CITY COUNCIL MEETING

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

MAYOR KIM DOUGLASS • MAYOR PRO-TEM TOM PARNHAM
COUNCILMEMBERS • KEN DELFINO • STEVE HARVEY • TONY HESCH

REGULAR MEETING AGENDA
October 14, 2015
Closed Session 6:30 PM • Regular Session begins at 7:00 PM

1) CONVENE CLOSED SESSION

1A. **Call to Order**

1B. **Roll Call**

1C. **Public Comment – Closed Session Items**

1D. **Closed Session Agenda**

Discussion Regarding Labor Negotiations Pursuant to Government Code Section 54957.6. Employee Organization: General Employees and Bargaining Unit Represented by Stationary Engineers, Local 39; City representative Mark Miller.

2) CONVENE OPEN SESSION

2A. **Pledge of Allegiance**

2B. **Report from Closed Session**

2C. **Roll Call**

2D. **Approval of Agenda Order**

This is the time for changes to the agenda to be considered including removal, postponement, or change to the agenda sequence.

RECOMMENDED ACTION: By motion, accept the agenda as presented or amended.

3) COUNCILMEMBER APPOINTMENT

3A. **Discussion and Consideration of Applicants to Fill a Vacancy on the City Council for the Remainder of the Term**

RECOMMENDATION: Review applicants and select a new Councilmember by resolution.

3B. **Oath of Office for New Councilmember**

4) PRESENTATION

4A. **Presentation of OUR Colfax (Organized Unified Response) Facebook Page, Sergeant Ty Conners, Placer County Sheriff's Colfax Substation Commander**

5) CONSENT CALENDAR

All matters listed under the Consent Agenda are considered routine in nature and will be approved by one blanket motion with a roll call vote. There will be no separate discussion of these items unless persons request specific items to be removed from the Consent Agenda for discussion and separate action. Any items removed will be considered after the motion to approve the Consent Agenda. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the City staff.

RECOMMENDED ACTION: Approve Consent Calendar

5A. **Minutes City Council Meeting of September 23, 2015**

Recommendation: Approve the Minutes of the Regular Meeting of September 23, 2015.

6) COUNCIL, STAFF AND OTHER REPORTS

The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of Colfax related information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.

6A. **Committee Reports and Colfax Informational Items - All Councilmembers**

6B. **City Operations Update – City staff**

6C. **Additional Reports – Agency partners**

7) PUBLIC COMMENT

Members of the audience are permitted to address the Council on matters of concern to the public within the subject jurisdiction of the City Council that are not listed on this agenda. Please make your comments as brief as possible. Comments should not exceed three (3) minutes in length. The Council cannot act on items not included on this agenda; however, if action is required it will be referred to staff.

8) PUBLIC HEARING

NOTICE TO THE PUBLIC: City Council will take the following actions when considering a matter scheduled for hearing:	
1. Open the public hearing	6. Council comments and questions
2. Presentation by staff	7. When applicable, applicant or appellant rebuttal period
3. Council comments and questions	8. Close public hearing. (No public comment is taken after the hearing is closed.)
4. Presentation, when applicable, by applicant or appellant	9. City Council action
5. Accept public testimony	
Public hearings that are continued will be announced. The continued public hearing will be listed on a subsequent Council Meeting Agenda and posting of that agenda will serve as notice.	
The City Council encourages the participation of the public. To ensure the expression of all points of view, and to maintain the efficient conduct of the City's business, members of the public who wish to address the Council shall do so in an orderly manner. The audience is asked to refrain from positive or negative actions such as yelling, clapping or jeering that may intimidate other members of the public from speaking. Members of the public wishing to speak may request recognition from the presiding officer by raising his or her hand, and stepping to the podium when requested to do so.	

8A. **Public Hearing to Discuss and Consider Adopting Resolution No. 41-2015**: A Resolution Of The City Council Of The City Of Colfax Accepting And Approving the Annual AB 1600 Mitigation Fee Report And Making Findings Pursuant To Colfax Municipal Code Chapter 3.56 And The Mitigation Fee Act (Government Code §66000 Et Seq).
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDED ACTION: Conduct Public Hearing, Review Annual Report, Consider Public and Staff Comments and Adopt Resolution No. 41-2015

9) COUNCIL BUSINESS

9A. **Notice of Acceptance Grass Valley Street UPPR Ped Xing Project**
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDATIONS: Adopt Resolution No. 42-2015 accepting the Grass Valley Street UPPR Ped Xing Project as complete and directing the City Clerk to file a Notice of Completion.

9B. **Update from Circulation Element/General Plan Committee**
Committee Councilmembers: Steve Harvey, Tony Hesch
RECOMMENDATION: Verbal Report for Information Only

10) ADJOURNMENT

IN WITNESS THEREOF, I have hereunto set my hand and posted this agenda
at Colfax City Hall and Colfax Post Office.

Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to, said public hearing.

STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE October 14, 2015 COUNCIL MEETING

FROM: Mark Miller, City Manager

PREPARED By: Lorraine Cassidy, City Clerk

DATE: October 2, 2015

SUBJECT: Discussion and consideration of applicants to fill a vacancy City Council for the Remainder of the Term

X	N/A		FUNDED		UN-FUNDED	AMOUNT: $ N/A	FROM FUND: N/A

RECOMMENDED ACTION: Review applicants and adopt Resolution 40-2015: Appointing to fill a vacancy on the City Council.

SUMMARY:
City Councilmember Ken Delfino resigned his seat on the Colfax City Council effective October 1, 2015. Since that date has passed, the resignation cannot be rescinded, there is a vacancy on the City Council and the Council has only four seated members. The Council decided at the September 23, 2015 meeting to fill the vacancy by appointment. An appointee will serve the three year balance of Mr. Delfino's term which expires after the November, 2018 election.

City Council is bound by Ordinance in Colfax Municipal Code §2.04.020 and must act within 30 days of October 1, 2015. October 30, 2015 is the last day for the Council to act on this issue.

There is no legally prescribed process for filling a City Council vacancy. The Council can take applications from interested citizens. It can directly solicit interested individuals. Any process that is reasonable can be followed. The Council in office as of October 1, 2015 elected to accept applications to fill the vacant seat.

