

City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

← Mayor Kim Douglass · Mayor Pro Tem Sean Lomen
Councilmembers Caroline McCully · Larry Hillberg · Trinity Burruss →

REGULAR MEETING AGENDA

September 11, 2024
Regular Session 6:00 PM

You may access the meeting and address the Council by the following means:

ZOOM at

<https://us02web.zoom.us/j/84968570574>

Dial in by calling one of the numbers listed below and enter the Webinar ID:

849 6857 0574

1 669 900 6833 / 1 669 444 9171 / 1 719 359 4580 / 1 253 205 0468

View Only on Facebook Live on our City of Colfax page: City of Colfax, California.

You may also submit written comments to the City Clerk via email at city.clerk@colfax-ca.gov, via regular mail to P.O. Box 702, Colfax CA 95713, or by dropping them off at City Hall, 33 S. Main Street, Colfax CA 95713. Comments received will be submitted to Council and made a part of the record.

1 **CLOSED SESSION (None)**

2 **OPEN SESSION**

2A. **Call Open Session to Order**

2B. **Pledge of Allegiance**

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.

2E. **Statement of Conflict of Interest**

3 **CONSENT CALENDAR**

Matters on the Consent Calendar are routine in nature and will be approved by one blanket motion with a Council vote. No discussion of these items ensues unless specific items are pulled for discussion and separate action. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the Mayor.

Recommended Action: Approve Consent Calendar

3A. **Minutes**

Pages 4-8

Recommended Action: By Motion, approve the Colfax City Council minutes of 8/28/2024.



3B. Short-Term Rental Ordinance

Pages 9-16

Recommended Action: Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 17.123, to authorize and regulate Short-Term Rentals within the city, to be effective 30 days after adoption.

3C. MU-1 Zoning Code Amendment, Ground Floor Retail Ordinance

Pages 17-24

Recommended Action: Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 17.74.020, allowing ground floor uses in the MU-1 zoning district, to be effective 30 days after adoption.

*** End of Consent Calendar ***

4 AGENCY REPORTS

- 4A. Placer County Sheriff’s Office
- 4B. California Highway Patrol
- 4C. Placer County Fire Department/CALFIRE
- 4D. Non-Profits

5 PRESENTATION

5A. Jan Swift Proclamation

Pages 25-26

Recommended Action: Commend via a proclamation for Jan Swift in memoriam for her contributions to the City of Colfax.

6 PUBLIC HEARING (None)

7 PUBLIC COMMENT

Members of the public are permitted to address the Council orally or in writing on matters of concern to the public within the subject matter jurisdiction of the City that are not listed on this agenda. Please make your comments as succinct as possible. Oral comments made at the meeting may not exceed five (5) minutes per speaker. Written comments should not exceed 800 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of five (5) minutes in length. Council cannot act on items not listed on this agenda but may briefly respond to statements made or questions posed, request clarification, refer the matter to staff, or place the matter on a future agenda.

8 COUNCIL AND STAFF

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.

- 8A. Committee Reports and Colfax Informational Items – All Councilmembers
- 8B. City Operations Update – City Manager



9 **COUNCIL BUSINESS**

Pages 27-35

9A. **Sewer Lift Station 5 Variable Frequency Drive (VFD) Purchase**

Recommended Action: Adopt Resolution __-2024 authorizing the City Manager to purchase a replacement Variable Frequency Drive (VFD) for Sewer Station Number 5, from Commercial Pump Service Inc. for an amount not to exceed \$10,917.89.

10 **GOOD OF THE ORDER**

Informal statements, observation reports and inquiries regarding the business of the City may be presented by Councilmembers under this agenda item or requests for placement of items of interest on a future agenda. No action will be taken.

10A. **Public Comment on Good of the Order**

Members of the public are permitted to address the Council on matters that relate to general welfare of the City that have not been previously discussed on this agenda. Oral comments may not exceed five (5) minutes. Written comments should not exceed 800 words.

11 **ADJOURNMENT**

I, Amanda Ahre, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>



Amanda Ahre, City Clerk

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.

LEVINE ACT WARNING: In certain instances, parties, participants, and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308, California Code of Regulations Sections 18438.1 through 18438.8, and Fair Political Practices Commission Opinion 0-22-002. All parties, participants, and their agents are hereby directed to review these sections for compliance. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity.





City Council Minutes

Regular Meeting of Colfax City Council

Wednesday, August 28, 2024

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

1 **CLOSED SESSION (NONE)**

2 **OPEN SESSION**

2A. **Call Open Session to Order** – Mayor Douglass called the session to order at 6:02pm

2B. **Pledge of Allegiance** – Clint Siebert lead the Pledge of Allegiance

2C. **Roll Call**

Present: Councilmember Hillberg, Mayor Pro Tem Lomen, Councilmember McCully, Mayor Douglass

Absent: Councilmember Burruss

2D. **Approval of Agenda Order**

MOTION made by Councilmember McCully to approve the agenda order, seconded by Councilmember Hillberg, and approved by the following vote:

AYES: Hillberg, Lomen, McCully, Douglass

NOES:

ABSTAIN:

ABSENT: Burruss

2E. **Statement of Conflict of Interest** – No conflicts were identified by the Council or the public.

3 **CONSENT CALENDAR**

3A. **Minutes**

Recommended Action: By Motion, approve the Colfax City Council minutes of 8/14/2024

3B. **Minutes**

Recommended Action: By motion, approve the Colfax City Council minutes of 8/22/2024

3C. **Cash Summary – July 2024**

Recommended Action: Accept and file

3D. **Construction Support Contract Amendment with Wood Rodgers**

Recommended Action: Adopt Resolution 47-2024 authorizing an amendment to the existing contract with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant Projects

- 3E. **Revised Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy**
Recommended Action: Adopt Resolution 48-2024 Approving the Revised Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy

MOTION made by Councilmember McCully to approve the consent calendar, Seconded by Mayor Pro Tem Lomen, and approved by the following vote:

AYES: Hillberg, Lomen, McCully, Douglass

NOES:

ABSTAIN:

ABSENT: Burruss

4 **Agency Reports**

- 4A. **Placer County Sheriff’s** – Sergeant Griffiths spoke of the new resource officer at Colfax High School, Kevin Hills, he reminded everyone that school is back in session and to be aware of children and busses, felony car chase assist with CHP, and to be aware that we are not out of fire season.
- 4B. **CHP** – Officer Lyman reported on the felony car chase that ended in an arrest, the Tesla truck fire from last week, and the multiple freeway closures that have happened due to large accidents on Highway 80
- 4C. **Placer County Fire/CALFIRE** – Chief Seibert discussed the Tesla truck fire, commercial vehicle accidents resulting in fatalities, and reminded everyone that September and October bring the possibility of having large wind-driven fires.
- 4D. **Non-Profits** – Tim Ryan with the Colfax Area Chamber of Commerce reported on the business networking mixer the Chamber held, coffee and conversations on September 5th, and Oktoberfest on September 28th.

