



CITY COUNCIL MEETING

Tuesday, October 15, 2024

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

AGENDA

Zoom Information:

<https://us06web.zoom.us/j/89890717467>

Meeting ID: 898 9071 7467 Passcode: 726926

Mobile: 669-444-9171, ID 89890717467

Mayor – Daniel Vaca

Mayor Pro Tem – Ryan Codorniz

Council Member – Denise Conrado

Council Member – Greg Ponciano

Council Member – Dave Markss

CALL TO ORDER

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)*

PRESENTATION

Wildfire Mitigation-Presenters: Eduardo Blancas-Alcantara, Program Coordinator, Colusa RCD and Steve Geiger, Principal Planner, County Community Development Department

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. **Receive and File** - Code Enforcement September report
2. **Receive and File** - Treasurer's July and August reports
3. **Adopt** - Resolution authorizing submittal of individual grant applications and related authorizations for all grant programs
4. **Adopt** - Resolution approving the Master Tree List
5. **Adopt** - Resolution approving a policy on the use of rubberized asphalt concrete (RAC) for road construction

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

PUBLIC HEARINGS

6. Consideration of a Resolution reducing the impact fees by \$2,000 per lot on Phase 3 of Sunrise Landing

Recommendation: Open the Public Hearing and Council to adopt the Resolution reducing the impact fees by \$2,000 per lot on Phase 3 of Sunrise Landing.

7. Consideration of a Resolution on a request for a temporary reduction of City of Colusa Development Impact Fees applied toward qualifying properties within the City's R-1, R-2, and R-3 Zoning Districts.

Recommendation: Open the Public Hearing and Council to adopt the Resolution approving an interim and standardized reduction of development impact fees applicable toward qualifying residential lots.

COUNCIL CONSIDERATION

8. Consideration of a Resolution and proposed amendments to the Ordinance regarding Council Compensation

Recommendations: Council to adopt the Resolution amending the Ordinance for City Council compensation per Government Code 36516 and SB329. Council to introduce and read by title only Ordinance 566 - An Ordinance of the City Council of the City of Colusa, California amending Colusa Municipal Code Section 2-2 regarding City Council compensation.

9. Consideration of the amendments to the Animal Control Ordinance

Recommendations: Council to introduce and read by title only Ordinance 423 repealing and readopting Chapter 4 of the Municipal Code pertaining to animals. Council to adopt the Resolution amending Ordinance 423 Animal Control.

DISCUSSION ITEMS

Roundabout - Sioc and Fremont

Mushroom Plant update

FUTURE AGENDA ITEMS

ADJOURNED TO CLOSED SESSION

CLOSED SESSION MEETING

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - pursuant to Government Code § 54956.9(d)(2): (1 case)

REPORT ON CLOSED SESSION



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) 458-4941 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”

Code Enforcement Monthly Report 09/01/ 2024 to 09/30/2024

Total Files: 6

Active: 3

Pending: 1

Compliance / Closed: 2

Complaints: 3 - (via landline) / 4 - (email portal) / 1 - (In Person)

Expired Vehicles within the City Streets 4000(a)(1) CVC / Continuous Parking 11-8(z) / Animals / Leaf Piles

Letters : 0

In the field findings:

Shopping Carts- (4) (Sav Mor / (3) Rite Aid returned / Tagged Vehicles – Towed (0) Vehicles

Types of Violations:

Weed Abatement / Vehicle - *Parking Issues* / Nuisance Junk / Animals – Dogs / Leaf Piles

Continuous Follow Ups Conducted Daily – Compliance in Progress

Training / Education

Continue Community & Resource Relations / Translating Codes / Ordinance(s) into Spanish while interacting with Hispanic Community

Notes:

Daily drive-by / Walkthrough of Cannabis Locations (odor inspections) -Equipment Inspections / Cannabis Facility Walk Through's / Pending projects: Animal Control / Nuisance / Checked in with Cannabis Partners



CITY OF COLUSA
425 Webster Street
Colusa, CA 95932
(530) 458-4941
Fax: (530) 458-8674

ITEM FOR OCTOBER 15, 2024

To: Colusa City Council Members

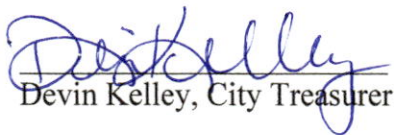
Re: Treasurer’s Report for month ending July 2024

Please find the attached financial reports for your review. Based on the information provided to me by the finance department, this report represents the financial record as of July 31, 2024.

I have included a summary below:

Bank Balance as of July 31, 2024	\$5,620,916.44
Outstanding payables	(365,117.99)
LAIF Balance as of July 31, 2024	11,394,302.46
Petty Cash	500.00
Total Balance as of July 31, 2024	<u>\$16,650,600.91</u>

Respectfully submitted,


Devin Kelley, City Treasurer

**CITY OF COLUSA, CALIFORNIA
BANK RECONCILIATION
FOR THE MONTH JULY 2024**

Bank Records:

Wells Fargo Bank Balance - July 31, 2024	\$ 5,620,916.44
Wells Fargo Escrow Account Balance - July 31, 2024	-
ADD / SUBTRACT:	
Outstanding Accounts Payable	(347,810.29)
Outstanding Payroll Payable	(17,307.70)
Reconciling Items:	-
<hr/>	
Reconciled Checking Balance - Wells Fargo Bank - July 31, 2024	5,255,798.45
LAIF Balance - July 31, 2024	11,394,302.46
Petty Cash Balance - July 31, 2024	500.00
<hr/>	
Total Reconciled Bank Balances - July 31, 2024	<u><u>\$ 16,650,600.91</u></u>

City Records (Post Journal Entries):

10200 - Wells Fargo Bank Operating / USDA Loan Escrow	\$ 5,257,504.49
10995 - LAIF	11,394,302.46
10100 - Petty Cash	500.00
<hr/>	
Total Checking and LAIF	\$ 16,652,306.95
ADD / SUBTRACT:	
Credit Card Deposits in MOMS - Not In Bank	(3,095.56)
Rec.Desk not posted - In Bank	460.08
Credit card Pmt in MOM-Not in the bank	929.44
<hr/>	
Total Reconciled Book Balance - July 31, 2024	<u><u>\$ 16,650,600.91</u></u>



CITY OF COLUSA
425 Webster Street
Colusa, CA 95932
(530) 458-4941
Fax: (530) 458-8674

ITEM FOR OCTOBER 15, 2024

To: Colusa City Council Members

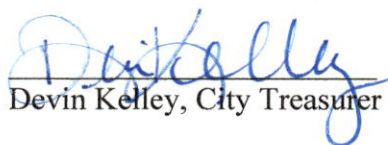
Re: Treasurer's Report for month ending August 2024

Please find the attached financial reports for your review. Based on the information provided to me by the finance department, this report represents the financial record as of August 31, 2024.

I have included a summary below:

Bank Balance as of August 31, 2024	\$4,945,720.15
Outstanding payables	(48,850.93)
LAIF Balance as of August 31, 2024	11,394,302.46
Petty Cash	500.00
Total Balance as of August 31, 2024	<u>\$16,291,671.68</u>

Respectfully submitted,


Devin Kelley, City Treasurer

**CITY OF COLUSA, CALIFORNIA
BANK RECONCILIATION
FOR THE MONTH August 2024**

Bank Records:

Wells Fargo Bank Balance - August 31, 2024	\$	4,945,720.15
Wells Fargo Escrow Account Balance - August 31, 2024		-
 ADD / SUBTRACT:		
Outstanding Accounts Payable		(35,798.26)
Outstanding Payroll Payable		(13,052.67)
Reconciling Items:		-
<hr/>		
Reconciled Checking Balance - Wells Fargo Bank - August 31, 2024		4,896,869.22
LAIF Balance - August 31, 2024		11,394,302.46
Petty Cash Balance - August 31, 2024		500.00
<hr/>		
Total Reconciled Bank Balances - August 31, 2024		<u><u>\$ 16,291,671.68</u></u>

City Records (Post Journal Entries):

