

City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA



Mayor Trinity Burruss · Mayor Pro Tem Marnie Mendoza
Councilmembers · David Ackerman · Joe Fatula · Sean Lomen

REGULAR MEETING AGENDA

September 14, 2022

Regular Session: 6:00 PM

This Regular Meeting of the City Council is being held pursuant to Government Code Section 54953(e) which authorizes meetings to be held by teleconference. The Governor’s proclaimed state of emergency remains in effect and the City Council has made or will make the legal findings necessary to hold meetings by teleconference. You may access the meeting and address the Council by any of the following means:

ZOOM at

<https://us02web.zoom.us/j/89144401889>

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

891 4440 1889

1 (669) 900-6833

1 (346) 248-7799

1 (312) 626-6799

1 (929) 205-6099

1 (253) 215-8782

1 (301) 715-8592

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 (No Closed Session)

2 OPEN SESSION

2A. Call Open Session to Order

2B. Report from Closed Session

2C. Pledge of Allegiance

2D. Roll Call

2E. 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 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. **Authorize remote teleconference meetings pursuant to Government Code Section 54953(e) [AB 361]** (Pages 5-8)
Recommendation: Adopt Resolution __-2022 authorizing remote teleconference meetings pursuant to Government Code Section 54953(e) [AB 361].
- 3B. **Purchase of S66 T4 Bobcat Skid Steer with Attachments** (Pages 9-13)
Recommendation: Adopt Resolution __-2022 authorizing the City Manager to execute a purchase agreement for one S66 T4 Bobcat Skid Steer Loader with six attachments, in an amount not to exceed \$112,191.
- 3C. **Minutes** (Pages 14-16)
Recommendation: By Motion, approve the Colfax City Council minutes of 08/24/2022.
- 3D. **Minutes** (Page 17)
Recommendation: By Motion, approve the Colfax City Council minutes of 08/31/2022.
- 3E. **Public Comment At Regular City Council Meetings** (Pages 18-20)
Recommendation: Adopt Resolution __-2022 extending and regulating public comment at regular City Council meetings.
- 3F. **Cash Summary – August 2022** (Pages 21-27)
Recommendation: Accept and File.

*** End of Consent Calendar ***

4 AGENCY REPORTS

- 4A. **Placer County Sheriff Department**
- 4B. **CHP**
- 4C. **Placer County Fire Department/CALFIRE**
- 4D. **Non-Profits**

5 PRESENTATION (No Presentation)



6 PUBLIC HEARING

Notice to the Public: City Council, when considering a matter scheduled for hearing, will take the following actions:

1. Presentation by Staff
2. Open the Public Hearing
3. Presentation, when applicable, by Applicant
4. Accept Public Testimony
5. When applicable, Applicant rebuttal period
6. Close Public Hearing (No public comment is taken, hearing is closed)
7. Council comments and questions
8. City Council Action

Public Hearings that are continued will be so noted. The continued Public Hearing will be listed on a subsequent council agenda and posting of that agenda will serve as notice.

- 6A. **Ordinance Amending Colfax Municipal Code Section 17.112.180 I 4 By Adding Subsection 10.16.080 C To Authorize Restricting Or Prohibiting Parking on Narrow Streets.** (Pages 28-32)
Recommendation: Waive the second reading, conduct a public hearing and adopt Ordinance 550 authorizing restricting or prohibiting parking on narrow streets, to be effective 30 days after adoption.

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 three (3) minutes per speaker. Written comments should not exceed 500 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of three (3) 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

- 9A. **Second Amendment To Best Western Hotel Subdivision Improvement Agreement** (Pages 33-39)
Recommendation: Adopt Resolution __-2022 authorizing the City Manager to execute a Second Amendment to the December 17, 2021, Subdivision Improvement Agreement with Colfax Hospitality Partners, LLC, for the Best Western Hotel Project.



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.

11 **ADJOURNMENT**

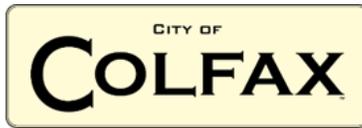
I, Marguerite Bailey, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>

Marguerite Bailey

Marguerite Bailey, 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.





Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
 Alfred A. "Mick" Cabral, City Attorney
Subject: Authorize remote teleconference meetings pursuant to Government Code Section 54953(e) [AB 361]

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2022 authorizing remote teleconference meetings pursuant to Government Code Section 54953(e) [AB 361].