Cat Cortez, owner of Cat’s Animal Rescue Sanctuary, is in need of volunteers on the weekends.

5 **PRESENTATION (NONE)**

6 **PUBLIC HEARING**

- 6A. **Short-Term Rental Ordinance and adoption of a Short-Term Rental Fee**
Recommended Action: Introduce the proposed ordinance by title only, conduct a public hearing on the proposed ordinance and the proposed permit fees, waive the first reading and schedule the proposed ordinance for a second reading and adoption at the next regular City Council meeting currently scheduled for September 11, 2024, to be effective 30 days after adoption.

Public Comment – None

Council Comment – None

MOTION made by Mayor Dou, Seconded by Mayor Pro Tem Lomen, and approved by the following vote:

AYES: Hillberg, Lomen, McCully, Douglass

NOES:

ABSTAIN:

ABSENT: Burruss

6B. MU-1 Zoning Code Amendment, Ground Floor Retail Ordinance

Recommended Action: Introduce the proposed ordinance by title only, conduct a public hearing, waive the first reading and schedule the proposed ordinance for a second reading and adoption at the next regular City Council meeting currently scheduled for September 11, 2024, to be effective 30 days after adoption

Public Comment –

Jason Shapiro, executive director of Care Sphere, operates a non-profit and purchased 34 N Main St with the intent of operating his non-profit from this location with a possibility of retail in the front of the building. However, he has concerns that restrictions are too strict and would like to see the zoning changed.

Travis Berry feels there are too many vacant storefronts and agrees the zoning needs to be changed.

Council Comment –

Councilmember McCully and Mayor Pro Tem Lomen would like to go back to the original ordinance and open up the mixed-use to the original suggested list of businesses.

Councilmember Hillberg has concerns about opening up the zoning to any type of business, concerned that as the City has no planning commission that Council acts as the planning commission, discussed the option of Conditional use permits.

Mayor Douglass sees pros and cons to this item, would like to table this item until all 5 councilmembers are present to make a final decision.

MOTION made by Mayor Douglass to table this item until Councilmember Burruss is back, Seconded by Councilmember Hillberg, not passed by the following vote:

AYES: Hillberg, Douglass

NOES: Lomen, McCully

ABSTAIN:

ABSENT: Burruss

MOTION made by Mayor Pro Tem Lomen to waive the first reading, and visit the full list of uses on the September 11, 2024 meeting, Seconded by Councilmember McCully, and approved by the following vote:

AYES: Lomen, McCully, Douglass

NOES: Hillberg

ABSTAIN:

ABSENT: Burruss

7 PUBLIC COMMENT

Aeneas Chance, Pharmacy owner, lack of parking in front of the Pharmacy, would like to see 15-minute parking and 2-hour parking enforcement, and would like to see the non-profit Care Sphere be able to operate in historic downtown.

Harry Anderson had questions about the CalTrans lot on 174, empty stores in Auburn, the success of Downtown Grass Valley, feels the City needs a good marketing plan.

Tim Ryan would like the EV charging station behind the depot with the Electricity coming from the City, to either start charging the users of the station, or have it disconnected.

Jason Shapiro would like to know what the City is doing with the marketing issues they face.

8 **COUNCIL AND STAFF**

8A. Committee Reports and Colfax Informational Items – All Councilmembers.

Mayor Pro Tem Lomen wildfire sensors will be shipped this weekend, and are scheduled to be deployed in September.

Councilmember Hillberg attended the SVCC board meeting, and the WAC/MAC meeting.

Councilmember McCully attended a SACOG meeting, the mixer at CACC.

Mayor Douglass attended the CACC mixer, inquired about how to create and economic development Committee.

8B. City Operations Update – City Manager

No changes in I&I, algae project still moving forward. Public Works is working on the Corp Yard and obtaining an evaporated cooler, heater, and replacing the cloth electrical wires. Also attended the CCAC mixer and their business classes.

9 **COUNCIL BUSINESS**

9A. Agreement with Bureau Veritas North America – Building Inspection and Plan Check Services

Recommended Action: Adopt Resolution 49-2024 authorizing the City Manager to sign a three-year agreement with Bureau Veritas North America to provide plan review, code enforcement, inspection, and permit technician services with a possible two-year extension.

MOTION made by Councilmember McCully to adopt Resolution 49-2024, Seconded by Mayor Pro Tem Lomen, and approved by the following vote:

AYES: Hillberg, Lomen, McCully, Douglass

NOES:

ABSTAIN:

ABSENT: Burruss

10 **GOOD OF THE ORDER**

Mayor Pro Tem Lomen – nothing

Councilmember Hillberg – nothing

Councilmember McCully – Discussed already existing committees and assignments, is requesting an Ad Hok committee for the purpose of reevaluating business license fees and schedule.

Mayor Douglass - nothing

10A. Public Comment on Good of the Order

Harry Anderson agrees with the idea of reevaluating business licensing fees.

11 ADJOURNMENT

As there was no further business on the agenda, Mayor Douglass adjourned the meeting, by motion and without objection at 7:35 p.m. Respectfully submitted to City Council this 11th day of September, 2024.



Amanda Ahre, City Clerk



Staff Report to City Council

FOR THE SEPTEMBER 11, 2024 REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Kathy Pease, AICP, Planning Consultant
Subject: Short-Term Rental Ordinance

Budget Impact Overview:

N/A:	Funded:	Un-funded: ✓	Amount:	Fund(s): 100
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RECOMMENDED ACTION: Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 17.123, to authorize and regulate Short-Term Rentals within the City, to be effective 30 days after adoption.

Summary/Background

On August 28, 2024, the City Council reviewed and adopted on first reading of a draft ordinance amending Chapter 17 of the Colfax Municipal Code, by adding Chapter 17.123, to authorize and regulate Short-Term Rentals within the City. The ordinance adds new definitions, provides clarification on expectations and addresses permit requirements and conditions of operation.