To fill the vacancy by appointment, a majority of the Council present on October 14, 2015 must agree on the individual to be appointed. Assuming all four members are present, three must agree. If three are present, two must agree.

The Brown Act applies to Council discussions regarding the appointment. Although the Brown Act allows the Council to meet in closed session to discuss appointment of employees, consultants and others, Councilmembers cannot meet in closed session to discuss appointing an individual to fill a Council seat. Those discussions have to occur in open session. A quorum of the Council cannot meet or otherwise discuss the appointment outside of a properly called public meeting.

ATTACHMENTS:
1. Resolution 40-2015

City of Colfax
City Council

Resolution № 40-2015

APPOINTING _____ TO FILL THE VACANCY ON THE CITY COUNCIL CREATED BY THE RESIGNATION OF COUNCILMEMBER KEN DELFINO

Whereas, Ken Delfino resigned his position as a member of the City Council of the City of Colfax effective October 1, 2015; and

Whereas, Mr. Delfino's term of office would ordinarily have expired following the November 4, 2018 election and after his successor was elected and qualified; and

Whereas, the resignation of Mr. Delfino from the Colfax City Council has created a vacancy in that office; and

Whereas, although California Government Code §36512 would ordinarily allow the City Council 60 days to make an appointment to fill the vacancy, Colfax Municipal Code §2.04.020 allows the City Council only 30 days from the commencement of the vacancy to either fill the vacancy by appointment or call a special election to fill the vacancy; and

Whereas, the City Council has determined that it is in the best interests of the City of Colfax to fill the vacancy by appointment instead of calling a special election for the purpose of doing so; and

Whereas, the City Council posted notice of the vacancy and solicited applications to fill the vacancy from qualified electors of Colfax; and

Whereas, _____ submitted an application to fill the vacancy and is a duly qualified elector of the City of Colfax; and

Whereas, the City Council finds and determines that it is in the City's best interests to appoint _____ to the City Council to fill the vacancy for its unexpired term.

Now, therefore be it resolved by the City Council of the City of Colfax as follows:

1. The foregoing recitals are true and correct statements of fact and are hereby incorporated into this Resolution.

2. The City Council hereby appoints _____ to the Colfax City Council to fill the vacancy created by the resignation of Ken Delfino. This appointment will take effect upon adoption of this resolution and administration of the oath of office to _____ who shall hold office for the remainder of the unexpired term of the former incumbent.

The forgoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Colfax held on the 14th day of October, 2015 by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kim A. Douglass, Mayor

ATTEST:

_____
Lorraine Cassidy, City Clerk

City of Colfax
City Council Minutes
Regular Meeting of Wednesday, September 23, 2015
City Hall Council Chambers
33 S. Main Street, Colfax CA

1 CALL CLOSED SESSION TO ORDER

1A. Call to Order
Mayor Douglas called the Closed Session to order at 6:30PM.

1B. Roll Call
Councilmembers present: Douglass, Harvey, Hesch and Parnham
Councilmember absent: Delfino

1C. Public Comment – Closed Session Items
No public comment.

1D. Closed Session Agenda
Conference with Labor Negotiators pursuant To Government Code Section 54957.6 Employee Organization: General Employees and Bargaining Unit Represented by Stationary Engineers, Local 39 City's Designated Representative: Mark Miller

1 CALL REGULAR MEETING TO ORDER

The Regular Council Meeting was called to order at 7:06 PM by Mayor Douglass

1A. **The Pledge of Allegiance** was led by Gary Howard, Pastor of Colfax Baptist Church.

Mayor Douglass stated that the Closed Session was regarding Union Contract negotiations and that there was no reportable action taken during closed session.

1B. **Roll Call:**
Councilmembers present: Douglass, Harvey, Hesch and Parnham
Councilmembers absent: Delfino

City Clerk Cassidy explained that she had received a letter of resignation from Councilmember Delfino just prior to the meeting. The resignation will be effective October 1, 2015. Staff is recommending that the City Council amend the agenda to discuss and determine the best method for filling the position. Council will need to decide between holding an election, which will be expensive – as much as $8500, and appointing a new member within 30 days. She recommended that Council amend the agenda, an action which requires both a time sensitivity and a 2/3 vote.

On a motion by Mayor Pro Tem Parnham, seconded by Councilmember Hesch, the City Council voted to amend the agenda to include a business item to discuss filling the vacancy for Councilmember Delfino's seat on City Council.

AYES: Douglass, Harvey, Hesch, Parnham
NOES: None
ABSENT: Delfino

1C. **Approval of Agenda:**
On a motion by Councilmember Hesch, seconded by Mayor Pro Tem Parnham, the City Council approved the agenda as amended.
AYES: Douglass, Harvey, Hesch, Parnham
NOES: None
ABSENT: Delfino

3 PRESENTATION AND APPROVAL

3A. Winterfest Special Event – Adding Fireworks
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDATION: Adopt Resolution 38-2015 Approving a Change to the program for the 2015 Winterfest Event to include a Fireworks Display.

City Manager Miller introduced Pastor Gary Howard who will be co-chairing the Winterfest event with Kelly Molloy. He mentioned that the proposed flyer is in the Agenda Packet and the coordinators are requesting a change in the agenda to include fireworks.

Pastor Howard stated the proposed date for Winterfest is December 12, 2015 from 6PM – 9PM with a rain contingency date on December 19, 2015. The theme for this year's celebration is "A Spirit of Giving". The coordinators are encouraging local non-profit organizations to participate. The proposed schedule is:

6:00PM Caroling, 7:00PM Parade, 8:00PM Tree lighting, 9:00PM Fireworks.

If Council grants approval for the fireworks, the organizers will need to raise funds. They propose a Spaghetti Feed at the Sierra Vista Community Center in November. Pastor Howard asked: if the Caboose will be open; if music could be piped from City Hall; if the downtown facades could be lit up; and whether the tree lighting should be at the Library tree or in Depot Park on a donated tree.