10200 - Wells Fargo Bank Operating / USDA Loan Escrow	\$	4,900,653.08
10995 - LAIF		11,394,302.46
10100 - Petty Cash		500.00
<hr/>		
Total Checking and LAIF		\$ 16,295,455.54
 ADD / SUBTRACT:		
Credit Card Deposits in MOMS - Not In Bank		(4,363.59)
Rec.Desk not posted - In Bank		
Credit card Pmt in MOM-Not in the bank		579.73
 <hr/>		
Total Reconciled Book Balance - August 31, 2024		<u><u>\$ 16,291,671.68</u></u>



City of Colusa California

STAFF REPORT

DATE: October 15, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution of the City of Colusa City Council authorizing submittal of individual grant applications and related authorizations for all grant programs

Recommendation: Council to approve Resolution 24-

BACKGROUND ANALYSIS:

The City of Colusa Grant Writer and Administrator is seeking approval for a resolution authorizing the submittal of individual grant applications and related authorizations for all grant programs under CalRecycle. This resolution is a necessary step for the City to pursue CalRecycle grant opportunities, including a current application aimed at securing funds for roadwork projects. The City's participation in CalRecycle's programs allows for the potential to receive funding not only for road improvements but also for a range of future sustainability and recycling-related projects. Approval of this resolution ensures that the City is positioned to take advantage of all available funding opportunities from CalRecycle to support infrastructure and environmental goals.

BUDGET IMPACT: None

STAFF RECOMMENDATION: Council to approve Resolution 24

ATTACHMENT:
Resolution 24-

RESOLUTION NO. 24-

RESOLUTION OF THE CITY OF COLUSA CITY COUNCIL AUTHORIZING SUBMITTAL OF INDIVIDUAL GRANT APPLICATIONS AND RELATED AUTHORIZATIONS FOR ALL GRANT PROGRAMS

Whereas, the California Public Resources Code authorizes the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs; and

Whereas, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Grant Programs; and

Whereas, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle Grants.

Whereas, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Grant Programs; and

Now, therefore, be it resolved that the City of Colusa is authorized to submit an application to CalRecycle for **all Grant Programs offered**.

Be it further resolved that the **City Manager**, or their designee, are hereby authorized as Signature Authority to execute in the name of **City of Colusa** all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment, necessary to secure grant funds and implement the approved grant project.

Be it further resolved that these authorizations are effective for five years from the date of adoption.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this fifteenth day of October 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: October 15 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution 24- Updating the Master Tree list

Recommendation: Council to approve Resolution 24-

BACKGROUND ANALYSIS:

The City of Colusa is committed to maintaining and enhancing its urban forest through implementing a Master Tree List. This list serves as a comprehensive guide for the selection of tree species suitable for planting in various public spaces, including streets, parks, and other city properties.

The current list was approved and adopted in 2015 and has since had no changes. City Staff and PRT Commissioners are seeking Council's approval for the addition of 'October Glory Maple.'

BUDGET IMPACT: None

STAFF RECOMMENDATION: Council to approve Resolution 24

ATTACHMENT:

Resolution 24-
Master tree list

RESOLUTION NO. 24-

RESOLUTION OF THE CITY OF COLUSA CITY COUNCIL APPROVING THE MASTER TREE LIST

WHEREAS, the City of Colusa is committed to the preservation and enhancement of its urban forest, recognizing the environmental, aesthetic, and public health benefits that a diverse and sustainable tree canopy provides; and

WHEREAS, the City’s Master Tree List has been revised and updated to include species that are drought-tolerant, low-maintenance, and well-suited to the local climate, with the goal of promoting sustainability, improving air quality, and enhancing the beauty of public spaces throughout the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Colusa as follows:

The revised and updated Master Tree List is hereby approved and adopted for use in guiding the selection and planting of trees on City-owned properties, including streets, parks, and other public spaces.

The City will use the Master Tree List to promote tree species that are well-adapted to Colusa’s environmental conditions and to ensure the long-term health and diversity of the City’s urban forest.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this 15th day of October 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

P&E list?	Common Name	Scientific Name	Height	Spread	Growth Rate	Root Growth	Minimum Planter W/d	Optimum Spacing	Water needs	Description
	Trident Maple	<i>Acer buergeranum</i>	25-30'	25'	moderate	medium	5'	20-25'	mod.	Small shade tree w/round shape crown, small 3-lobed leaves that are glossy green & turn yellow to red in fall.
X	Hybrid Crepe Myrtles	<i>lagerstromia indica X fauriei</i>	12-30'	3-20'	slow	deep	4'	20'	med.	Shrub w/size depending on variety. Flowers profusely in summer. Hybrids are mildew & aphid resistant. L. indica cultivars are not acceptable substitute for this hybrid
	Autumn Gold ginkgo	<i>Binkgo biloba "Autumn Gold"</i>	50-60'	35'	slow	deep	10'	30-35'	mod.	prehistoric China native - selected male train has amazing golden yellow fall color. Purchase only male cultivars. Females have vile smelling fruit
	Princeton Sentry Ginkgo	<i>Ginkgo "Princeton Sentry"</i>	60'	30'	slow	deep	10'	25-30'	mod	narrower male cultivar of ginkgo developed at Princeton University
X	Chinese Pistachio	<i>pistacia chinensis</i>	50'	40'	slow-moderate	medium-deep	6'	30-35'	mod.	attractive fall color tree, relatively pest free, needs pruning for first few years to develop good form - only plant seed free male cultivar "Keith Davey"
	Japanese Zelkova	<i>Zelkova serrata</i>	50-60'	40'	fast	medium	7'	30-35'	mod.	elm relative producing vase-shaped tree w/many ascending branches -fall color ranges yellow-russet-'village green' variety has more rounded vase branching
	Scarlet Oak	<i>quercus coccinea</i>	55-70'	40'	moderate	deep	7'	35'40'	low	great shade tree w/spectacular scarlet-red fall color - relatively fast grower - young trees hold leaves
	Willow Oak	<i>quercus phellos</i>	50'	35'	moderate-rapid	deep	7'	35'	mod.	graceful oak w/slim willow-like leaves-bright yellow in fall - young trees don't hold leaves
	Bur Oak	<i>quercus macrocarpa</i>	70'	40'	moderate	deep	7'	35'	low	stately tree resistant to most insect and disease - loves hot summer - large spatula shaped leaves
X	African Sumac	<i>rhus lancea</i>	25'	20'	fast	deep	7'	20'	very low	takes hot summer & well drained alkaline soil - female has fruit drop and then seed pods which can stain sidewalks
X	Aleppo pine	<i>pinus halepensis</i>	50'	25'	fast	deep	7'	25'	low	Mediterranean pine that can take the heat - orange-red thick bark w/needles 3-5" long
X	Blue Palo Verde	<i>cercidium floridum</i>	30'	30'	moderate	deep	6'	20'	very low	bright yellow flowers in spring, airy canopy w/green trunk - true desert plant -prune to single trunk - can be messy
X	California Buckeye	<i>aesculus californica</i>	30'	30'	moderate	deep	7'	20'	very low	California native - flowers early spring & poisonous to honey bees - sheds leaves in mid-summer - can be planted from seeds - hard to find in nursery
X	Carob Tree	<i>ceratonia siliqua</i>	49'	30'	fast	deep	7'	20'	low	Mediterranean tree with great leaves that remain year round - loves the hot summer - can be nipped in extreme freeze - bounces back -needs well drained soil to do best
X	Chaste Tree	<i>Vitex agnus-castus</i>	10-15'	5-8'	fast	deep	7'	20'	very low	small vase shaped & deciduous - can be trained to single trunk- tiny flowers nearly all summer - pest & disease free unless water logged -
X	Chinese Evergreen Elm	<i>Ulmus parvifolia</i>	40-60'	40-50'	mod.-fast	deep	7'	25'	mod.	Open canopy w/umbrella top, weeping branches, resistant to Dutch Elm, yellowish-red fall to winter foliage. Staus evergreen in coastal So. California
X	Chitalpa - Desert Willow	<i>x Chitalpa tashkentensis</i>	25'	25'	fast	deep	6'	20'	low	1997 hybrid cross of desert willow and old chitapas/pink (Pink Dawn) or white (Morning Cloud) orchid-like flowers and NO seed pods - best traits of both parents -open limb giving filtered sun so other plants grow well underneath
X	Coast live oak	<i>quercus wislizeni</i>	30-75'	50'	slow	deep	7'	25'	low	holds leaves 2 years - likes dry gravelly soil w/more acid level - propagates easily from acorns which are 5-7 year producers
X	Cork oak	<i>quercus suber</i>	65'	40'	slow	deep	7'	30'	very low	short trunk forms rounded dense crown - any well-drained soil - 1 1/2' acorns - can't the harvest the thick cork until tree is 25 years old
X	Italian Stone Pine	<i>pinus pinea</i>	40-60'	50'	moderate	deep	alone	alone	very low	any well-drained soil - can't be crowded - specimen at 9th and Parkhill is over 100 years old - never is watered
X	Japanese loquat	<i>eriobotrya japonica</i>	20'	15'		deep	7'	20'	low	
X	Olive fruitless	<i>olea europaea 'Swan Hill'</i>	20-30'	15'	moderate	deep	7'	20'	low	Swan Hill is fruitless - can go with no water other than rain - remove any suckers from base whenever they appear
X	Western Redbud	<i>cercis occidentalis</i>	12-20'	15'	moderate	deep	7'	20'	very low	grown as shrub or multi-trunked tree - vibrant magenta blooms early spring with angular effect - dark kidney shaped leaves - seed pods in fall
	Little leaf linden	<i>tilia cordata</i>	60-70'	30-40'	fast	deep	7'	20'	mod.	great lawnshade tree pyramidal shape w/dense foliage-dark green leaves turning yellow in fall - small fragrant yellowish flowers in June any soil & tolerates pollution
X	Purple Pony Plum	<i>prunus cerasifera</i>	10-12'	10-12'	moderate	average	7'	15'	mod.	genetic dwarf w/red-burgandy leaves; deciduous; pink fowers - extra phosphorus in beginning helps root growth - no threat to power lines
	October Glory Maple	<i>Acer Rubrum</i>	40-50'	30-40'	moderate to fast	average	10'	20'	mod.	displays orange and red foliage in late fall; produces tiny red blooms in spring, yields small fruit that attracts birds, grows relatively quickly