Attachments

1. Ordinance Cover
2. Ordinance

CITY OF COLFAX

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL CODE TITLE 17 BY ADDING CHAPTER 17.123 AUTHORIZING AND REGULATING SHORT TERM RENTALS.

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

Section 1:

Title 17 of the Colfax Municipal Code is hereby amended by adding Chapter 17.123 as set forth in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. Superceding Provisions

The provisions of this ordinance and any resolution adopted pursuant hereto shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

Section 3. Severability

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

Section 4. California Environmental Quality Act Findings

The City of Colfax finds that, if the provisions of the California Environmental Quality Act, Public Resources Code §21000 et seq (hereinafter "CEQA") apply, the title of this ordinance would constitute a brief description of the "Project" as required by Section 15062(a)(1) of the Guidelines for Implementation of the California Environmental Quality Act published by the State of California Office of Planning and Research (hereinafter the "CEQA Guidelines").

FINDING OF NO PROJECT

The City of Colfax finds that adoption of this ordinance does not constitute a "Project" as that term is defined by or used in CEQA, the CEQA Guidelines or any court of attorney general opinion construing the same. Accordingly, the City of Colfax finds that the provisions of CEQA and the CEQA Guidelines are not applicable to said action.

FINDING OF EXEMPTION

In the event that it is found that the said action constitutes a "Project" as defined by or used in CEQA or the CEQA Guidelines, which finding would be contrary to the City’s opinion of its action, the City of Colfax hereby finds that said action is exempt from compliance with CEQA and the CEQA Guidelines, for the following reasons: The action falls within the “common sense” CEQA exemption provided in 14 CCR 15061(b)(3) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the action is not subject to CEQA. CEQA Guidelines, Section 15061(b)(3). It can be seen with certainty that adoption of this ordinance and its provisions cannot possibly have a significant effect on the environment.

This ordinance shall, within 15 days after its adoption, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

The foregoing ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax on the 28th day of August, 2024 and passed and adopted at a duly held regular meeting of the City Council on the 11th day of September 2024, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kim Douglass
Mayor

APPROVED AS TO FORM:

ATTEST:

Conor Harkins
City Attorney

Amanda Ahre
City Clerk

EXHIBIT A
CITY OF COLFAX
ORDINANCE NO. 557

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLFAX AMENDING
COLFAX MUNICIPAL CODE TITLE 17 BY ADDING CHAPTER 17.123
AUTHORIZING AND REGULATING SHORT TERM RENTALS.**

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

Title 17 of the Colfax Municipal Code is hereby amended by adding Chapter 17.123, “Short Term Rentals” to read as follows:

17.123.010 Purpose and Intent

It is the purpose of this chapter to provide rules governing the issuance of permits and establishment of operational requirements and restrictions for short-term rentals of dwellings within the City of Colfax. The intent of this chapter is to ensure that the operation of these short-term rentals is consistent with applicable local, State and Federal laws, statutes, rules, and regulations.

17.123.020 Permit Required

It is unlawful for any person to advertise, maintain, authorize the use or occupancy of, or operate a short-term rental of a dwelling in the City of Colfax without first obtaining a valid permit as required by this chapter. A short-term rental permit may not be issued for both a single-family dwelling and an accessory dwelling unit on the same parcel.

17.123.030 Term and Scope of Permit

A short-term rental permit issued under this chapter shall expire twelve (12) months from the date of issuance, unless revoked, suspended or surrendered earlier. The permit authorizes the permittee to conduct only such activities and services as described in the permit and in accordance with the terms and conditions of the permit and the requirements and limitations in this Chapter. It is unlawful for a permittee or other responsible person to violate the terms and conditions of the short-term rental permit.

17.123.040 Definitions Used In this Chapter

For purposes of this chapter, the following definitions apply:

- A. “Accessory Dwelling” unit has the same meaning as defined in California Government Code Section 65852.2.

- B. "Advertise" or "Advertisement" means any method used to solicit interest in a short-term rental including but not limited to, internet-based listing or hosting services.
- C. "Lodger" means a person to whom a person is providing lodging for compensation.
- D. "Owner-occupied Short-Term Rental" is where the owner or tenant is permanently residing within the Short-term rental.
- E. "Parcel" means property assigned a separate parcel number by the Placer County Assessor.
- F. "Permittee" means the property owner to whom a short-term rental permit is issued.
- G. "Person" means any individual, partnership, co-partnership, firm association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- H. "Property Owner" means the owner of fee title to the property on which the short-term rental exists, or their agent authorized to rent the short-term rental.
- I. "Single Family Dwelling" means a building or portion thereof, except a tent or trailer, designed or intended to be used for residence purposes by one family. Mobile homes which are not placed on a permanent foundation will be treated as a trailer for the purposes of this definition.
- J. "Short-term Rental" means any single-family dwelling or accessory dwelling unit located in a residential or commercial zone that is rented in whole or in part on a short-term basis. A short-term basis is thirty (30) calendar days or less to the same person or the same group of persons.

17.123.050 Application and Renewal of Short-term Rental Permits

- A. A property owner may apply for a short-term rental permit by filing an application with the Planning Director and/or designee. The application must be on a form approved by the Planning Director and/or designee and may require any information or documentation consistent with the provisions of this chapter. The permit application shall be on a form furnished by the city and signed by the applicant. Such application shall include, but not be limited to, the following information:
 - 1. Name, address, and telephone number of the applicant;
 - 2. Name, address, and 24-hour telephone numbers(s) of applicant and secondary point of contact, if the applicant is not located onsite;
 - 3. Floor plan, parking location(s), a copy of the business license, and proof of insurance;
 - 4. Any supplemental information which the Planning Director or designee finds reasonably necessary to determine whether to approve a short-term rental permit.
- B. To renew a short-term rental permit, the permittee shall file an application with the Planning Director or designee that complies with Section A above. The

application must be submitted no later than thirty (30) calendar days prior to the short-term rental permit expiration date.

- C. Knowingly making a false statement of fact or knowingly omitting any information that is required in an application for a short-term rental permit shall be grounds for denial of a permit.

17.123.060. Permit Fee

Every permit application shall be accompanied by a nonrefundable short-term rental permit application fee as established by resolution of the City council, as may be amended from time to time. This application fee shall be in addition to the City's business license tax, transient occupancy tax, and any other license, permit fee, or penalty fee imposed by local, State or Federal laws, statutes, rules, or regulations.