Councilmember Hesch stated that the Caboose would be finished and open for Winterfest. City Manager Miller added that the City will support lighting the facades downtown if the property owners agree. He suggested that the tree lighting be on a donated tree in the park because it would allow for a crowd to assemble without closing streets. He also stated that Fire Chief Paulus is supporting the concept of fireworks for Winterfest.

Mayor Pro Tem Parnham stated that he prefers the tree lighting ceremony be on the Library tree for the nostalgia and character that it will add to the event.

Council suggested that Staff get a quote to have the lights professionally installed on the tree and requested that the organizers survey downtown businesses to see if they would prefer an earlier start time.

Mayor Pro Tem Parnham said "Santa" would be at Roy Tom's Plaza by noon to greet children and Councilmember Hesch shared that a group of volunteers is considering decorating the Caboose to look like Santa's sleigh with reindeer taking off over the street.

Resident Foxey McCleary, 127 Saunders Lane, mentioned that at one time the City had decorations for the Library tree and suggested that the vendors set up behind the Freight Depot as a "Christmas Village."

Chris Nave mentioned that the vendors may want the event to last longer.

On a motion by Councilmember Harvey, seconded by Mayor Pro Tem Parnham, the City Council approved Resolution 38-2015 Approving a change to the program for the 2015 Winterfest Event to include a Fireworks Display.
AYES: Douglass, Harvey, Hesch, Parnham
NOES: None
ABSENT: Delfino

4 CONSENT CALENDAR

4A. **Minutes City Council Meeting of September 9, 2015**
Recommendation: Approve the Minutes of the Regular Meeting of September 9, 2015.

4B. **Cash Summary Report August 2015**
Recommendation: Receive and File.

On a motion by Councilmember Hesch, seconded by Mayor Pro Tem Parnham, the City Council approved the Consent Calendar.
AYES: Douglass, Harvey, Hesch, Parnham
NOES: None
ABSENT: Delfino

5 COUNCIL, STAFF AND OTHER REPORTS

5A. **Committee Reports and Informational Items – All Council Members**

Councilmember Hesch

- Attended the Sacramento Area Council of Governments (SACOG). The most notable topic was a formal opposition in the CEQA process for the transport of Bakken oil through Vallejo.
- Reported that a conversation during the WACMAC Meeting revolved around a potential county ordinance allowing second homes to be built on existing lots. Councilmember Hesch spoke to the WACMAC committee as a citizen (not necessarily representing Council) against the proposal with concerns about undefined impacts.
- Reported that Railroad Days was a solid hometown annual event and will continue next year despite rumors otherwise.
- Asked if there is any more information regarding a shade structure at the playground.
  City Manager Miller replied that Community Services Director Heathcock recently attended a Conference to gather information from vendors and safety regulations.
- Councilmember Hesch asked when the UPPR Ped Xing Project will be finalized.
  City Manager Miller explained that the City Engineer is waiting for the UPPR invoice.
- In light of the discussion regarding the Animal Control Contract at the last meeting, Councilmember Hesch cautioned that Council move very cautiously and investigate thoroughly before creating City responsibility for Animal Control Services.

Mayor Pro Tem Parnham

- Acknowledged Councilmember Delfino for his hard work for the City of Colfax. When Councilmember Delfino moved to Colfax 15 years ago, he jumped in right away to organize the 3rd of July Event. He worked tirelessly, volunteering for the schools and as a Councilmember. He has always been a gentleman.
- Commented that Railroad Days was a great event.
- Stated that he had enjoyed the "Dancing under the Stars" event. It was not well advertised or well attended, but had great music.
- Attended the Mosquito Abatement meeting.
- He has received some push-back about the potential for a Quiet Zone.

Councilmember Harvey

- Recognized Councilmember Delfino for putting in tons and tons of volunteer time for the Colfax Community. Councilmember Harvey wished him well in his future endeavors.

Mayor Douglass

- Recognized Councilmember Delfino for his work with the local elementary school through the Hard Work Café awards program and graduations, and for his assistance with Mayor Douglass' campaign.
- He enjoyed Railroad Days and being able to contribute by getting the Caboose whistle to work.
- Attended the Project Go meeting.

4B. **Operations Updates – City Staff**

City Manager Miller

- Acknowledged the efforts of Councilmember Delfino as a volunteer community supporter through Kiwanis and as a Councilmember.
- Railroad Days was well attended, and the event is featured in the October issue of Sierra Heritage Magazine.
- The owner of the historic hotel has started some preliminary work and the Building Inspector is keeping a close watch on the progress.
- An organization called the Wyman Memorial Project has contacted the City and offered an opportunity to have a plaque installed commemorating Mr. Wyman's stop in Colfax during his 1903 cross country trip on a motorized bicycle. It was the first motorized trip across the country. If Council has no objections, the City will offer to install the donated plaque. Council expressed support of the idea.
- The local Starbucks and Chamber are sponsoring donations for victims of the Valley Fire. Staff will pass along more information and post details on the website when they become available.
- The Hanging Baskets are down for the season. The Colfax Garden Club has plans to decorate the baskets with festive materials and rehang them during the holidays.
- October 10th will be the Dogs and Chats Event as well as a Drug Take-Back at City Hall. Sergeant Conners will give details about these Placer County Sheriff Department activities.
- The initial meeting of the Ad Hoc Circulation Element/General Plan Update Committee will be held Wednesday, September 29 at 1:30.

4C. **Additional Reports – Agency Partners**

Chris Nave, Public Information Officer for Gold Run California Highway Patrol (CHP)

- The Golf Tournament fundraiser went well.
- The Commander of the Gold Run Office is back from a three month training and will be in the office beginning October 1st.
- The Gold Run Office has a new website: https://www.chp.ca.gov/find-an-office/valley-division/offices/(221)-gold-run
- Street Vibrations will be this weekend, so extra enforcement and education booths are scheduled throughout the area.