City of Colusa California

STAFF REPORT

DATE: October 15, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution 24- Policy on the Use of Rubberized Asphalt Concrete (RAC) for Road Construction and Resurfacing Projects

Recommendation: Council to approve Resolution 24-

BACKGROUND ANALYSIS:

The City of Colusa staff is proposing the adoption of a policy designating Rubberized Asphalt Concrete (RAC) as the default paving material for new road construction and major resurfacing projects. This policy supports the City's commitment to sustainability by utilizing recycled tire crumb rubber, reducing landfill waste, and lowering greenhouse gas emissions. RAC offers long-term cost savings due to its durability and reduced maintenance needs. The policy aligns with state regulations and promotes collaboration with local suppliers, while also exploring grant opportunities to further incentivize the use of RAC in infrastructure projects

BUDGET IMPACT: None

STAFF RECOMMENDATION: Council to approve Resolution 24

ATTACHMENT:

Resolution 24-
Rac Policy October 2024

City of Colusa

Policy on the Use of Rubberized Asphalt Concrete (RAC) for Road Construction and Resurfacing Projects

Purpose:

This policy establishes Rubberized Asphalt Concrete (RAC) as the default paving material for all new road construction and major resurfacing projects within the City of Colusa. By prioritizing the use of RAC, the City aims to reduce waste tire disposal, lower greenhouse gas emissions, and contribute to a sustainable infrastructure system.

1. Environmental Focus:

The City of Colusa is committed to minimizing waste tire disposal and reducing landfill waste by utilizing RAC, a material composed of recycled tire crumb rubber. The environmental benefits include:

- Reducing the volume of tires in landfills.
- Decreasing greenhouse gas emissions associated with the production and disposal of conventional asphalt materials.
- Supporting state and local efforts to enhance recycling and sustainability initiatives.

2. Application Scope:

RAC shall be the default paving material for most road construction and major resurfacing projects within the City. This policy applies to:

- Arterial roads and collector streets.
- Designated parking areas and public infrastructure projects.

Exceptions may be granted in cases where:

- Specific engineering or design requirements justify the use of an alternative material (e.g., high-traffic roads with significant wear and tear or special surface treatments).
- Cost-benefit analyses demonstrate that other materials would be more appropriate due to unique project conditions.

3. Quality Standards:

The City will ensure that all RAC used in projects meets or exceeds the following minimum standards:

- Crumb rubber content: Must meet or exceed state guidelines for RAC use.
- Binder properties: Must comply with industry standards and be suitable for local conditions. The RAC used in City projects must conform to all relevant state regulations and industry best practices to ensure durability, safety, and environmental performance.

4. Cost Analysis:

Although RAC may involve higher initial construction costs, the City recognizes the potential for

long-term savings due to the material’s extended lifespan and reduced maintenance requirements. The City will:

- Conduct life cycle cost analyses for major projects to assess the overall economic benefits of RAC.
- Consider the use of RAC as a cost-effective solution over the lifespan of the infrastructure.

5. Implementation and Monitoring:

To ensure the effective implementation of RAC, the following procedures will be followed:

- Project engineers will assess the suitability of RAC for each new project and identify potential challenges.
- The City will monitor and evaluate RAC performance regularly, ensuring compliance with quality standards and addressing any issues related to durability or environmental impact.

6. Collaboration with Suppliers:

The City encourages partnerships with local suppliers of RAC to maintain consistent availability and competitive pricing. Local sourcing will support regional economic growth and contribute to the timely completion of projects.

7. Grant Programs:

The City will explore opportunities to secure state and local grants to support the use of RAC in infrastructure projects. This may include grants from programs such as CalRecycle, which promotes recycling efforts and the use of recycled materials in public works.

8. Public Awareness:

The City will conduct public outreach campaigns to raise awareness of RAC's environmental benefits. Informational materials will be developed to educate residents about the City’s commitment to sustainability through the use of recycled materials in road construction.

9. Technical Expertise:

City engineers and construction staff will receive the necessary training to design and implement RAC projects effectively. Training programs will focus on the technical aspects of RAC use, including proper design techniques, material handling, and quality control procedures.

This policy will be reviewed and updated periodically to reflect advancements in RAC technology and evolving environmental standards. The City of Colusa remains dedicated to promoting sustainable infrastructure practices that benefit both the environment and the community.

RESOLUTION NO. 24-**RESOLUTION OF THE CITY OF COLUSA CITY COUNCIL APPROVING A POLICY ON THE USE OF RUBBERIZED ASPHALT CONCRETE (RAC) FOR ROAD CONSTRUCTION AND RESURFACING PROJECTS**

WHEREAS, the City of Colusa is committed to promoting sustainability and reducing the environmental impact of its infrastructure projects; and

WHEREAS, Rubberized Asphalt Concrete (RAC), made from recycled tire crumb rubber, is an environmentally friendly alternative to traditional asphalt that helps reduce the disposal of waste tires in landfills; and

WHEREAS, the use of RAC in road construction and resurfacing projects contributes to the reduction of greenhouse gas emissions, supporting both state and local environmental goals; and

WHEREAS, RAC has been shown to offer long-term cost savings due to its increased lifespan and reduced maintenance needs, making it a cost-effective solution for the City's infrastructure; and

WHEREAS, the City recognizes the importance of establishing clear quality standards for RAC, ensuring compliance with relevant industry standards and state regulations to maintain the safety and durability of its roadways; and

WHEREAS, the adoption of RAC as the default paving material will apply to most new road construction and major resurfacing projects, except in cases where specific engineering or design requirements necessitate alternative materials; and

WHEREAS, the City of Colusa is committed to collaborating with local suppliers to maintain the consistent availability of RAC at competitive prices, further supporting local economic growth; and

WHEREAS, the City will explore and pursue grant opportunities, including those provided by CalRecycle, to offset costs and incentivize the use of RAC in public works projects; and

WHEREAS, the City will engage in public outreach to educate residents on the environmental benefits of RAC and provide necessary training for city staff to ensure the successful implementation of RAC projects; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
2. Rubberized Asphalt Concrete (RAC) is the default paving material for the City and will apply to most new road construction and major resurfacing projects, except in cases where specific engineering or design requirements necessitate alternative materials.

3. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this fifteenth day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: October 15, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution 24- reducing the current impact fee schedule by \$2,000 per lot for Phase 3 of the Sunrise Landing housing project

Recommendation: Open the Public Hearing and take public comments and Council to approve Resolution 24-_____

BACKGROUND ANALYSIS:

As the City Council members are aware, Sunrise Landing is now building homes off of HWY 20 east of the downtown area, and now have completed two phases of the project. They currently have a development agreement that gives them a 50% reduction in the City's impact fees on all four phases of the project.

During the construction of phase 3, it will include building 50 homes which according to FEMA mapping will put the new purposed homes in the floodway. They have completed the streets and have installed the wet and dry utilities. They are now in a place where they need to raise the lots two to three feet to meet the 1 foot above base flood elevation in order to complete phase 3. Due to the time of year and winter getting ready to set in they have started raising the lots above the base flood elevation. In order to raise the lots to be one foot above base flood elevation it is estimated to cost around \$300,000 for that to be completed. Colusa Industrial Properties and Blazona are both putting in additional \$100,000 each to make this happen.

After meeting with the developer and CIP, they are requesting the City Council reduce the impact fees by \$2,000 per lot only for Phase 3 due to the FEMA mitigation. The developer understands that the fee reduction is only for Phase 3 and that this will not apply for Phase 4 and that all other new developments will be required to pay the full impact fee schedule.

BUDGET IMPACT: Loss of some impact fee revenues

STAFF RECOMMENDATION: Council to approve Resolution 24

ATTACHMENT:
Resolution 24-

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA REDUCING THE IMPACT FEES BY \$2,000 PER LOT ON PHASE 3 OF SUNRISE LANDING

WHEREAS, on October 15, 2024, the City of Colusa approve the reduction of impact fees for phase 3 of the Sunrise Landing housing project and;

WHEREAS, the City of Colusa City Council only approves the reduction of impact fees for only Phase 3 on the project.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this fifteenth day of October 2024 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: October 15, 2024
TO: Mayor Vaca and Members of the City Council
FROM: Mark Tomey, City Planner

AGENDA ITEM:

City Council to hold a public hearing and discuss and act on a request for a temporary reduction of City of Colusa Development Impact Fees applied towards qualifying properties within the City's R-1, R-2, and R-3 Zoning Districts.

Recommendation: City staff recommends that the City Council hold a public hearing and consider and adopt the Resolution of the City Council of the City of Colusa approving an interim and standardized reduction of development impact fees applicable towards qualifying residential lots.

BACKGROUND:

Chapter 7B of the Colusa Municipal Code imposes "Development Impact Fees" ("Fees") on new developments projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project (Government Code Section 66000 et seq.). A fee does not include payments related to park or recreational purposes, or for processing applications for governmental regulatory actions or approvals. The fees are established by a nexus between the impact and a reasonable cost in providing associated services and infrastructure. Such fees are routinely reviewed by the City with the most recent Comprehensive Fee Schedule update occurring in June of 2024.

On September 24, 2024, local contractor and home builder Sandeep Dhama submitted a letter (**See Sandeep Dhama letter - Attached 2**) to the City Planner requesting a reduction of fees. The City Planner considered the request and relayed Mr. Dhama's request to the City Council for consideration

Historically, the City of Colusa has adopted similar Resolutions to spur development, including in 2020 and 2016, resulting in the creation of at least 9 residential units in the desired boundaries of the City.

DISCUSSION AND ANALYSIS:

City staff is aware of the nuances and lack of residential development upon the dozens of undeveloped “finished” lots (existing street, curb gutter, sidewalk, and City utility improvements) throughout core areas of Colusa. There are several residential lots, particularly within the City’s R-1, R-2, and R-3 base Zoning Districts, having remained undeveloped for several years and despite having been graded and improved. These lots remain in part due to the high cost of new-home construction, governmental/impact fees and other economic conditions such as interest rates, labor, goods and material cost.

Periodically, the members of the development community have appealed the amount of, and the City Council has approved reductions in fees associated with new construction on a case-by-case basis. Staff considers that –in the similar cases of residential development on finished lots– there is a need for a more standardized, efficient, and equitable method for processing and permitting a request for Fee reductions.

Undeveloped residential Finished Lots represent undesirable conditions in the City due to the unsightly storage of vehicles and junk, the proliferation of weeds (and corresponding fire hazards and demands for abatement), and due to impacts to neighborhood safety and appearance.

Staff believes that a standardized 50% reduction of fees would stimulate new development on underutilized and undesirable finished lots, increase property-tax revenues to the City, and provide for a more equitable imposition of fees amongst the development community. Exhibit A of the attached City Council Resolution illustrates “Sample Development Impact Fees” associated with the potentially reduced Fees for qualifying residential properties, which meet the following criteria:

- The property is within the R-1, R-2, or R-3 base Zoning District and is not the subject of a Tentative Subdivision Map submitted during the “Term” of this Resolution as defined below.
- The property frontage is, or by deferred agreement, improved with streets, curbs, gutters, and City utilities as a Finished Lot;
- The property is undergoing development of a completely new dwelling or dwellings (and not only an addition or expansion);

General Plan A reduction in development impact fees would aid developers and builders who are intensifying the urban core and redeveloping infill lots that may be vacant, blighted and underdeveloped. The intensification of existing urban lots presents a different economic difficulty compared to larger parcels, in that such projects do not reap the benefits of economic scales, such as purchasing goods, materials and services in bulk or utilization of mass grading and larger forms of construction equipment.

The following General Plan Goals, Policies and Actions are applicable to the request:

Policy HSG 1.3: The City shall ensure that adequate infrastructure and public services are available prior to approval of developments projects within the City.

Policy HSG 1.4: The City shall provide for future (long-term) regional housing needs by maintaining an adequate supply of developable land for all housing types and affordability levels.

Policy HSG 1.4: The City shall provide for future (long-term) regional housing needs by maintaining an adequate supply of developable land for all housing types and affordability levels.

Policy HSG 1.5: The City shall encourage the production of for-sale and rental housing units that will provide a variety of housing types, tenure and density—at all levels of affordability.

Policy HSG 1.6: The City shall promote more intensive residential development of vacant and underutilized land contiguous to existing development, particularly within walking distance of downtown Colusa, in order to reduce the cost of off-site improvements and create a compact City form.

Policy HSG 2.1: The City shall promote the removal and replacement of substandard units, which cannot be rehabilitated.

Policy HSG 7.5: The City shall annually review development impact fees as part of the overall review of the City's budget. Revisions may be made to the Development Impact Fees every three years to reduce the constraints to the production of affordable housing.

Policy LU-6.1: Growth shall provide a strong diversified economic base and a reasonable balance between employment and housing for all income groups.

BUDGET IMPACT:

Staff does not anticipate any significant impacts to the general fund, or any significant increases to the sales tax base as a result of potential approval of this request. During the term of collection of reduced Development Impact Fees, the associated fee funds would not increase to their full theoretical potential.

However, staff believes that through reduced fees, development will be incentivized and provide development impact fees that might not be collected by the City otherwise. Additionally, incentivized construction upon these currently undeveloped, finished residential lots will increase City tax revenues as a result of increased property values following construction.

PUBLIC CONTACT AND ENVIRONMENTAL REVIEW

A 10-day public hearing notice was published in the Pioneer Review on October 4, 2024 and a notice was also placed at the planning counter. The project has been determined to be statutory exempt pursuant to the California Environmental Quality Act Section 15273 (Rates, Tolls, Fares and Charges.) Consistent with this exemption, the project is the modification of existing development impact fees in relationship related to the operating expenses necessary to maintain services within the City of Colusa.

STAFF RECOMMENDATION:

Staff recommends the City Council adopt Resolution No.24- ____: A Resolution of the City Council of the City of Colusa approving a temporary and standardized reduction of development impact fees applicable towards qualifying residential lots.