17.123.070 Registry Required.

- A. Every permittee within the City of Colfax shall retain for a period of eighteen (18) months a register containing the booking information for each group that stays at the short-term rental and make the register available to the City of Colfax upon request.

17.123.080 Suspending, revoking, or conditioning a short-term rental permit.

- A. The Planning Director or designee may suspend, revoke, or condition any short-term rental permit if the permittee has violated any provision of this chapter or if it is determined that it is necessary to preserve the health, safety and welfare of lodgers and citizens of Colfax.
- B. Additionally, upon issuance of any permit, the Planning Director or designee may limit the permit by any condition reasonably necessary to preserve the health, safety and welfare of lodgers and the citizens of Colfax and fulfill the purpose of this chapter.
- C. The conditions that the city may impose on the short-term rental permit include, but are not limited to:
 1. Requiring the permittee to remain at the short-term rental during certain hours while guests are present;
 2. Reducing the number of guests that are allowed to lodge at the short-term rental;
 3. Reducing the number of days in a year that the permittee is allowed to provide short-term lodging;
 4. Reducing the number of vehicles that may park on the property.

17.123.100 Grounds for Denying a Short-term Rental Permit

The Planning Director may deny an application for a short-term rental permit for any of the following reasons;

- A. The application is incomplete;

- B. The application contains a false or misleading statement or omission of a material fact;
- C. The Short-term rental or permittee is currently in violation of, or under investigation for violation of any local, State or Federal laws, statutes, rules or regulations;
- D. The property owner or occupants of the short-term rental is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental property including, but not limited to, transient occupancy taxes;
- E. If a short-term rental permit for the dwelling was ever revoked or suspended;
- F. The operation of a short-term rental is a threat to the public health, safety, or welfare; or
- G. Any required application fee or renewal fee has not been paid.

17.123.110 Appeal of Action on Permit

- A. Any permittee may appeal the Planning Director's decision to deny, suspend, revoke, or condition a short-term rental permit by submitting a written notice of appeal to the Planning Director within fourteen (14) calendar days from the date of service of the notice of decision.
- D. The appeal hearing shall be conducted by the City Council or the City Council's designee pursuant to Colfax Municipal Code Chapter 17.56 "Revocation Procedure.
- B. Upon receipt of any appeal filed pursuant to this section, the Planning Director or designee shall schedule the appeal hearing within forty-five (45) calendar days, or as soon thereafter as is practicable.
- C. The City shall provide a notice of the appeal hearing to the appellant. The notice shall be in writing and contain the date, time and location of the appeal hearing. The notice shall be provided to the appellant at the address shown on the appeal at least fifteen (15) calendar days prior to the date of the hearing.
- D. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the appeal hearing.
- E. If such an appeal is not received within fourteen (14) calendar days, the decision of the Planning Director shall be final.

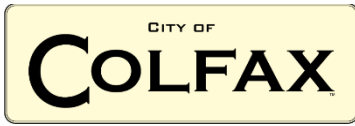
17.123.130 Violations

- A. It is unlawful for any person to operate a short-term rental without complying with the provisions of this chapter. Violation of any provision of this chapter may, at the discretion of the Planning Director, be charged as an administrative citation under Chapter 1.25 of this Code, or as a misdemeanor or infraction under Chapter 1.24 of this Code. Each day a violation is committed or permitted to continue shall constitute a separate offense. In the case of administrative citations, administrative fines shall be assessed in the amounts provided under Section 1.25.030 B 2 of this Code for commercial, industrial and other properties.

- B. Violations of this chapter are hereby declared to be a public nuisance. Additionally, a public nuisance may be deemed to exist if operation of the short-term rental results in:
1. More than one response to the parcel, property and/or short-term rental, from law enforcement officers during the term of the permit;
 2. Disruption to the free passage of persons or vehicles in the immediate neighborhood;
 3. All short-term rental guests are required to comply with the noise standards of the City of Colfax General Plan and the community noise equivalent levels (CNEL) standards (Table 4-3 Noise Compatibility Standards of the General Plan).
 4. Any other impacts on the neighborhood or public generally which are disruptive of normal activity in the area.
- C. The remedies and penalties provided herein are cumulative and nonexclusive. The use of one does not prevent the use of other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Colfax Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Colfax Municipal Code shall prevent the city from using any other penalty or remedy under State statute which may be available to enforce this chapter or to abate a public nuisance.

17.123.140. Adoption of Rules and Regulations.

The City Manager or designee may develop operational rules, regulations requirements, or performance standards to implement the provisions and intent of this Chapter. All such operational rules, regulations, requirements, or performance standards shall be placed on a public meeting agenda for review and approval by resolution of the city council prior to being implemented.



Staff Report to City Council

FOR THE SEPTEMBER 11, 2024, REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Kathy Pease, AICP, Planning Consultant
Subject: MU-1 Zoning Code Amendment, Ground Floor Retail Ordinance.

Budget Impact Overview:

N/A:	Funded:	Un-funded: √	Amount:	Fund(s):
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RECOMMENDED ACTION: Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 17.74.020, allowing ground floor uses in the MU-1 zoning district, to be effective 30 days after adoption

Summary/Background

This is a proposal to consider adoption of a zoning code amendment to the Mixed Use-1 (MU-1) Zoning District to allow additional uses within ground floor retail spaces in the Downtown District.

This item was considered by the City Council at its May 22nd, June 26th, July 24th and August 28, 2024, meetings. At the meeting of July 24th, the City Council expressed concern that once spaces are rented out to non-retail businesses, it would be difficult to get retail uses in the future and therefore, would like to narrow the proposed business types to three additional uses. Therefore, staff brought back a proposal to the August 28, 2024, meeting to propose that libraries and museums, veterinary clinics and business support services be allowed.

At the August 28th meeting, several members of the Council in reviewing additional material were supportive of the original July 24th proposal. In addition, one member of the public expressed concern that if the code amendment considered on July 24th were not approved it would impact the viability of his investment. Because not all members of the Council were in agreement that additional uses should be allowed and one member was absent, a motion to allow the expanded list of business in zone MU-1 was approved, but it was agreed that the entire Council would debate the ordinance prior to adoption.