Sergeant Ty Conners, Placer County Sheriff Colfax Station Commander

- Gave a "Shout out" to Councilmember Delfino and his wife, Melba. He stated they will be missed.
- The Drug Take Back event scheduled for October 10, 2015 from 9AM to 12PM will be hosted at City Hall. This is an important event to keep prescription medications out of the environment and the hands of kids.
- The third annual Dogs and Chats will be co-sponsored by the Lions' Club which will provide the hot dogs. A variety of law enforcement teams and first responders will be giving demonstrations and visiting with folks at the Gazebo on October 10, 2015 between 11AM and 3PM.
- The window coverings for the substation have been ordered. Council approved the concept at an earlier meeting. It has been quite the process to get the historic images printed on the screens.
- Sergeant Conners would like to give a workshop/presentation at a Council Meeting to discuss the "State of Law Enforcement and Processes" as they relate to Colfax.
- Reported that there have been complaints of break-ins lately. Deputies have made over 20 arrests in the last month. Residents and officers alike are frustrated with the "revolving" door due to AB 109 and Prop 49 which require release of prisoners when the jail is full or for certain crimes.
- He is working with several groups in town to create a city-wide crime watch program which will be called OUR Colfax (Organized Unified Response). The motto of the new organization will be "One person is strong but OUR City is invincible." He is planning to give a presentation to Council at a future meeting.

Council discussed the issue of transients and the revolving door with Sergeant Conners.

Mayor Pro Tem Parnham thanked Sergeant Conners and the deputies for their hard work. He saw them in action recently during a medical emergency and commented that they were professional and responded quickly.

6 PUBLIC COMMENT

Suzanne Roberts, local resident

- Commented that Councilmember Delfino is an honorable man whose first priority has always been to give back to his community. She added to the accolades of Council that he has also been involved in Veteran's Affairs and supporting the honor of the American flag – even internationally.

7 **COUNCIL BUSINESS**

7A1. **Discussion of Appointment of a Councilmember to fill a vacancy on City Council due to the resignation of Councilmember Delfino**
(Added by vote of Council as an amendment to the agenda)
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDATION: Discuss and direct staff as appropriate

City Manager Miller stated that the Council needs to choose between holding an election and appointing a new councilmember. Council opted for appointing the new councilmember. City Manager Miller gave each Councilmember a copy of a draft vacancy notice announcing the vacancy and intention to fill by appointment. The draft will need to be approved by City Attorney Cabral and then must be posted 15 days before Council considers the appointment.

7A. **Update on Potential Skateboard Park**
STAFF PRESENTATION: Sergeant Ty Conners, Placer County Sheriff's Colfax Station Commander
RECOMMENDATION: Discuss and direct staff as appropriate

Sergeant Conners gave an update regarding the concept of having a skate park in Colfax. The idea has been considered for a long time and he feels confident that funding can be raised after a location has been approved. Council's packet includes pictures from "Pump Track" - a company that produces modular skate park elements which can be customized, modified and even relocated while costing less than a traditional concrete structure. Unfortunately, the idea of a skate park is at a standstill without a location. Councilmember Hesch has suggested contacting Union Pacific (UP) to inquire about using one of the empty warehouse buildings owned by UP.

Council discussed the possibility of hosting an indoor skate park and supported the concept if the facility could be staffed. Rather than charging an entrance fee, the facility could be supported through sales at a concession stand.

Foxey McCleary, 127 Saunders Ln, added that the indoor skate park is a great idea.

7B. **Update on Ad Hoc Committee Reviewing the Impact Fee Program and General Plan Circulation Element**
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDATION: Receive an update on the project revising the Circulation Element of the General Plan and the Mitigation Fee Program.

City Manager Miller informed Council that the Ad Hoc committee is scheduled to meet on September 29 at 1:30 and is open to the public. It is always a significant issue to propose changing an element of the General Plan. This first meeting will cover engineering options and the mitigation impact fee structure. The meeting will be noticed according to the Brown Act. City Manager Miller does not recommend advertising this meeting in the Colfax Record because of its technical nature. It will be more effective to encourage public attendance and input when the committee is ready to formulate recommendations.

7C. Mobile 311 – Software for Tracking Work Orders/Public Works Projects
STAFF PRESENTATION: Mark Miller, City Manager
RECOMMENDATION: Adopt Resolution 39-2015 Authorizing the City Manager to enter into a contract with Mobile 311 for a GIS Work Order and Asset Management system for a twenty-one month term**.**

City Manager Miller said staff is seeking approval to purchase a GIS based Work Order System. Technical Services Manager Berry and Community Services Director Heathcock worked together to find a program that has a reasonable cost and will track both internal and public maintenance requests.

Councilmember Harvey asked if there is an additional cost to input the data base that would need to be associated with the software.

City Manager Miller stated that there will be no additional fees. Data will be input from the field as work orders are created and fulfilled.

Councilmember Harvey would like to see how the program is operating after a month in the field.

Councilmember Hesch stated that he doesn't support purchasing a system before the City has more trained staff in the field.

City Manager Miller replied that the training of new and incumbent staff will be concurrent with organizing the workflow.

Councilmember Harvey asked if this program could be used for tracking preventative maintenance records for NPDES compliance.

Mayor Pro Tem Parnham would like to see it used at the WWTP.

City Manager Miller stated that it can be used for these processes and can be returned if it is not found to be useful.

Trina Weitzel, 12 N Foresthill Avenue, asked how the WWTP is funded.

City Manager Miller replied that the revenues from Utility Billing fund the plant.

Councilmember Harvey explained that the high costs of running the plant are a driven by state regulations.

On a motion by Councilmember Harvey, seconded by Mayor Pro Tem Parnham, the City Council approved Resolution 39-2015 authorizing the City Manager to enter into a contract with Mobile 311 for a GIS Work Order and Asset Management system for a twenty-one month term.

AYES:	Douglass, Harvey, Parnham
NOES:	None
ABSTAIN:	Hesch
ABSENT:	Delfino

Mayor Douglass adjourned the meeting at 8:48PM.

Respectfully submitted to City Council this 14th day of October, 2015.