ATTACHMENTS:

- 1: Resolution of the City Council Resolution No.24-____
Exhibit A: Example Impact Fee Comparison
- 2: Sandeep Dhami letter dated September 09, 2024

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA APPROVING AN INTERIM REDUCTION OF DEVELOPMENT IMPACT FEES APPLICABLE TOWARDS QUALIFYING RESIDENTIAL LOTS

WHEREAS, pursuant to Government Code Section 66000 et seq., also known as “AB 1600” or the “Mitigation Fee Act”, the City of Colusa (“City”) is authorized by law to charge a fee to development applicants in connection with approval of a development project for the purpose of defraying all or a portion of the costs of public facilities related to the development project; and

WHEREAS, in June of 2024, the City Council of the City of Colusa adopted Development Impact Fees (“Fees”) based upon a nexus study, research and findings, which were documented in a report to the City Manager, prepared by Bartle Wells Associates and dated May 2011; and

WHEREAS, there are several residential lots within the City’s R-1, R-2, and R-3 base Zoning Districts that have remained undeveloped for several years despite having been graded and improved with streets, curbs, gutters, and utilities (“Finished Lots”), and due in part to the high cost of construction and governmental/impact fees; and

WHEREAS, periodically, the members of the development community have requested reductions, and the City Council has approved reductions in, Fees associated with new construction on a case-by-case basis, consistent with procedures established within the City Code; and

WHEREAS, undeveloped residential Finished Lots represent undesirable conditions in the City due to increased weeds and junk, corresponding fire hazards and demands for abatement, and due to impacts to neighborhood safety and appearance; and

WHEREAS, the City Council of the City of Colusa desires to incentivize affordable residential development upon such Lots within the City’s main square or grid; and

WHEREAS, on October 15, 2024, the City Council of the City of Colusa last considered a Staff report and public testimony, for the interim reduction of Fees applicable to Finished Lots within limited areas in the vicinity of Downtown Colusa described in section 2 below; and

WHEREAS, the limited approval of interim reduced Fees would stimulate new development on underutilized and undesirable finished lots, increase property-tax revenues to the City, and would not be detrimental to the public’s health, safety, and welfare; and

WHEREAS, the approval of interim reduced Fees would help implement goals and objectives of the *City of Colusa General Plan Housing Element* which would help satisfy our compliance obligations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. That the foregoing recitals and findings are true.
- 2. Adoption and Approval. That this Resolution is hereby adopted and the City of Colusa Fees, as set forth within Table 2 of the Bartle Wells Associates schedule, are hereby reduced by 50%, as set forth within Exhibit A “Sample Development Impact Fees,” attached hereto, and incorporated herein by reference, for qualifying residential properties which meet the following criteria:
 - a. The property is located within that area spanning from Bridge Street to 13th Street and from Main Street to Tuttle Lane and/or Harris Street (both sides of all streets); and
 - b. The property is zoned R-1, R-2, or R-3 District and is not the subject of a Tentative Subdivision Map submitted during the Term of this Resolution as defined below; and
 - c. The property frontage is, or by deferred improvement agreement, improved with streets, curbs, gutters, and City utilities as a Finished Lot; and
 - d. The property is undergoing development of a completely new dwelling or dwellings (and not only an addition or expansion).
- 3. Term. That the reduced Fees, as approved by this Resolution and applicable to qualifying properties identified above, shall remain in effect from the Effective Date of this Resolution until 31st of December 2025.
- 4. Authorization to City Staff. That City staff is hereby directed to calculate and collect Fees in accordance with this Resolution upon request by owners of qualifying properties, successors in interest, or their agents prior to issuance of residential building permits, unless deferred until final occupancy permit by the Interim City Manager.
- 5. Effective Date. This Resolution shall be effective immediately.

PASSED and ADOPTED as a Resolution of the City Council of the City of Colusa at a regular meeting duly held on the 15th day of October 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

SHELLY KITTLE, CITY CLERK

Exhibit A: *Sample Development Impact Fees (October 2024)*

CITY OF COLUSA SAMPLE DEVELOPMENT IMPACT FEES

(Approved by Resolution No. 24-XX)

Customer:	SAMPLE
Assumptions:	Single Family 2000 sq.ft.

Impact Fees by Category									
Coding	Impact Fee Category	Standard Rates				Discounted Rates			
		Per Acre	Per Sq. Ft.*	Per lot/unit	Total	% Discount	Per Sq. Ft.*	Per lot/unit	Total
IFDRA	Storm Drainage	\$ 8,427.62	\$0.19	\$ 1,857.33	\$ 1,857.33	50%	\$0.10		\$ 928.66
IFSTR	Streets		\$1.44		\$ 2,880.00	50%	\$0.72		\$ 1,440.00
IFCH	City Hall		\$1.56		\$ 3,120.00	50%	\$0.78		\$ 1,560.00
IFCC	Community Center		\$1.25		\$ 2,500.00	50%	\$0.63		\$ 1,250.00
IFLAW	Police Facilities/Equipment		\$1.64		\$ 3,280.00	50%	\$0.82		\$ 1,640.00
IFFIR	Fire Facilities/Equipment		\$2.22		\$ 4,440.00	50%	\$1.11		\$ 2,220.00
IFCY	Corporate Yard Relocation		\$1.05		\$ 2,100.00	50%	\$0.53		\$ 1,050.00
IFREC	Parks & Recreation		\$2.73		\$ 5,460.00	0%	\$2.73		\$ 5,460.00
	Sub-Totals:		\$11.89		\$ 23,780.00		\$7.31		\$ 15,548.66
WATD	Water			\$ 3,597.33	\$ 3,597.33	50.00%		\$ 1,798.67	\$ 1,798.67
IFSEW	Sewer			\$ 8,476.72	\$ 8,476.72	50.00%		\$ 4,238.36	\$ 4,238.36
	Sub-Totals:			##### #	\$ 12,074.05			##### #	\$ 6,037.03
	Grand Totals per lot			\$ 13,931.38	\$ 37,711.38				\$ 21,585.69

* Storm Drainage Impact Fees are based upon lot / parcel area for the "Eastern Shed". Storm Drainage Impact Fees are higher for the "Central Shed" and "Western Shed." Other per-square-foot Impact Fees are based on unit sizes

Impact Fees by Unit Type								
Unit Type	Units	Sq. Ft.	Standard Rate Totals		\$ Discount	Discounted Rate Totals		
			Per-Sq-Ft Fees	Per-Unit Fees		Per-Sq-Ft Fees	Per-Unit Fees	Total
SFR	1	2000	\$ 23,780.00	\$ 12,074.05	\$ 15,197.03	\$ 14,620.00	\$ 6,037.03	\$ 20,657.03
SFR			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SFR			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CREDIT			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals:	1	2000	\$ 23,780.00	\$ 12,074.05	\$ 15,197.03	\$ 14,620.00	\$ 6,037.03	\$ 20,657.03
Lot Area:		9600	\$ 1,857.33		\$ 928.66	\$ 928.66		\$ 928.66
Amount Due to City of Colusa:								\$ 21,585.69

School Impact Fees calculated, reviewed and charged by the CUSD

Attest: //

date

Enter units/Sq.Ft in
BLUE cells only

EXHIBIT A

Sandeep S. Dhami
P.O.Box 3329
Yuba City, CA 95992
(530) 844-1106
ibroker1106@gmail.com

September 09, 2024

To. City of Colusa Planning Members & Colusa City Council Members

Subject: Reduction of Impact Fees

My name is Sandeep S. Dhami, and I am a local small time home investor and getting into new construction with small steps.

I have flipped a few homes in the City of Colusa in the past 5-7 Years, and I proudly cleaned them up one at a time & sold them to proud buyers.

In the past I knocked down a dumpy big eye sore on the corner of 257 Jay & 3rd and I proudly built 4 units and cleaned up the corner. I also built 4 new units on the corner of 1st & clay St. I was proudly able to build the 8 units with the reduction of impact fees that City of Colusa had offered at that time..