According to the Zoning Code: Mixed Use – 1 is applied to Main Street in the Historic Downtown (MU-1) and is intended to retain the historic character of the downtown while providing a vibrant mix of uses in an attractive area where the community and visitors gather to shop, socialize, and recreate, and where residents can live. This district requires that the ground-floor spaces with street frontage be accessible to the public and that uses generate walk-in clientele to contribute to and activate the pedestrian experience along Main Street. Appropriate ground-floor uses with street frontage include retail shops, cafes, restaurants, and other similar uses that generate pedestrian traffic. Currently, spaces without ground-floor street frontage are intended for uses such as offices, residential, and lodging.

Discussion

The proposed Ordinance would amend Chapter 17 of the Colfax Municipal Code, Section 17.74.020, to eliminate some commercial restrictions for ground floor retail space. Currently the

374138.2

Zoning Code allows many uses by right in the MU-1 District but states that only retail uses can be on the street front. Other ground floor uses are only allowed on the second story or on ground floor portions of buildings that are no less than 30 feet from the front property line.

The proposal would allow the following uses to occupy vacant ground floor retail spaces:

- Community services
- Essential services
- Libraries and museums
- Veterinary Clinic
- Broadcasting and Recording Studios
- Business Support Services
- Offices, Professional
- Personal Services

While the Zoning Code is attempting to protect retail space, it is unclear whether turning away prospective non-retail businesses is a wise choice. It will likely lead to vacant retail spaces that sit vacant for an extended period, waiting for retail uses to come forward. This is an impact to property owners that are not receiving rent, and an impact to the city in reduced sales tax.

Ground floor space restrictions would remain for residential uses; however, it should be noted that the zoning ordinance may be partially preempted by state law that has been amended in recent years to conditionally allow certain multifamily projects in commercial zoned and mixed use areas by right. For example, Assembly Bill (AB) 2011 and Senate Bill (SB) 6, provide for streamlined ministerial (including no California Environmental Quality Act (“CEQA”)) approval of qualifying mixed-income and affordable housing projects along commercial corridors in commercial zoning districts.

General Plan Consistency Findings:

The proposed Ordinance amending the Municipal Code is consistent with the General Plan Mixed use designation which allows for a combination of commercial and residential uses in the downtown area. This designation allows for shops, restaurants, services, offices, hospitality and other compatible uses.

The proposed Ordinance amending the Municipal Code would not be detrimental to the public interest, health, safety, convenience or welfare of the County because it will support commercial uses already allowed by right in the MU-1 District and support economic development.

The proposed Ordinance amending the Municipal Code is internally consistent with other applicable provisions of the Municipal Code. The proposed Ordinance adds flexibility to allow commercial opportunities within the city.

Fiscal

There is no impact on the City’s General Fund as a result of this amendment. However, it should be noted that there has been substantial staff time expended in preparing and researching this

374138.2

ordinance amendment, preparing hearing notices and staff reports, and attendance at multiple meetings.

Environmental Review

The proposed Ordinance qualifies under the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15060(c)(2) and 15061(b)(3), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. CEQA only applies to projects that have the potential for causing a significant effect on the environment – either through direct impact or reasonably foreseeable indirect impact. The proposed Ordinance does not have that possibility. Direct impact of the proposed Ordinance on the environment will be minor. It is not expected to prompt any new development or direct physical effects. Instead, the expected result of the proposed Ordinance is to allow flexibility in uses already allowed by right. Accordingly, the City believes the “common sense” exemption is most appropriate for this project.

Attachments

1. MU-1 Ground Floor Retail Ordinance Cover
2. MU-1 Ground Floor Retail Ordinance

CITY OF COLFAX

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL CHAPTER 17.74.020 TO ALLOW ADDITIONAL COMMERCIAL USES IN GROUND FLOOR RETAIL SPACES IN THE MU-1 ZONING DISTRICT.

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

Section 1:

Title 17, Chapter 17.74.020 of the Colfax Municipal Code is hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. Superseding Provisions

The provisions of this ordinance and any resolution adopted pursuant hereto shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

Section 3. Severability

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

Section 4. California Environmental Quality Act Findings

The City of Colfax finds that, if the provisions of the California Environmental Quality Act, Public Resources Code §21000 et seq (hereinafter "CEQA") apply, the title of this ordinance would constitute a brief description of the "Project" as required by Section 15062(a)(1) of the Guidelines for Implementation of the California Environmental Quality Act published by the State of California Office of Planning and Research (hereinafter the "CEQA Guidelines").

FINDING OF NO PROJECT

The City of Colfax finds that adoption of this ordinance does not constitute a "Project" as that term is defined by or used in CEQA, the CEQA Guidelines or any court of attorney general opinion construing the same. Accordingly, the City of Colfax finds that the provisions of CEQA and the CEQA Guidelines are not applicable to said action.

FINDING OF EXEMPTION

In the event that it is found that the said action constitutes a "Project" as defined by or used in CEQA or the CEQA Guidelines, which finding would be contrary to the City’s opinion of its action, the City of Colfax hereby finds that said action is exempt from compliance with CEQA and the CEQA Guidelines, for the following reasons: The action falls within the “common sense” CEQA exemption provided in 14 CCR 15061(b)(3) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the action is not subject to CEQA. CEQA Guidelines, Section 15061(b)(3). It can be seen with certainty that adoption of this ordinance and its provisions cannot possibly have a significant effect on the environment.

This ordinance shall, within 15 days after its adoption, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

The foregoing ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax on the 28th day of August 2024 and passed and adopted at a duly held regular meeting of the City Council on the 11th day of September 2024, by the following vote:

AYES:
NOES:
ABSENT:

Kim Douglass
Mayor

APPROVED AS TO FORM:

ATTEST:

Conor Harkins
City Attorney

Amanda Ahre
City Clerk

**EXHIBIT A
CITY OF COLFAX
ORDINANCE NO. 558**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLFAX AMENDING
COLFAX MUNICIPAL CODE TITLE 17.74.020 PERMITTED USE TYPES.
THE CITY COUNCIL OF THE CITY OF COLFAX DOES ORDAIN AS FOLLOWS:**

Chapter 17.74 MIXED USE ZONES

17.74.020 Permitted use types.

Primary uses are permitted in mixed use zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P".
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district. Any single use that occupies more than 5,000 square feet in the MU-1 zone or more than 8,000 square feet in the MU-2 zone is subject to a conditional use permit.

Accessory uses and structures are permitted in mixed use zones subject to the requirements set forth in Chapter 17.96.