Lorraine Cassidy, City Clerk

STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE October 14, 2015 COUNCIL MEETING

FROM: Mark Miller, City Manager

PREPARED By: Laurie Van Groningen, Finance Director

DATE: September 16, 2015

SUBJECT: Public Hearing to Discuss and Consider Adopting Resolution № 41 -2015: Accepting And Approving the Annual AB 1600 Mitigation Fee Report And Making Findings Pursuant To Colfax Municipal Code Chapter 3.56 And The Mitigation Fee Act (Government Code §66000 Et Seq)

X	N/A		FUNDED		UN-FUNDED	AMOUNT: $	FROM FUND:

RECOMMENDED ACTION: Conduct public hearing, review annual report, consider public and staff comments, accept report.

SUMMARY:

The State of California, through the enactment of Government Code Section 66000 et seq. (the "Mitigation Fee Act"), conferred upon local government units authority to adopt fees imposed on a broad class of projects and fees imposed on specific projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project. The City of Colfax Municipal Code Chapter 3.56 established the local authority for imposing Mitigation Impact Fees as allowed by the Mitigation Fee Act.

Colfax Municipal Code §3.56.130B requires the City to complete an annual AB1600 Mitigation report and Council to review the annual report at a noticed public hearing. At the close of the hearing, the Council must determine whether the mitigation impact fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The Council is authorized to revise the mitigation impact fees to include additional projects not previously foreseen as being needed.

BACKGROUND AND ANALYSIS:

The City maintains separate fund accounts for each mitigation fee type. The City has established the following Mitigation Impact Fees:

1. Roads – Fund 210
2. Drainage – Fund 211
3. Trails – Fund 212
4. Parks and Recreation – Fund 213
5. City Buildings – Fund 214
6. City Vehicles – Fund 215
7. Downtown Parking – Fund 217
8. Fire Construction Fees – Fund 342
9. Recreation Construction Fees – Fund 343

These funds earn and accumulate interest and all expenditures from these funds have been for the purpose for which the fees were collected. A detailed financial analysis by fund and a schedule of mitigation fees are attached as part of this report.

Mitigation Fees are accounted for using the accounting method known as FIFO (first in, first out), which means the first revenue received is assumed to be the first spent. State law and the Colfax Municipal Code require the City to prepare an annual report for each fund established to account for Mitigation Impact Fees. The report must include (1) A brief description of the type of fee in the account or fund (Government Code §66006(b)(1)(A)) , (2) the amount of the fee (Government Code §66006(b)(1)(B)), (3) the beginning and ending balance of the account or fund (Government Code §66006(b)(1)(C)), (4) the amount of the fees collected and the interest earned (Government Code §66006(b)(1)(D)), (5) an identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees (Government Code §66006(b)(1)(E)), (6) an identification of an approximate date by which the construction of the public improvement will commence if the city determines that sufficient funds have been collected to complete financing on an incomplete public improvement (Government Code §66006(b)(1)(F)), (7) a description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan (Government Code §66006(b)(1)(G)) and (8) the amount of refunds made and allocations made if the cost of making a refund exceeds the amount to be refunded.

Public Contact
This report was available at City Hall counter by: September 24, 2015
Notice of Public Hearing was published: Colfax Record – September 24, 2015

CONCLUSION:

Staff recommends that Council reviews and accepts report.

ATTACHMENTS:

1. Resolution 40-2015
2. Annual AB1600 Report
3. Mitigation Fee Schedule

The 2006 Mitigation Fee Study and 2006 Mitigation Fee – Council minutes are available at City Hall.

City of Colfax
City Council

Resolution № 41-2015

ACCEPTING AND APPROVING THE ANNUAL MITIGATION FEE REPORT AND MAKING FINDINGS PURSUANT TO COLFAX MUNICIPAL CODE CHAPTER 3.56 AND THE MITIGATION FEE ACT (GOVERNMENT CODE §66000ET SEQ)

WHEREAS, in 1987 the California Legislature adopted the Mitigation Fee Act as Government Code §§66000 et seq (the "Mitigation Fee Act") whereby it authorized cities to impose fees in connection with the approval of development projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project ("Mitigation Impact Fees"); and

WHEREAS, in 2007 the City Council of the City of Colfax adopted Ordinance 488 pursuant to the authority of the Mitigation Fee Act; and

WHEREAS, Colfax received Mitigation Impact Fees from various developers pursuant to Ordinance 488 and deposited those fees into separate funds as required by law; and

WHEREAS, the Mitigation Fee Act and Colfax Ordinance require the preparation of a report identifying the balance of Mitigation Impact Fees in the various funds established for their deposit, the facilities constructed and the facilities to be constructed (the "Mitigation Fee Report"); and

WHEREAS, the City's Finance Director prepared the Mitigation Fee Report, a copy of which is attached to this Resolution; and

WHEREAS, on October 14, 2015, pursuant to notice duly published and posted, the Colfax City Council opened a public hearing for the purpose of (1) reviewing the Mitigation Fee Report and the Mitigation Impact Fees and determining whether the Mitigation Impact Fee amounts continue to be reasonably related to the impact of development, (2) determining whether the described facilities are still needed, (3) determining whether the Mitigation Impact Fees should be revised to include additional projects not previously foreseen as being needed and (4) making other findings required by law; and

WHEREAS, on October 14, 2015, the public hearing was closed after all public comments were received**.**

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

1. The foregoing recitals are true and correct statements of fact and are incorporated into this Resolution by this reference.

2. Based upon all of the evidence in the record before it and the comments received from the public, the Colfax City Council hereby finds and determines:

a. The purpose to which each Mitigation Impact Fee identified in the Mitigation Fee Report is adequately identified in Colfax Municipal Code §3.56.050 and the Major Projects and Mitigation Fee Study dated August 14, 2006, as amended.

b. It has been adequately demonstrated that there continues to be a reasonable relationship between each Mitigation Impact Fee and the purpose for which it is charged.

c. To the extent any improvements to be funded by Mitigation Impact Fees remain incomplete, the sources and amount of funding are identified in the Major Projects and Mitigation Fee Study dated August 14, 2006 as amended and include without limitation future development projects in Colfax.

d. The approximate dates on which funding for all projects to be funded by Mitigation Impact Fees will be deposited into the appropriate Mitigation Impact Fee account or fund is presently unknown because development within the City is unpredictable but is estimated to be at approximately the same time as future development occurs.

e. The amounts of the Mitigation Impact Fees continue to be reasonably related to the impact of development.

f. The public facilities described in the Major Projects and Mitigation Fee Study dated August 14, 2006, as amended, and as provided in Colfax Municipal Code §3.56.050 are still needed.