Recently I purchased another 3 parcels in the past 3 years with the vision to build more rental units. I have come to find out the new Impact fees as I was preparing to pull the permit, and it's a big shock for me to see them impact fees. I have come to stop on my projects since I discovered the new impact fees for the City of Colusa. I simply can't afford to build in this community with those kinds of impact fees. Part of the problem is being unable to get financing from the banks for these smaller city markets that lenders choose not to lend.

I am writing this letter to request a reduction of impact fees by at least by 50%.

I hope both Planning & Council will consider taking this letter as a request & reduce the impact fees. Thank You

Sincerely,



Sandeep S. Dhami



City of Colusa California

STAFF REPORT

DATE: October 15, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution and Proposed amendment to the Ordinance regarding Council Compensation

Recommendation: Council to approve the First Reading of the Ordinance and adopt the Resolution.

BACKGROUND ANALYSIS:

City Council member's compensation is set in the municipal code under Article 1 In general section 2-2 it states that each member of the City council shall receive, as salary, the sum of three hundred dollars per month, as prescribed in section 36516 of the Government Code of the State for cities up to and including thirty-five thousand in population, which shall be payable at the same time and in the same matter as the salaries are paid to other officers and employees of the city

On June 29,2023 Governor Gavin Newsom signed into law Senate Bill 329 (SB 329) which increases the amount that general law cities pay councilmembers starting January 1, 2024. The current limits on councilmembers compensation set forth in Government code Section 36516 are based on population and have not been increased since 1984. Increases under SB 329 are subject to special adoption procedures and the existing rule that prohibits increases during the current term of office. However, all council members are eligible to receive an increase anytime a council member starts a new term after the increase is adopted.

Government Code Section 36516 now authorizes a city council of general law city to enact an ordinance to provide each member of the council a salary based on population of the City starting January 1,2025 the new salary for members of the council shall be \$950 per month

BUDGET IMPACT: 24/25 budget year \$19,500

STAFF RECOMMENDATION: Council to approve the Resolution and hold the first reading of the Ordinance

ATTACHMENT:
Resolution 24-
Ordinance 24-

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AMENDING THE ORDINANCE FOR CITY COUNCIL COMPENSATION PER GOVERNMENT CODE 36516 AND (SB 329)

WHEREAS, on October 15, 2024, the City of Colusa adopts SB 329 and;

WHEREAS, the City of Colusa City Council new compensation will take effect starting January 1,2025.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this fifteenth day of October 2024 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

ORDINANCE 566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA, CALIFORNIA, AMENDING COLUSA MUNICIPAL CODE SECTION 2-2 REGARDING CITY COUNCIL COMPENSATION

WHEREAS, Government Code Section 36516(a)(2) permits the City Council to establish by ordinance compensation to be paid to each councilmember up to a ceiling based on the city's population;

WHEREAS, in June 2023, Governor Gavin Newsom signed into law Senate Bill 329 ("SB 329"), which amends California Government Code Section 36516 to update city council compensation schedules to account for inflation. The previous compensation schedules, which are based on population, had not been adjusted since 1984;

WHEREAS, the legislative intent of SB 329 is to help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families;

WHEREAS, California Government Code Section 36516 provides a method by which salaries for members of a city council are established based on city population;

WHEREAS, according to the United States Census Bureau, the estimated population of the City of Colusa as of July 1, 2022, is 6,368;

WHEREAS, under SB 329, city council salaries in cities with populations between up to and including 35,000 can be up to and including \$950 per month;

WHEREAS, the City Council of the City of Colusa makes the following findings in support of raising City Council salaries to \$950, as allowed by SB 329:

- i. Higher pay can help remove financial barriers that may prevent individuals from running for office. This can make council positions more accessible to a wider range of people, including those from lower-income backgrounds, promoting greater socioeconomic diversity among elected representatives.
- ii. Increasing compensation recognizes and compensates city councilmembers for their substantial workload. Serving on the city council requires significant time

and effort. Councilmembers are responsible for attending meetings, conducting research, engaging with constituents, and making important decisions that directly impact the community.

WHEREAS, California Government Code Section 36516.5 provides that a change in salary for each city council member does not take effect until one or more members of the city council begins a new term of office; and

WHEREAS, the new salary for each City Council member would go into effect beginning on the date on which a City Council member is sworn into office after the general municipal election held in November 2024.

THE CITY COUNCIL OF THE CITY OF COLUSA DOES ORDAIN AS FOLLOWS:

The provisions of Section 2-2, Article II of the City of Colusa Municipal Code are amended, as follows:

SECTION 1. Amendment. Section 2-2 of the Colusa Code is hereby repealed and replaced to read as set forth below:

Sec. 2-2. Same—Salaries of members.

- (a) Each member of the city council shall receive, as salary, the sum of nine hundred and fifty dollars per month, as prescribed in section 36516 of the Government Code of the state for cities up to and including thirty-five thousand in population, which shall be payable at the same time and in the same manner as the salaries are paid to other officers and employees of the city.
- (b) The salaries prescribed in this section are and shall be exclusive of any amounts payable to each member of the city council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties of the city.

SECTION 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Colusa.

PASSED AND ADOPTED by the City Council of the City of Colusa this _____ day of _____ 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: 10/15/2024

TO: Mayor and City Council Members

FROM: Code Enforcement Officer Emmanuel Soto & City Manager Jesse Cain

AGENDA ITEM: Animal Control Ordinance Edits and Changes

Recommendation: Council consider adopting Resolution 24-____ and to update Ordinance 423 Animal Control.

Recommendation: Adopt Resolution 24-

BACKGROUND ANALYSIS: City of Colusa Code Enforcement in partnership with the Colusa County Animal Control, have worked together to strengthen the existing ordinance. The Colusa County Animal Control Officer will be able to enforce The City of Colusa Animal Control Ordinance (423)

BUDGET IMPACT: None.

STAFF RECOMMENDATION: To adopt resolution 24 -

ATTACHMENT:

Resolution 24-

Update Animal Control Ordinance # 423

ORDINANCE NO. 423

**AN ORDINANCE OF THE CITY OF COLUSA REPEALING AND READOPTING
CHAPTER 4 OF THE MUNICIPAL CODE PERTAINING TO ANIMALS**

The City Council of the City of Colusa does ordain as follows:

SECTION 1: Chapter 4 of the Municipal Code of the City of Colusa is hereby repealed and readopted to read in its entirety as follows:

Article I. General

- Sec. 4-1. Short Title
- Sec. 4-2. Authority
- Sec. 4-3. Interference with Enforcement
- Sec. 4-4. Consistency with Zoning Ordinance
- Sec. 4-5. Penalty

Article II. Keeping of Animals; Limitations

- Sec. 4-6. Keeping: Prohibitions
- Sec. 4-7. Number of Animals
- Sec. 4-8. Temporary Club Projects

Article III. Treatment of Animals

- Sec. 4-9. Cruelty to Animals
- Sec. 4-10. Neglect of Animals Prohibited
- Sec. 4-11. Permitting an Animal to Suffer
- Sec. 4-12. Premises
- Sec. 4-13. Tethering a Dog

Article IV. Nuisances Prohibited

- Sec. 4-14. Public Nuisances
- Sec. 4-15. Public Nuisances: Abatement

Article V. Control of Animals

- Sec. 4-16. Running at Large of Animals Prohibited
- Sec. 4-17. Leashes Required
- Sec. 4-18. Animal Waste
- Sec. 4-19. Vicious and Dangerous Dogs

Article VI. Licensing

- Sec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs

- Sec. 4-21. Licenses: County License Required
- Sec. 4-22. Authority of County to Issue Licenses
- Sec. 4-23. Dogs Licensed by Other Cities or Counties
- Sec. 4-24. Restrictions on Use of Tags
- Sec. 4-25. Unlicensed Dogs or Dog Kennels
- Sec. 4-26. Unauthorized Removal of Tags

Article VII. Impoundment

- Sec. 4-27. Animals Subject to Impoundment
- Sec. 4-28. Biting Animals
- Sec. 4-29. Reporting Found Animals
- Sec. 4-30. Absence of Liability

Article VIII. Vaccination; Spay/Neuter Requirements

- Sec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs
- Sec. 4-32. Cats: Spay/Neuter Requirements

Article I. General

Sec. 4-1. Short Title.

