20-2022
Date

"This institution is an equal opportunity employer and provider"

December 20, 2022

Delivered by email to cityclerk@cityofcolusa.com

J.P. Cativiela

██████ Oak Street
Colusa, CA 95932
██████████
████████████████████

Statement of interest

This is to express my interest in being appointed to serve the Colusa Planning Commission. I have a longtime interest in local planning matters and their importance in supporting the quality of life of communities. This interest is partially demonstrated by my previous service as a Colusa Planning Commissioner from August 2002 to early 2007.

I have a strong personal interest in preserving and enhancing quality of life for me, my family and my neighbors in Colusa and believe we all have a duty to serve our community. As I noted in my original application to serve the Commission in 2002, when evaluating the opportunities each of us have for service to our community, I believe we should carefully weigh our individual interests, temperaments and experience. For example, someone who is experienced at construction contracting might be suited to volunteer time and/or expertise toward improving public recreational facilities. Along these lines, I believe my combination of professional experience, interest and temperament are especially well suited for the Planning Commission. I cite some of this experience below.

Philosophy

I am committed to properly and conscientiously carrying out what I view as the two major responsibilities of a planning commissioner: long-term community planning (general plan) and administration/adjudication of existing ordinances related to planning and building.

With regard to long-term planning, I believe a balanced approach is critical – one that allows for sufficient housing and economic development serving the various income levels in the community, while preserving the community's positive attributes and ensuring compliance with state and federal laws. Further, I believe there is no substitute for diligent and consistent application to the task. As I was during my first term of service on the Planning Commission, I remain committed to devoting the time and effort necessary to understanding the legal framework in which we must operate, to properly and critically reviewing agenda materials, draft documents and other relevant information, to gathering needed information and asking questions where necessary, and otherwise working to meet the community's long-range objectives.

With regard to administration of existing ordinances such as zoning changes and subdivision map hearings, I believe planning decisions must be carefully weighed to consider the individual's right to enjoy and benefit from his or her property, and to balance that important right with the rights of the community and neighbors. In most cases, these objectives are met by careful compliance with ordinances. However, variances and special needs must also be considered from time to time. This requires a willingness to fully understand the issues, to listen to all the facts surrounding a specific

matter, and a desire to reach an unbiased conclusion that passes legal muster, protects against unnecessary city liability and offers maximum benefit to all interested parties. I also believe the cumulative benefits – or impacts – of individual projects must be considered. I believe it is the role of the Commission to make recommendations to the City Council on these matters during General Plan updates, and to advise the council when mid-course corrections are needed. At the same time, it is the duty of all Planning Commissioners to be cognizant of and aligned with the vision for the city expressed by the majority of its elected leaders.

Education

I graduated from Blair High School in Pasadena, California, in 1981 in the top 10 percent of my class. I was a National Merit Scholar semi-finalist. I attended the University of California at Los Angeles from 1981-1985, majoring in history, and left college before graduating to accept a position as a newspaper reporter in Gallup, New Mexico.

Experience

My most valuable experience has come from serving nearly five years as a City of Colusa planning commissioner, including work on development of a General Plan. I have also informally advocated on behalf of issues of local interest, such as preservation of the local Department of Motor Vehicles office.

As a professional newspaper reporter and editor between 1986 and 1996 (at newspapers including *The Signal* in Santa Clarita, the *Los Angeles Daily News*, *Colusa Sun-Herald* and *Marysville Appeal-Democrat*), I covered a myriad of issues in local government, including city councils, county boards of supervisors, planning commissions, school boards, and similar bodies. I am familiar with basic issues and terms related to land-use planning, such as general plans, zoning ordinances, LAFCOs, California Environmental Quality Act (CEQA), spheres of influence, ministerial versus discretionary permitting, conditional and special use permits, by-right uses, variances and similar matters.

From 1996 to 2000, I worked in regulatory affairs for the California rice industry, deepening my ability to grasp complex issues and regulations, and enriching my understanding of the vital role agriculture in general and the rice industry in particular play in our local economy, culture and environment.

From 2001 to 2015, I was employed as a regulatory and public affairs consultant by the Dolphin Group in Sacramento, California. I represented the California dairy industry and other clients on various matters generally related to the environment, air quality, water quality and public understanding of those issues, including through local planning policies. This greatly improved my understanding of CEQA. I have testified and otherwise advocated on behalf of clients before the California Air Resources Board, the State Water Resources Control Board, various Regional Water Quality Control Boards including the Central Valley Board, the California Air Pollution Control Officers Association, San Joaquin Valley Air Pollution Control District and various planning commissions, boards of supervisors, air district and water officials in Solano, Kern, Tulare, Fresno, Merced, Madera, Glenn, Colusa, Kings, Solano, Sonoma, Humboldt and San Bernardino counties.

In 2015, I co-founded Cogent Consulting and Communications, Inc., (www.cogentcc.com). Based in Sacramento, Cogent is a boutique strategic public affairs and communications firm representing clients in the dairy, almond and blueberry industries, along with others connected to agriculture and food production. We have grown from two to seven employees over the past seven years.

COUNCIL MEMBER ASSIGNMENTS

(January 2023- December 2024)

COMMISSIONS, COMMITTEES and DEPARTMENT LIASONS	COUNCIL MEMBER(s)	COUNCIL ALTERNATE
County County Board of Supervisors		
CDBG Loan Committee		
Christmas Tyme in Colusa		
Economic Development / Chamber of Commerce		
Colusa Unified School District		
Colusa County Partnership One-Stop		
GSA Groundwater Authority		
Local Agency Formation Commission (LAFCO)		
League of CA Cities Committee		
Regional Housing Board Authority Commission		
Transit & Transportation Commission		
Colusa Industrial Properties (CIP)		
City Hall Liaison		
Fire Department Liaison		
Police Department Liaison		
Public Works Liaison		
Water/Sewer Department Liaison		
Airport Committee		
Planning Commission		
Indian Gaming		
VFW		
Behavioral Health Cultural Competency Committee		
Code Enforcement		
City Sponsored Events Ad-Hoc		
Flood/FEMA Ad-Hoc		
Revenue Sharing		
Walnut Ranch		
Cannabis Standing Committee		
Fire Department Consolidation		
Measure B Citizens Oversight Committee		

Please contact the City Clerk's Office with any changes.