3. The Mitigation Fee Report is hereby approved

The Foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Colfax held on the 14th day of October, 2015 by the following roll call vote of the Council

Ayes:
Noes:
Absent:
Abstain:

_____
Kim A. Douglass, Mayor

ATTEST:

_____
Lorraine Cassidy, City Clerk

City of Colfax
Annual AB1600 Report on Mitigation Fees
For Fiscal Year 2013-2014

	Pre FY2008	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	Balance
210 - Roads										
Mitigation Fees Collected	$ 0	$ 3,808	$ 71,555	$ 1,802	$ 0	$ 0	$ 1,172	$ 0	$ 59,013	$ 137,350
Transfer In/Out - Consolidates 252	$ 0	$ 0	$ 0	$ 0	$ 0	$ 61,309	$ 0	$ 0	$ 0	$ 61,309
Expenditures - Economic Revitalization	$ 0	$ 0	$ 0	$ 0	$ 0	$ (49,994)	$ (67,506)	$ (4,543)	$ 0	$ (122,043)
Expenditures - General Plan/Circulation	$ 0	$ 0	$ 0	$ 0	$ 0	$ (6,009)	$ 0	$ 0	$ 0	$ (6,009)
Expenditures - Dinky Way Closure	$ 0	$ 0	$ 0	$ 0	$ 0	$ (9,925)	$ 0	$ 0	$ 0	$ (9,925)
Refunds	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Interest Earnings	$ 0	$ 121	$ 910	$ 436	$ 278	$ 159	$ 245	$ 61	$ 25	$ 2,237
TOTAL	$ 0	$ 3,929	$ 72,465	$ 2,238	$ 278	$ (4,460)	$ (66,089)	$ (4,482)	$ 59,039	$ 62,919
211 - Drainage										
Mitigation Fees Collected	$ 0	$ 139	$ 2,640	$ 74	$ 0	$ 0	$ 43	$ 0	$ 48	$ 2,944
Transfer In/Out	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Expenditures	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Refunds	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Interest Earnings	$ 0	$ 4	$ 34	$ 16	$ 10	$ 6	$ 8	$ 7	$ 9	$ 94
TOTAL	$ 0	$ 143	$ 2,674	$ 90	$ 10	$ 6	$ 51	$ 7	$ 57	$ 3,038
212 - Trails										
Mitigation Fees Collected	$ 0	$ 40	$ 43,285	$ 1,125	$ 0	$ 0	$ 12	$ 0	$ 1,069	$ 45,531
Transfer In/Out	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Expenditures - Main Street Bike Trail	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ (4,336)	$ 0	$ (4,336)
Refunds	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Interest Earnings	$ 0	$ 1	$ 511	$ 251	$ 160	$ 92	$ 119	$ 105	$ 121	$ 1,360
TOTAL	$ 0	$ 41	$ 43,796	$ 1,376	$ 160	$ 92	$ 131	$ (4,231)	$ 1,190	$ 42,556
213 - Parks & Recreation										
Mitigation Fees Collected	$ 0	$ 205	$ 220,605	$ 5,731	$ 0	$ 0	$ 63	$ 0	$ 5,467	$ 232,071
Transfer In/Out - Consolidates 343	$ 0	$ 0	$ 0	$ 0	$ 0	$ 11,552	$ 0	$ 0	$ 0	$ 11,552
Expenditures - Pool Improve/Demolition	$ 0	$ 0	$ 0	$ 0	$ 0	$ (124,442)	$ (26,300)	$ (1,484)	$ 0	$ (152,226)
Refunds	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Interest Earnings	$ 0	$ 7	$ 2,604	$ 1,278	$ 815	$ 467	$ 393	$ 225	$ 267	$ 6,056
TOTAL	$ 0	$ 212	$ 223,209	$ 7,009	$ 815	$ (112,423)	$ (25,844)	$ (1,259)	$ 5,734	$ 97,454
214 - City Buildings										
Mitigation Fees Collected	$ 0	$ 1,446	$ 27,170	$ 684	$ 0	$ 0	$ 445	$ 0	$ 494	$ 30,239
Transfer In/Out	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Expenditures - City Hall Construction	$ 0	$ 0	$ 0	$ (29,835)	$ 0	$ 0	$ 0	$ 0	$ 0	$ (29,835)
Refunds	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Interest Earnings	$ 0	$ 46	$ 346	$ 143	$ 0	$ 0	$ (1)	$ 1	$ 2	$ 537
TOTAL	$ 0	$ 1,492	$ 27,516	$ (29,007)	$ 0	$ 0	$ 444	$ 1	$ 496	$ 941
215 - City Vehicles										
Mitigation Fees Collected	$ 0	$ 274	$ 5,170	$ 130	$ 0	$ 0	$ 84	$ 0	$ 4,244	$ 9,902
Transfer In/Out	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
Expenditures - City Trucks	$ 0	$ 0	$ 0	$ (5,509)	$ 0	$ 0	$ 0	$ 0	$ 0	$ (5,509)