This Chapter shall be known as the Animal Control Ordinance.

Sec. 4-2. Authority.

The Chief of Police or his/her authorized and appointed designee(s), and the Sherriff or his/her authorized and appointed designee(s), and such other person(s) as the City Council may appoint in order to enforce this Animal Control Ordinance, shall be referred to herein as an "animal control officer," and shall have authority to enforce all of the provisions of this Chapter relating to the care, control and treatment of animals.

An animal control officer may go upon private property as necessary to enforce the provisions of this Chapter, including inspection of facilities provided for any animals, counting the number of animals kept, or collecting and impounding animals, with the voluntary consent of the owner or occupant of the premises, where there is no reasonable expectation of privacy, or pursuant to an inspection warrant in accordance with Sections 1822.50 to 1822.58 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of state or federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the premises, or by forcible entry.

An animal control officer is hereby authorized to initiate criminal actions for violations within the City of this Chapter by field citation. Pursuant to Section 836.5 of the California Penal Code, the animal control officer acting within the scope of his/her authority may arrest a person without a

warrant when the animal control officer has reasonable cause to believe that the person to be arrested has committed a violation of this Chapter in the presence of the animal control officer. If a person arrested pursuant to this Section does not demand to be taken before a magistrate, the animal control officer shall prepare a written notice to appear and release the person on his/her promise to appear in accordance with Section 853.5 of the California Penal Code.

Subject to state and federal laws and the limitations within this Chapter, including but not limited to Article VII of this Chapter, an animal control officer may seize, impound and dispose of, or cause the seizure, impoundment, and disposal of, any animal.

Sec. 4-3. Interference with Enforcement.

No person shall interfere with, oppose or resist an animal control officer in the performance of any act authorized by this Chapter, including the seizure and impoundment of any animal.

Sec. 4-4. Consistency with Zoning Ordinance.

In the event of any inconsistency between the provisions of this Chapter and the City of Colusa Zoning Ordinance, as amended from time to time, the provisions of the Zoning Ordinance shall prevail.

Sec. 4-5. Penalty.

Whenever any act is prohibited by this Chapter, or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, the first violation shall be treated as an infraction and punishable by a fine not exceeding one hundred dollars (\$100). Subsequent violations within one year may be treated as a misdemeanor and punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment for a term not exceeding six months; provided, nevertheless, that any such violation or offense may be deemed an infraction and charged as such in the discretion and at the election of the officer, in which event the punishment therefor shall not be imprisonment but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect. Every day any violation of any provision of this Chapter continues constitutes a separate offense.

Article II. Keeping of Animals; Limitations

Sec. 4-6. Keeping: Prohibitions.

Except as provided for under the laws of the United States or the State of California, it is unlawful to keep or maintain any wild animal as defined in Section 2116 of the California Fish and Game Code, or to keep or maintain any vicious animal, or any animal reasonably likely of inflicting injury or endangering the health or safety of any person or property.

Sec. 4-7. Number of Animals.

It is unlawful for any person to keep, maintain, or have any combination of animals, fowl or livestock, which by their numbers or by the way in which they are maintained, interferes with the health, safety, comfort or convenience of the community. Such conduct is hereby declared a public nuisance.

No person shall keep more than five cats or dogs over the age of four months and must show proof of Spay or Neutered. Un spayed or neutered cats are hereby declared to be a public nuisance.

Notwithstanding the above provisions, it is unlawful for any person to have in their possession a crowing rooster. Crowing roosters are hereby declared to be a public nuisance.

Sec. 4-8. Temporary Club Projects.

Animals raised or kept for a temporary school or club project such as 4-H or Future Farmers of America (FFA) are hereby authorized, subject to the issuance of a permit by an animal control officer. Applications made for a permit to an animal control officer to raise or keep animals for a temporary school or club project such as 4-H or FFA shall not be subject to an application fee nor shall there be a requirement of a public hearing before an animal control officer can issue a permit for this use. An animal control officer may impose any conditions on the issuance of the permit that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the issuance of permit by any interested person may be made to the City Manager within ten (10) days of issuance. The decision of the City Manager regarding any appeals shall be final.

Article III. Treatment of Animals

Sec. 4-9. Cruelty to Animals.

No person shall beat or abuse any animal, or permit the same, or encourage or induce any animals to fight.

Sec. 4-10. Neglect of Animals Prohibited.

It is unlawful for any person having control or custody of any animal to permit or allow such animal to go without food, water, shelter, shade, care and attention. It is further unlawful for any person to leave or confine an animal under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

Sec. 4-11. Permitting an Animal to Suffer.

It is unlawful for any person having custody or control of any animal to permit that animal to needlessly suffer.

Sec. 4-12. Premises.

Every person who keeps an animal confined and unattended in an enclosed area shall provide the animal with an adequate exercise area. Every person owning or occupying premises where any animal is kept shall keep the premises in a clean and sanitary condition.

Sec. 4-13. Tethering a Dog.

A dog may not be restrained for more than three (3) hours in a twenty-four (24) hour period. If a dog is to be restrained:

- a. The tether or chain provided must be at least ten (10) feet in length, with swivels at both ends, and be properly attached to a pulley or trolley mounted on a cable so as not to interfere or become entangled with the animal or objects on the property;
- b. No chain or tether shall weigh more than one-eighth (1/8th) of the dog's body weight;

- c. Any chain or tether shall be attached to a properly fitting flat collar or harness worn by the dog. The use of choke chains or pinch collars is prohibited;
- d. The chained or tethered dog must have constant access to necessary shelter and water.

Article IV. Nuisances Prohibited

Sec. 4-14. Public Nuisances.

No person having an animal in her or his care, charge, control, custody or possession shall permit or allow:

- a. any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by running at large, chasing vehicles or pedestrians, threatening or intimidating people;
- b. any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by excessive barking, howling, crowing, screeching or making other noises;
- c. any animal to damage property, and
- d. except for cats, to trespass on private property;
- e. Any animal to be kept on the premises and unsanitary conditions to exist, which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or obstruct or interfere with the reasonable use of property within the neighborhood;
- f. any animal to be kept or maintained in violation of state law, the City Zoning Code, or other City ordinances.
- g. Feeding of feral cats or outdoor feeding of any cat, subject to authorization by Animal Control Officer.

A violation of any of the above provisions is hereby declared to be a public nuisance.

Sec. 4-15. Public Nuisances: Abatement.

Whenever an animal control officer has reasonable cause to believe that a public nuisance exists, he or she may conduct an investigation of the alleged nuisance. Additionally, whenever an animal control officer receives three (3) or more complaints or affirmations in writing from persons having separate residences in the same neighborhood or employed regularly in the same neighborhood that any animal is a habitual public nuisance by reason of trespassing, continual howling, barking or other noise, such as screeching or crowing, or by damage to property, by vicious action or propensity, or by any other means or conditions causing undue annoyance, the animal control officer shall investigate to determine if a public nuisance exists. If an animal control officer finds that a public nuisance does exist, as defined in this Chapter, the animal control officer shall serve

written notice upon the owner or custodian of the animal that such nuisance shall be abated. The owner or custodian shall then promptly abate the nuisance, within the timeframe specified by the animal control officer, but in any event not exceeding forty-eight (48) hours. If the nuisance is not so abated, the animal control officer may issue a citation or seize and impound the animal in accordance with the procedures set forth in Article VII of this Chapter.

Notwithstanding the foregoing, no animal that is part of an agricultural operation, exempt from being or becoming a nuisance by Civil Code Section 3482.5, shall be deemed to be a public nuisance under this Section, provided such animal is owned and kept in compliance with this Chapter and State law.

Article V. Control of Animals

Sec. 4-16. Running at Large of Animals Prohibited.

No person owning or having the custody or control or possession of any animal shall permit the animal to run at large within the City. "At large" or "stray" means any animal found outside the premises of its owner or caretaker and either not under the control and in the immediate presence of the owner or caretaker, and if the animal is a dog, not restrained by a leash or under the control and in the immediate presence of the owner or caretaker.