CIVIC USE TYPES	MU-1	MU-2
Community Assembly ⁽²⁾	P ⁽¹⁾	P
Community Services	P ⁽⁺⁾	P
Essential Services	P ⁽⁺⁾	P
Libraries and museums	P ⁽⁺⁾	P
Power Generating Facilities ⁽³⁾		
Emergency	P	P
Passive Power	P	P
Public Parking Services	-	AP
Social Services		
Food Distribution ⁽⁴⁾	CUP	CUP

Food Service ⁽⁵⁾	CUP	CUP
Emergency Shelter ⁽⁶⁾	-	CUP
RESIDENTIAL USE TYPES	MU-1	MU-2
Community Care Facilities, Small		
Dwelling		
Accessory Dwelling Unit	P ⁽¹⁾	P
Junior Accessory Dwelling Unit	P ⁽¹⁾	P
Multi-Family	P ⁽¹⁾	P
Single-Family	P ⁽¹⁾	P
Family Day Care Homes, Small	P ⁽¹⁾	P
Family Day Care Homes, Large ⁽⁷⁾	P ⁽¹⁾	P
Rooming and Boarding House	P ⁽¹⁾	P
Supportive and Transitional Housing	P ⁽¹⁾	P
COMMERCIAL USE TYPES	MU-1	MU-2
Animal Sales and Service ⁽⁸⁾		
Grooming and Pet Stores	P	P
Veterinary Clinic	P ⁽⁺⁾	P
Automotive and Equipment		
Automotive Body and Equipment Repair	-	CUP
Automotive Rentals	AP	AP
Automotive Repairs	-	CUP
Automotive Sales	-	-
Carwash and Detailing	-	CUP
Commercial Parking	-	CUP
Gasoline Sale	-	CUP
Banks and Financial Services	P	P
Bars and Drinking Places	AP	AP
Broadcasting and Recording Studios	P ⁽⁺⁾	P
Business Support Services	P ⁽⁺⁾	P

Community Care Facility	-	AP
Day Care Center	AP ⁽⁺⁾	AP
Eating and Drinking Establishments		
Fast Food with Drive-Through	-	-
Convenience	P	P
Full Services	P	P
Food and Beverage Retail Sales	P	P
Lodging	P ⁽⁺⁾	P
Long-Term Care Facility	CUP	-
Maintenance and Repair	P ⁽¹⁾	P
Medical Services, General	P ⁽⁺⁾	P
Neighborhood Commercial	P	P
Nightclubs ⁽⁹⁾	AP	-
Offices, Professional	P ⁽⁺⁾	P
Personal Services	P ⁽¹⁾	P
Retail Sales and Services	P	P
Specialized Education and Training		
Vocational Schools	P ⁽¹⁾	P
Specialty Schools	P ⁽¹⁾	P
TRANSPORTATION AND COMMUNICATION USE TYPES	MU-1	MU-2
Telecommunication Facilities ⁽¹⁰⁾	-	P/AP/CU P

(1) Only allowed on the second story or on ground floor portions of buildings that are no less than 30 feet from the front property line.



Staff Report to City Council

FOR THE SEPTEMBER 11, 2024 REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Kathy Pease, AICP, Planning Consultant
Subject: Jan Swift Proclamation

Budget Impact Overview:

N/A: X	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Commend via a proclamation for Jan Swift in memoriam for her contributions to the City of Colfax

Recommendation to Council

Commend Jan Swift in memoriam, for her outstanding service and dedication to the City of Colfax by supporting beautification efforts by her volunteer efforts with the Garden Club. She planted flowers and contributed to the hanging baskets in the Downtown area.

Background

The Garden Club proposes to install a plaque in Jan’s honor on a rock near the Caboose in the Downtown Area.

Fiscal Impacts

N/A

Environmental Review

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or is otherwise not considered a project as defined by CEQA Statute §21065 and CEQA State Guidelines §15060(c)(3) and §15378. Ceremonial documents meet the above criteria and are not subject to CEQA. No additional environmental review is required.

Attachments:

1. Jan Swift Proclamation



Proclamation

WHEREAS, Jan Swift was a resident of the City of Colfax area for 55 years;

WHEREAS, Jan was a member of the Lioness Club (formerly the Lion’s Club) and the Garden Club;

WHEREAS, Jan contributed to the community as a hair stylist for 40 years;

WHEREAS, Jan was also known from her work in the Garden Department of Hills Flat Lumber Company and for her work at T.J.’s Pizza Factory and Happy Apple Kitchen;

WHEREAS, Jan was instrumental in planting flowers around town, believing a beautiful Colfax would improve property values;

WHEREAS, Jan contributed to the hanging flower baskets on Main Street, improving the aesthetics of the area; and

WHEREAS, the Garden Club will install a plaque recognizing Jan’s contributions to the City of Colfax near the Colfax Caboose in Downtown Colfax;

NOW, THEREFORE, BE IT RESOLVED, that the members of the City Council hereby extend their sincere appreciation to Jan Swift memoriam, for her service and faithful dedication to the City of Colfax.

Signed this 11th day of September, 2024

Kim Douglass, Mayor

Sean Lomen, Mayor Pro Tem

Trinity Burruss, Councilmember

Caroline McCully, Councilmember

Larry Hillberg, Councilmember



Staff Report to City Council

FOR THE SEPTEMBER 11, 2024 REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Ron Walker, City Manager
Subject: Sewer Lift Station 5 Variable Frequency Drive (VFD) Purchase

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$10,775.00	Fund(s): 561
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RECOMMENDED ACTION: Adopt Resolution __-2024 authorizing the City Manager to purchase a replacement Variable Frequency Drive (VFD) for Sewer Station Number 5, from Commercial Pump Service Inc. for an amount not to exceed \$10,917.89.

Summary/Background

A sewer lift station, also known as a wastewater lift station or pumping station, is a facility that moves wastewater from a lower elevation to a higher elevation through pipes and plays a vital role in moving sewage to a wastewater treatment plant.

Sewer Station number 5, located on Canyon Way, needs a replacement variable frequency drive unit (VFD). A VFD is an electronic device that controls the speed and torque of an AC motor by changing the frequency of the power supply. VFDs can also control a motor’s ramp-up and ramp-down when starting and stopping.

Staff obtained quotes from three different providers for a replacement VFD unit for lift station 5.

Commercial Pump Service Inc. -----\$10,917.89,
total includes sales tax.

Tesco Controls Inc. ----- \$30,900.00,
total includes sales tax.