Refunds	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	
Interest Earnings	$	0	$	9	$	66	$	5	$	1	$	0	$	1	$	1	$	2	$	83
TOTAL	$	0	$	283	$	5,236	$	(5,374)	$	1	$	0	$	85	$	1	$	4,245	$	4,476
217 - Downtown Parking																			
Mitigation Fees Collected	$	0	$	1,229	$	23,100	$	581	$	0	$	0	$	378	$	0	$	420	$	25,708
Transfer In/Out	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Expenditures	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Refunds	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Interest Earnings	$	0	$	39	$	294	$	141	$	90	$	51	$	65	$	62	$	75	$	817
TOTAL	$	0	$	1,268	$	23,394	$	722	$	90	$	51	$	443	$	62	$	495	$	26,525
252 - Transportation Impact - Inactive																			
Mitigation Fees Collected	$	61,309	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	61,309
Transfer in/Out - Condolidate to 210	$	0	$	0	$	0	$	0	$	0	$	(61,309)	$	0	$	0	$	0	$	(61,309)
Expenditures	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Refunds	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Interest Earnings	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
TOTAL	$	61,309	$	0	$	0	$	0	$	0	$	(61,309)	$	0	$	0	$	0	$	0
342 - Fire Construction Fees																			
Mitigation Fees Collected	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	2,419	$	2,419
Transfer In/Out - Consolidate to 213	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Expenditures - General Plan/Circulation	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Refunds	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Interest Earnings	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
TOTAL	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	2,419	$	2,419
343 - Recreation Construction Fees																			
Mitigation Fees Collected	$	1,467	$	921	$	17,047	$	336	$	0	$	0	$	0	$	0	$	2,419	$	22,190
Transfer In/Out - Consolidate to 213	$	0	$	0	$	0	$	0	$	0	$	(11,552)	$	0	$	0	$	0	$	(11,552)
Expenditures - General Plan/Circulation	$	0	$	(8,170)	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	(8,170)
Refunds	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	0
Interest Earnings	$	0	$	(89)	$	(42)	$	18	$	41	$	23	$	(0)	$	(0)	$	0	$	(49)
TOTAL	$	1,467	$	(7,338)	$	17,005	$	354	$	41	$	(11,529)	$	(0)	$	(0)	$	2,419	$	2,419
TOTAL - All Funds	**$**	**62,776**	**$**	**30**	**$**	**415,294**	**$**	**(22,591)**	**$**	**1,395**	**$**	**(189,570)**	**$**	**(90,780)**	**$**	**(9,901)**	**$**	**73,675**	**$**	**242,747**

Expenditures Summary																	**Project Status**	**Est% of cost PTD**	**Total Project Cost**
Pool Demo/Splash Park/Ballfield Improver	$	0	$	0	$	0	$	0	$	0	$	124,442	$	26,300	$	1,484	$	0	$	152,226	Complete	32%	$ 472,226
Economic Revitalization	$	0	$	0	$	0	$	0	$	0	$	49,994	$	67,506	$	4,543	$	0	$	122,043	Ongoing	78%	
Main Street Bike Trail Application	$	0	$	0	$	0	$	0	$	0	$	0	$	0	$	4,336	$	0	$	4,336	Ongoing	2%	
General Plan/Circulation	$	0	$	8,170	$	0	$	0	$	0	$	6,009	$	0	$	0	$	0	$	14,179	Complete	29%	
City Hall renovations	$	0	$	0	$	0	$	29,835	$	0	$	0	$	0	$	0	$	0	$	29,835	Complete	73%	
City Trucks	$	0	$	0	$	0	$	5,509	$	0	$	0	$	0	$	0	$	0	$	5,509	Complete	12%	
Dinky Way Closure	$	0	$	0	$	0	$	0	$	0	$	9,925	$	0	$	0	$	0	$	9,925	Complete	4%	
TOTAL	$	0	$	8,170	$	0	$	35,344	$	0	$	190,370	$	93,806	$	10,363	$	0	$	338,052			

Note: All interfund transfers are reflected in analysis and are consolidation of duplicate fund types. There are no interfund loans.

TABLE II-3 **Consolidated**
MITIGATION FEE BY LANDUSE & TYPE
COLFAX MITIGATION FEE STUDY
June 11, 2013 update

Mitigation Fee 3.56		Single Family per unit	Multi Family per unit	Office Building per 1000 sf	Retail Building per 1000 sf	Industrial Building per 1000 sf	Jim Fletter's comments
Item	Code/Ordinance Section						
Roads	3.48?? 3.56.030A	$ 1,802	$ 1,301	$ 5,285	$ 6,342	$ 1,172	Paid on issuance of any building permit
Drainage Study	3.56.030B	$ 74	$ 48	$ 57	$ 68	$ 43	
Drainage systems on e-w culverts	3.56.030C	$ 3,416	$ 2,216	$ 2,616	$ 3,139	$ 1,962	
Trails	3.56.030D	$ 1,125	$ 787	$ 35	$ 31	$ 12	
Park & Rec.	3.36.020?? 3.56.030E	$ 5,731	$ 4,011	$ 178	$ 160	$ 63	
City Buildings	3.56.030F	$ 684	$ 494	$ 2,007	$ 2,409	$ 445	
City Vehicles	3.56.030G	$ 130	$ 94	$ 380	$ 456	$ 84	
GP & Zoning		$ -	$ -	$ -	$ -	$ -	
Downtown Parking	3.56030H	$ 581	$ 420	$ 1,705	$ 2,046	$ 378	
Mitigation Fee Study		$ -	$ -	$ -	$ -	$ -	
		per unit	per unit	Totals for a	10,000	sf building, example	
Total		$ 13,543	$ 9,372	$ 122,628	$ 146,522	$ 41,595	
Totals areas not using e-w culverts		$ 10,126	$ 7,156	$ 96,465	$ 115,128	$ 21,974	

Mitigation Fee		Single Family per unit	Multi Family per unit	Office Building	Retail Building	Industrial Building	
Item	Code/Ordinance Section						
Sewer Impact Fee g)	Ord 475, 6-3.203 & 4	Group 110	Group 120	Group 217	Group 221	Group 400	Fee adjusted annually by City Engineer
	Code 13.08.100 ENR f)	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 15,800.00	based on ENR, San Francisco Bay Area CCI
			+ each unit >1	+ for each additional 1000sf			Paid upon new connection
			$ 6,320.00	$ 1,580.00	$ 3,950.00		
Landfill Equity, Buy-In Fee	Code 3.32.030	$ 47.00	$ 47.00	$ 47.00	1st	2000	Flat fee that never changes
				+ for each additional 2000sf or portion thereof			Paid with each building permit
				$ 47.00	$ 47.00	$ 47.00	
Construction Tax	**applicable to building permits**		**(1/2 tax to parks, 1/2 tax to fire)**				"Residential Construction Tax"
- Residential	Code 3.24.040 A, B, C, D	1.00% of build. value					Paid with construction of new mobile home
- mobilehome	3.24.040 E	$ 500.00 per unit					or residential unit
	(includes modular & prefab.)						
- all other	Code 3.24.040 F			1.00% of building valuation			Disagree, no provision for office, retail, industrial, etc
	(includes office, retail, indus.)						
Whitcomb Ave.	Code 3.44	See attached map, applicable parcels and fee					Fair share fee established in Ordinance 466
Fair Share	applicable to certain parcels						