Summary/Background

The proposed Resolution, if adopted, will authorize the City Council to conduct its meetings virtually or in person under the teleconference rules contained in Government Code Section 54953(e).

On March 4, 2020, the Governor proclaimed a state of emergency to address the threat of the COVID-19 pandemic. That proclamation remains in effect.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which allowed Council to meet virtually under relaxed teleconferencing rules. Council did so until Executive Order N-29-20 expired on September 30, 2021, and was replaced by different rules under Government Code Section 54953(e) [AB 361] effective October 1, 2021. Council initially elected to resume meeting in person, but the persistence of the COVID pandemic has prompted Council and staff to consider resuming its virtual meetings.

Government Code Section 54953(e) authorizes Council to use teleconferencing to hold its meetings during a proclaimed state of emergency when state or local officials have imposed or recommended measures to promote social distancing. "State of Emergency" is narrowly defined such that one only exists when the Governor has proclaimed one under the authority of Government Code Section 8625, which occurred on March 4, 2020, and remains in effect.

If Council adopts the recommended Resolution, meetings must meet the following requirements:

1. Agendas and notice of the meeting must be posted, but not at all teleconference locations. (GC 54953(e)(2)(A)).
2. Members of the public must be allowed to access the meeting and address the Council. The agenda must (1) include notice of the means by which members of the public can access the meeting and comment, and (2) identify and include an opportunity for all persons to attend via call-in option or internet-based service option, but the City is not required to provide a physical location from which the public may attend or comment. (GC 54953(e)(2)(B)).
3. Teleconference meetings must protect the statutory and constitutional rights of all parties and members of the public appearing before Council. (GC 54953(e)(2)(C)).

4. If a disruption occurs that prevents the city from broadcasting the meeting or that prevents the public from participating or commenting using the call-in option, no further action on the agenda items can be taken until the disruption is remedied. (GC 54953(e)(2)(D)).
5. The City cannot require public comments to be submitted in advance of the meeting and must allow for comments to be made in “real time”. This does not require the city to provide a physical location from which the public may attend or comment. (GC 54953(e)(2)(E)).
6. GC Section 54953.3 precludes the City from requiring meeting attendees to register his or her name or to provide other information, complete a questionnaire, or fulfill any other condition precedent to attendance. AB 361 provides that individuals who want to provide public comment through the use of an internet website or other online platform not under the City’s control may nevertheless be required to register as required by that third-party internet website or online platform to participate. (GC 54953(e)(2)(F)).
7. Colfax takes public comment separately on each agenda item so it will have to allow a reasonable amount of time per agenda item for the public to register or be recognized for the purpose of providing public comment. (GC 54953(e)(2)(G)(ii)). This generally applies to the public comment period on matters within the City’s subject matter jurisdiction.
8. The following findings must be made within 30 days after teleconferencing under AB 361 for the first time without complying with Government Code Section 54953(b)(3) and every 30 days thereafter: (A) The Council has reconsidered the circumstances of the state of emergency, (B) Either the state of emergency continues to directly impact the ability of the Council to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing. (GC 54953(e)(3)). Staff plans to place this periodic review on the Consent Calendar.

Staff is prepared to implement these requirements and will be available to answer any questions.

Fiscal Impact

None

Attachments:

1. Resolution __-2022

City of Colfax

City Council

Resolution No. __-2022

AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE
SECTION 54953(e) [AB 361]

WHEREAS, Government Code Section 54953(e), as adopted by Assembly Bill 361 (AB 361) allows the Council to hold open meetings by teleconference without reference to otherwise applicable requirements of Government Code Section 54953(b)(3), so long as Council complies with legally-imposed requirements, there exists a declared state of emergency, and one of the following circumstances is met: (1) State or local officials have imposed or recommended measures to promote social distancing, (2) Council is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees, and (3) Council has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, on March 4, 2020, the Governor proclaimed a state of emergency pursuant to Government Code Section 8625, and that proclamation remains in effect; and,

WHEREAS, the City Council, having reconsidered the circumstances of the state of emergency, hereby declares that a state of emergency as a result of the threat of COVID-19 still exists and continues to impact the ability of members of the public, the City Council, Council subcommittees, City staff and consultants to meet safely in person.