Pac Machine Company ----- \$10,775.00 + \$781.19 tax = \$11,556.19.
Their quote did not list sales tax, so it has been calculated and added to the total quote cost.

Conclusions and Findings

After reviewing quotes, staff recommends the City Council authorize the City Manager to purchase a replacement VFD for Sewer Station number 5 from the lowest bidder, Commercial Pump Service Inc. for \$10,917.89.

Fiscal Impacts

\$10,917.89

Attachments:

1. Resolution __-2024
2. Pac Machine Company Quote
3. Commercial Pump Services Inc. Quote
4. Tesco Controls Inc. Quote

City of Colfax

City Council

Resolution No. __-2024

AUTHORIZE THE CITY MANAGER TO PURCHASE A REPLACEMENT VARIABLE FREQUENCY DRIVE (VFD) FOR SEWER STATION 5 FROM COMMERCIAL PUMP SERVICE INC. FOR AN AMOUNT NOT TO EXCEED \$10,917.89

WHEREAS, A sewer lift station, also known as a wastewater lift station or pumping station, is a facility that moves wastewater from a lower elevation to a higher elevation through pipes and plays a vital role in moving sewage to a wastewater treatment plant; and,

WHEREAS, Sewer station number 5, located on Canyon Way needs a replacement variable speed drive unit (VFD). A VFD is an electronic device that controls the speed and torque of an AC motor by changing the frequency of the power supply. VFDs can also control a motor’s ramp-up and ramp-down when starting and stopping; and,

WHEREAS, the City of Colfax wishes to execute a purchase for a replacement VFD for sewer station number 5 with Commercial Pump Service Inc.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colfax approves and authorizes the City Manager to execute a purchase for a replacement VFD for sewer station number 5 with Commercial Pump Service Inc. at a cost of \$10,917.89.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on September 11, 2024, by the following vote of the Council:

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

ATTEST:

Kim Douglass, Mayor

Amanda Ahre, City Clerk



Pac Machine Company

SACRAMENTO, BENICIA, CA
SPARKS, ELKO, NV

From: Gerard Marquez
Pac Machine Company
8570 23rd Avenue
Sacramento, CA 95826
Phone: (916) 387-1336
Fax: (916)387-1380

To: Devon Morris
Of: City of Colfax
Email: devon.morris@colfax-ca.gov
Phone: 707 359 8661
Re: ABB VFD
Date: 07.29.24

Per your request we're pleased to quote the following Yamada NDP-5FPT pump:

Qty	Description	Price Each	Amount
1	ABB Model: ACQ580-01-096A-4 "ABB VFD 75HP LIGHT-DUTY, 480V, WALL MOUNTED NEMA1, R5 FRAME	\$8,275.00	\$8,275.00
1	Installation and programming	\$2,500.00	\$2,500.00

Delivery: 4-6 weeks
Taxes and Freight not included

TOTAL: \$10,775.00

Please Call with any questions.

Regards,
Gerard Marquez

Corporate Office

8440 Florin Road, Sacramento, CA 95828
P.O. Box 299007, Sacramento, CA 95829
PH: 916.395.8800 FX: 916.429.2817

To: City of Colfax
Attn: David Borroto
Re: City of Colfax
Lift Station 5 Pump 2 VFD Replacement

Quote Date: 8/26/2024
Quote No.: 24H173Q01

Dear David:

Thank you for your continued interest in TESCO products, services, and solutions. We are pleased to quote the following scope of work pertaining to the above-referenced project.

Project Background

Tesco Controls provided the control panel for the City of Colfax’s Lift Station 5 under Tesco job number T-38104. This project included a variable frequency drive (VFD) for Pump 2. This VFD is obsolete, and the City has requested a quotation from Tesco Controls to provide an updated replacement for it.

Scope of Work

Tesco Controls will provide the City with a replacement VFD to closely match the existing. With the new VFD, the control wiring will be different. Because of this Tesco will create a new control wiring diagram for the new VFD. Once the diagram is created and the VFD is procured, a Tesco Field Service Engineer will perform the retrofit of the VFD in the place of the existing. The Engineer will then perform startup on the VFD to include PID loop tuning, perform function checks, and commission the new VFD.

Please note: The control strategy of the VFD will remain the same. No programming is included within this project. This is for VFD replacement only.

Scope of Supply

Item	Qty	Description
1	1	Allen Bradley PowerFlex 753 Series VFD: <ul style="list-style-type: none"> ▪ 100 HP ▪ 6 Pulse ▪ Remote Mount HIM ▪ I/O Card
2	Lot	Professional Services: <ul style="list-style-type: none"> ▪ Project Management ▪ Engineering – VFD control wiring, technical data, and project records ▪ Product Startup Services – product quality review, retrofit of VFD, product parameter adjustments, product/equipment reconfiguration as required, product function checks, and product startup.
		TOTAL (including applicable sales tax):
		\$30,900.00

Progress Payment Milestones

Project Stage:	Progress Payment:
Initialization / Down-Payment.....	20%
Internal Factory Testing / Ready to Ship	70%
Startup Services.....	10%

Project Clarifications

- Unless otherwise indicated by the Scope of Work above, quote is to **furnish only** and does not include any trade labor, trade work, construction work, site improvement, contractor services, or any trade installation services. Any trade labor and/or related trade work shall be performed by others/contractor.
- Unless otherwise indicated by the Scope of Work above, the following is **not** included within this quotation:
 - Conduit, field wire, tubing, or basic trade installation materials (brackets, screws, bolts, j-box, stanchions, pull-box, etc.)
 - Instrumentation mounting components, brackets, stanchions, sunshields, etc.
 - Local control stations and/or field mounted disconnects.
 - Instrumentation, devices, components, or equipment not specifically identified in the above quotation.
 - Fiber optic patch panels, cable, splicing or terminations.
 - Networking infrastructure or architecture modifications to existing facilities.
 - Any 3rd party testing, harmonic testing/analysis, protective device coordination study, short-circuit analysis, or Arc-Flash Risk Assessment (AFRA) services.
 - Electrical interconnection diagrams for equipment not furnished by TESCO.
 - ISA process control loop diagrams.
 - Signal loop diagrams for equipment not furnished by TESCO.