Placer County Facilities Fee e)	$ 12,000	$ 1,793.05	$ 0.46	$ 0.28	$ 0.23	
PCWA Water Connection Fee	Fee collected directly by PCWA at time water meter is placed.					Verified with PCWA 1/6/14 by Jim Fletter

City Building Permit Application and Permit Fee
Building valuation
City permit application fee
City building permit fee

Notes:
d. Varies by more specific type breakdown and EDU assigned per Ordinance 475 Article 4 and Appendix A.
e. Amounts usually adjusted by County on October 1st each year. See Fee schedule for additional land use breakdown.
f. Amounts are increased each year per code by ENR CC Index on July 1.
g. Sewer impact fee groups shown are example. See Sewer Code and adjust each group # and amount per EDU schedule.

STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE OCTOBER 14, 2015 COUNCIL MEETING

FROM: Mark Miller, City Manager

PREPARED By: Alan Mitchell, City Engineer

SUBJECT: Authorize $280,365 for Construction, and Accept the Improvements as Complete, for the UPRR Ped Xing and Bike Path Improvement Project, № 12-01.02

	N/A	**X**	**FUNDED**		**UN-FUNDED**	**AMOUNT: $582,929**	**FROM FUND: Fed RSTP, State PTMISEA, Local RSTP Exchange**

RECOMMENDED ACTION: Staff recommends the City Council 1) Authorize construction expenditures for Central Valley Engineering & Asphalt up to $280,365; 2) Authorize the City Manager to execute all Change Orders up to that amount; and 3) Approve Resolution 42-2015 accepting the project as complete and directing the City Manager to file a Notice of Completion.

ISSUE STATEMENT AND DISCUSSION:

The project included: the grinding and placement of asphalt concrete (AC) Pavement on Grass Valley Street from the Main Street intersection to S. Auburn Street; construction of pedestrian and bike improvements across the railroad tracks; accessibility improvements; and, relocation of Union Pacific Railroad (UPRR) signals.

On February 25, 2015, Council approved the construction plans and specifications for the federally-funded UPRR Pedestrian Xing and Bike Path Improvement Project.

On June 24, 2015, Council awarded a contract to Central Valley Engineering & Asphalt, Inc. (CVEA). The contractor wasn't able to start until July 13, 2015 due to delays from UPRR for Right of Entry.

Actual field conditions encountered during the course of construction, such as buried railroad tracks, road grade discrepancies, water line conflicts, and existing business driveway grades necessitated field adjustments resulting in extra work and increased quantities of concrete and asphalt. The original design did not include a survey of the roadway topography. Upon completion of the accessible concrete curb, gutter, sidewalk, and center median, which were grade-controlled by the existing track elevation; several low areas in the roadway grade were discovered. A significant amount of asphalt more than was originally estimated was required to create a grade for ride-ability and drainage. The additional AC thickness required adjustment of manhole and valve covers to-grade. The adjustments were not in the contract. Also, existing entrances to businesses were too low behind the new sidewalk grade and on-site work was required to raise the entrances to acceptable height.

The improvements to the infrastructure provide a nice entrance into downtown. The final construction cost is $280,365, which exceeds the original amount authorized for construction. Due to the fluid construction operation and concern with postponing the operation for cost and community impact, staff was unable request Council's approval of additional funds prior to completion of the work. Staff felt the contingency would cover the overage but the increased quantities were more extensive than anticipated based on discussions with the on-site Inspector.

The construction is complete and determined to be acceptable by staff. Therefore, staff recommends the City Council accept the improvements and direct the City Manager to file a Notice of Completion.

FINANCIAL AND/OR POLICY IMPLICATIONS:

Council authorized a project construction budget of $243,000, including contingency, on February 25, 2015. The construction funding consists of federal RSTP, state PTMISEA, and local RSTP Rural Exchange. The final construction cost is $280,365, which exceeds the original amount authorized for construction. The City will fund the overage with Capital Funds from Street and Roads and General Fund monies. Therefore staff recommends the City Council authorize construction expenditures up to $280,365 and authorize the City Manager to execute all Change Orders up to this amount.

Preliminary indications are that costs associated with the UPRR signal work may also exceed the original budget. Staff is currently reviewing UP invoices and their executed agreement. Union Pacific has indicated their final invoice will be available up to 180 days after completion. Staff will update the City Council when final costs are available.

ATTACHMENTS:

1. Resolution 42-2015
2. Notice of Completion

City of Colfax
City Council

Resolution № 42-2015

AUTHORIZING THE CITY MANAGER TO EXECUTE AND RECORD A NOTICE OF COMPLETION FOR THE UPRR PED XING AND BIKE IMPROVEMENT PROJECT, No. 12-01.02

WHEREAS, on June 24, 2015, the City awarded a contract to Central Valley Engineering & Aspahalt, Inc. (CVEA), for grinding and placement of Asphalt Concrete (AC) Pavement on Grass Valley Street from the Main Street intersection to S. Auburn Street; construction of pedestrian and bike improvements across the railroad tracks; accessibility improvements; and, relocation of Union Pacific Railroad (UPRR) signals the UPRR Ped Xing and Bike Improvement Project, Number 12-01.02 (the "Project"); and

WHEREAS, the Project was completed on August 26, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLFAX AS FOLLOWS:

1. The foregoing recitals are true and correct statements of fact and are incorporated by reference into this Resolution.

2. The City Council of the City of Colfax hereby accepts the Project as complete and authorizes the City Manager to execute and record a Notice of Completion in the form attached to this Resolution.

THE FORGOING RESOLUTION was duly and regularly adopted at a regular meeting of the City Council of the City of Colfax held on the 14th day of October, 2015 by the following roll call vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Kim A. Douglass, Mayor

ATTEST:

_____
Lorraine Cassidy, City Clerk