Any animal found running at large shall be deemed a stray animal and, if after a reasonable investigation under the circumstances the animal control officer is unable to locate the owner or person entitled to the possession of the animal to give that person the opportunity to recapture the animal, the animal may be immediately seized and impounded. This Section shall not apply to cats.

Sec. 4-17. Leashes Required.

It shall be unlawful for any person who owns or has the control, custody or possession of any dog to permit such dog in or upon any public street or other public place, or in or upon any property belonging to the City, unless such dog is on a leash no longer than 6 feet in length and is under the control of the person owning or at the time in possession of such dog.

The restraint requirements provided in this Section shall not apply to the following:

- a. a service or assistance dog;
- b. a dog participating in field or obedience trials;
- c. animal exhibitions;
- d. a dog assisting in law enforcement duties;
- e. any area specifically designated as a dog park or off leash exercise area.

Sec. 4-18. Animal Waste.

No person who owns or has control, custody or possession of an animal, except a disabled person using an assistance dog, shall permit or allow any animal to do any of the following:

- a. Defecate on any public street or other public property without immediately removing the excrement;

b. Defecate on any private property other than that of its owner without the consent of the owner, lessee or person in control of the private property.

Sec. 4-19. Vicious and Dangerous Dogs.

The owner of any dog or person having the custody, control or possession of a dog known to be diseased, vicious, or dangerous to the safety of any person or animal, shall keep such dog confined within a secure enclosure unless such dog is muzzled and leashed.

Article VI. Licensing

Sec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs.

Pursuant to Section 30501 of the California Food and Agricultural Code, the provisions of Sections 30801 to 30805, 30952, 31105 to 31108, 31152, 31153, 31251, 31252 and 31254 of the California Food and Agricultural Code, relating to the regulation and licensing of dogs, when adopted by the board of supervisors of any county, apply within the territorial limits of the county. The Board of Supervisors of Colusa County has adopted the provisions of such sections of the Food and Agricultural Code, and the City Council hereby requests the application of such provisions within the City.

Sec. 4-21. Licenses: County License Required.

It shall be unlawful for any person to own, harbor or keep any dog over the age of four (4) months unless such dog has securely attached to its collar a valid license tag issued for the current year by Colusa County. The license tag shall be worn by the dog at all times that the animal is in the City, except when the animal is confined in a permitted kennel, or veterinary facility, or it is being exhibited at a show, field trial or other competition. No person shall refuse to exhibit such license when so directed by an animal control officer.

Sec. 4-22. Authority of County to Issue Licenses.

Colusa County is hereby authorized and empowered to issue a license to the owners of dogs kept or harbored in the City, with the same force and effect as that provided by County Ordinance for the issuing of dog licenses for dogs harbored or kept in the unincorporated area of the County.

Sec. 4-23. Dogs Licensed By Other Cities or Counties.

Notwithstanding the foregoing, a person may bring into the City a dog for a period not exceeding twenty (20) days in any one (1) year which has been licensed by a city or county other than Colusa County; provided that such dog shall have a license tag issued by the authority of such city or county attached to it.

Sec. 4-24. Restrictions on Use of Tags.

No person shall attach to or keep upon a dog, or cause or permit to be made, or to have in possession, any counterfeit or imitation of any county dog license tag. It is unlawful for any person to attach a license tag to the collar of any dog except the dog that is described in the application for such license tag.

Sec. 4-25. Unlicensed Dogs or Dog Kennels.

No person shall have, harbor, control or keep, or to cause or permit to be harbored or kept, any unlicensed dog in the City, or maintain, conduct or operate or to cause or permit to be maintained or operated, any unlicensed dog kennel in the City.

Sec. 4-26. Unauthorized Removal of Tags

No person shall, if unauthorized, remove from any dog, any collar or harness or other device to which a license tag is attached or remove such license tag therefrom.

Article VII. ImpoundmentSec. 4-27. Animals Subject to Impoundment.

Any animal control officer may seize and impound, or cause to be seized and impounded, an animal for a violation of any provision of this Chapter. Where the need for immediate seizure or impoundment is not present, the animal control officer shall provide the owner or keeper of the animal with an opportunity for a hearing prior to seizure or impoundment of the animal, in accordance with the procedures set forth in Penal Code section 597.1 as then in effect. Where the animal control officer has reasonable cause to believe that the immediate seizure or impoundment of an animal is necessary in order to: (a) protect public safety and welfare; (b) protect an animal which is injured, sick or starving; (c) protect an animal from injury which has strayed onto public property or a public right of way; (d) protect a domestic animal from imminent risk of harm; or (e) safeguard an animal which is at large off its owner's property, then the animal control officer shall provide the owner or keeper of the animal with an opportunity for a post-seizure or impoundment hearing, in accordance with the procedures set forth in Penal Code section 597.1 as then in effect.

Sec. 4-28. Biting Animals.

The owner or other person in custody, control or possession of any animal that bites a human being, or otherwise exhibits any symptoms or acts that would lead a reasonable person to suspect that the animal has rabies, shall immediately notify the City Police Department and or County Animal Control, giving the name and address of the person bitten, if known to him/her, or the acts or symptoms of the animal, and shall obey any quarantine instructions given by the City Police Department and/or County Animal Control Officer. The animal control officer may, in his/her discretion, order the animal quarantined and may impose such reasonable conditions thereon as may be required.

If any person fails or refuses to obey any lawful order for the quarantine of an animal for observation of rabies, the animal control officer may impound or cause the impoundment of the animal.

Sec. 4-29. Reporting Found Animals.

Any person who apprehends or picks up a stray or apparently lost animal shall report the same to the Colusa County Animal Shelter within twenty-four (24) hours and shall release such animal to the owner or to the Colusa County Animal Shelter upon demand. The person shall provide the Colusa County Animal Shelter with a complete description of the animal, its location and a means to contact the person keeping the animal.

Sec. 4-30. Absence of Liability.

No liability shall be incurred by the City or County for causing the impoundment, redemption or disposition of an animal pursuant to this Chapter.

Article VIII. Vaccination; Spay/Neuter RequirementsSec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs.

Pursuant to Section 121690 of the California Health and Safety Code, every person owning, or in control, custody, or possession of any dog shall, within ten (10) days after the dog becomes four (4) months of age, procure the rabies vaccination of the dog by a licensed veterinarian, and shall continually procure the rabies vaccination of the dog by a licensed veterinarian at intervals of time not more than once a year, or as may be prescribed by the state department of public health. All dogs who have been vaccinated against rabies shall have attached to their collar a current tag. Any dog in violation of this Section may be impounded.

Sec. 4-32. Cats: Spay/Neuter Requirements.

No person owning or in custody, control or possession or feeding of a cat over four (4) months of age shall cause, permit or allow such cat to be unconfined in or upon any public street, road, alley or other public or private place, including the exterior yards of the animal owner's property, unless such cat is spayed or neutered. An animal control officer may cite, seize or impound or cause to be seized or impounded every cat found in violation of this Section and shall require the owners or guardians of the cat to either spay or neuter the cat within thirty (30) days of such violation or produce a certificate of sterilization proving that the cat is already altered. Failure to comply may result in a citation, impoundment or seizure.

When a person is cited or cat is impounded under this Section, the owner of the cat, if known, shall be given ten (10) calendar days to request a hearing to determine if there is good cause for a waiver or deferment of the sterilization requirement. The hearing shall be held before an animal control officer, who may grant or deny the request, or impose any conditions on the granting of the request that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the decision of the animal control officer by any interested person may be made to the City Manager within ten (10) days of the decision. The decision of the City Manager regarding any appeals shall be final.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such a decision or legislation 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 passed this Ordinance, and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on October 15, 2024, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

RESOLUTION NO. 24 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AMENDING
ORDINANCE 423**

WHEREAS, on October 15, 2024, the City of Colusa updates Ordinance 423 and;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY
RESOLVE:**

1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this fifteenth day October 2024 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 DANIEL VACA, MAYOR

ATTEST:

 Shelly Kittle, City Clerk