Clauses, Terms and Conditions

- Addendums Acknowledged: **0**
- Quote is firm for **30 days** unless otherwise stated.
- Submittals:
 - Product/Equipment Submittals: Initial equipment submittal(s) “schedule” to be provided approximately **06** weeks after receipt of purchase order or written notice of intent. Lead-time for this “schedule” may be subject to delays imposed by 3rd party submittal providers. Submittal “schedule” will list all project submittals and will indicate lead-times for each product/equipment submittal. Generation of submittal(s) may be subject to availability of specified material components; supply-chain constraints may impact material item selections, therefore, may impact submittal lead-times.
 - Information Submittals: Information Submittals are dependent on the approval of Product/Equipment Submittals. An updated Submittal Schedule will be provided after receiving approval of corresponding Product/Equipment Submittal showing schedule and lead-times for Information Submittals.
- Submittals: Initial equipment submittal(s) to be provided approximately **8-12** weeks after receipt of purchase order or written notice of intent; however, generation of submittal(s) will be contingent on supply-chain availability and variability for material components which may impact material item selections affecting submittal lead-times, therefore lead-times are subject to change without notice.
- Delivery: Initial shipment(s) anticipated to commence approximately **8-12** weeks minimum after Product/Equipment Submittal approval; however, delivery schedule(s) will be contingent on supply-chain availability and variability for material component selections, therefore, lead-times are subject to change. Delivery schedules will be confirmed and provided after receiving Product/Equipment Submittals approval.
- Storage Terms: Any item of the product on which shipment is delayed by Buyer may be placed in storage by Seller at Buyer’s expense and risk. If a delay in shipment is requested by Buyer after an order has been entered and accepted:
 - a. No charge will be made if the request for delay is made more than six (6) weeks before acknowledged shipping date and the requested delay is for a period not in excess of thirty (30) days.

- b. A charge will be made if the requested delay exceeds a period of thirty (30) days or if the request is made within six (6) weeks of the acknowledged shipping date. Seller will advise Buyer of the charge within ten (10) days of receiving Buyer's request for delay.
 - c. If the product is within six (6) weeks of the acknowledged shipping date, then Seller has the option of completing, invoicing and storing the product and charging one and one-half percent (1.5%) per month, or the maximum percentage permitted by law, whichever is lesser, of the established price for such product, plus storage cost.
- TESCO price is Ex Works (EXW) per INCOTERMS, freight allowed.
- Product startup will commence once the product is properly installed and powered up. If buyer requests or schedules product startup and seller is unable to conduct startup due to product not being properly installed, powered, or ready for startup (including being put into full service or full operation), then a fee of \$1500 will be charged to buyer to remobilize seller for product startup.
- TESCO carries liability insurance, with full worker's compensation coverage.
- TESCO warranties against defect in design workmanship and materials for a period of one year from date of product startup, and does not exceed 18 months from the date of shipment from the factory.
- Unless otherwise stated above, price does not include any sales tax, use tax, or applicable fees; please apply any taxes and/or fees as appropriate. Please note that all invoices will include sales tax where applicable.
- Invoices will be billed in accordance with a customer-approved schedule of values and customer-approved pay application.
- Terms are net 45 days on approved credit. Shipment release requires the following:
 - Accounts with sub-par credit will require 50% down-payment upon order and 50% payment at pickup (prior to shipment).
 - Accounts with approved credit, all milestone progress payments must be current for releasing shipment or deploying services.
- Interest will be applied to all past due invoices. Buyer shall pay to Seller all invoiced amount within forty-five (45) calendar days from the date of such invoice. Flow-down provisions are not accepted. In the event any payment becomes past due, Buyer shall pay interest on all late payments, calculated daily and compounded monthly at the rate of 1.5% per month. Buyer shall also reimburse Seller for all reasonable costs incurred by Seller in collecting any late payments, including attorneys' fees and court costs.
- Price Escalation: If between the proposal date and actual procurement and through no fault of the Seller, the relevant cost of labor, material, freight, tariffs, and other Seller costs combined relating to the contract, increase by greater than 2.5% of the overall contract price, then the contract price shall be subject to escalation and increased. Such increase shall be verified by documentation and the amount of contract price escalation shall be calculated as either the actual increased cost to the Seller or, if agreed by the Parties, the equivalent increase of a relevant industry recognized third-party index, and in both cases without any additional profit or margin being added.
- All merchandise sold is subject to lien laws.
- A processing fee of up to 4% will be added for credit card payments.
- TESCO's liabilities shall not exceed 10% of TESCO's total order value.
- Final retention to be paid within 10 days after the project notice of completion.

Please feel free to contact us at (916) 395-8800 to discuss any questions or comments you may have regarding this quotation.

Sincerely,

TESCO CONTROLS



Caleb Ernst
 Technical Sales Lead
 cernst@tescocontrols.com



CSL 591152

PO BOX 674
WEIMAR, CA 95736
530-637-9513

Estimate

DATE	ESTIMATE #
6/28/2024	4907

NAME / ADDRESS
City of Colfax - WWTP P.O. Box 702 / 33 S. Main St. Colfax, CA. 95713

REQUIRED TO PROCEED WITH ESTIMATE	
Signature: _____	
Print name _____	
Date _____	PO# _____

WRITER	CONTACT	PROJECT
PH	Ron	#5 Lift Station VFD

****PLEASE NOTE****
ALL ESTIMATES OVER \$5,000 REQUIRE A 50% PRODUCTION DEPOSIT WHICH WILL BE INVOICED UPON APPROVAL.

DESCRIPTION	QTY	U/M	EACH	TOTAL
This estimate is to install a 75 HP VFD for pump #2 on the Canyon Way lift station for the City of Colfax. The VFD has failed and a temporary starter was installed. The pump needs to start and stop slowly so that the pipeline doesn't surge and break. The temporary starter that was installed doesn't allow for a soft start or stop so the pipeline gets excessive pressure surging when it runs.				
ABB, VFD drive, 580 Series, 75HP, 460V	1	ea	8,050.75	8,050.75T
Fuse Block, Class T, 200A, 3P	1	ea	463.29	463.29T
Fuse, Class T, JJS-150A	3	ea	79.07	237.21T
Consumable Supplies, gloves, rags, solvents, ect.	1	ea	30.00	30.00T
Travel and Labor, One Service Technician.	1		1,500.00	1,500.00

		Sales Tax (7.25%)	\$636.64
<p style="text-align: center;">*This estimate is only valid for 30 days.* **Any unforeseen repairs or parts required will be completed upon customer approval and are not included in this estimate.**</p>		TOTAL	\$10,917.89