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. The City Council hereby finds and declares the following conditions are met as required by Government Code Section 54953(e)(3):
 - (i) The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code Section 8625, which remains in effect.
 - (ii) The City Council has determined that, as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
3. The City Manager is authorized to utilize teleconferencing to conduct all City of Colfax public meetings pursuant to AB 361 and Government Code Section 54953(e).
4. In accordance with AB 361, the City Council shall reconsider the passage of this Resolution not less than every 30 days to determine whether a state of emergency continues to directly impact the ability of the Council to meet safely in person, or whether state or local officials continue to impose or recommend social distancing, until this Resolution is rescinded.

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 of September, 2022, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marnie Mendoza, Mayor Pro Tem

ATTEST:

Marguerite Bailey City Clerk

Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Martin Jones, Public Works Director
Subject: Purchase of S66 T4 Bobcat Skid Steer with Attachments

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$112,191	Fund(s): 100
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RECOMMENDED ACTION: Adopt Resolution __-2022 authorizing the City Manager to execute a purchase agreement for one S66 T4 Bobcat Skid Steer Loader with six attachments, in an amount not to exceed \$112,191.

Summary/Background

On February 23, 2022, City Council received a presentation from the Public Works Director on the December 26, 2021, Winter Storm After Action Strategy. The highlights from this presentation focused on the issues incurred by city staff during the storm, which included the need for improved communication, the shortage of snow removal equipment and safe collection of debris throughout the City. City Council resolved the need for additional safety equipment by approving the purchase of mobile signs for community notifications, a satellite phone, Bobcat Skid Steer and a front loader/backhoe to be allocated over fiscal years 2022-2023/2023-2024.

The Bobcat Skid Steer will fulfill an immediate need in Public Works maintenance operations. The acquisition of this machine with the selected attachments will allow for increased street maintenance in addition to increased mobility and effectiveness during snow removal operations. The price quotations include the purchase of a S66 T4 Skid Steer Loader and six attachments:

- Snow Pusher Pro, 8ft (96”) Includes angle blade and removable pusher box.
- 72” Sweeper Bucket to be utilized for street maintenance
- 68” Heavy Duty Bucket for snow removal, street maintenance and general construction
- 24” Planer, High Flow Drum 24 Smooth Cut for the removal of road surfacing prior to road resurfacing.
- FC200 Flail Cutter to be used for vegetation management and creating fire breaks.
- R-Series Quick-Tach Water Kit is coupled with the sweeper and cold planer to reduce dust.

Staff solicited bids from the Bobcat Manufacturer for \$158,639 and from Sourcewell Purchasing Group for \$112,191. Sourcewell cooperative purchasing is a general ethos of collaboration, which helps governments identify best-in-class products, share research findings, and expedite purchases without requiring additional operating budgets or staff time.

Staff recommends that the City Council authorize the City Manager to execute a purchase agreement for one S66 T4 Bobcat Skid Steer Loader with six attachments from Sourcewell Purchasing Group, in an amount not to exceed \$112,191.

Fiscal Impacts

The total purchase agreement amount is \$112,191 to be funded by fund 100.

Attachments:

1. Resolution __ - 2022
2. Sourcewell Sales Quote
3. Bobcat Sales Quote

City of Colfax

City Council

Resolution No. __-2022

AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT FOR ONE S66 T4 BOBCAT SKID STEER LOADER WITH SIX ATTACHMENTS, IN AN AMOUNT NOT TO EXCEED \$112,191

WHEREAS, On February 23, 2022 City staff requested authorization from City Council to purchase a S66 T4 Bobcat Skid Steer to aide with snow removal efficiency and city infrastructure maintenance; and,

WHEREAS, The six attachments itemized for the quote include a Snow Pusher Pro, Sweeper Bucket, Heavy Duty Bucket, Cold Planer, Flail Cutter and Water Kit; and,

WHEREAS, City staff solicited quotes from two vendors with the lowest responsive cost proposal from Sourcewell Purchasing Group in the amount of \$112,191.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax authorizes the City Manager to execute a purchase agreement for one S66 T4 Bobcat Skid Steer Loader with six attachments for the use of snow removal, street maintenance and Public Works general construction projects for an amount not to exceed \$112,191.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 14th day of September 2022 by the following vote of the Council:

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

Marnie Mendoza, Mayor Pro Tem

ATTEST:

Marguerite Bailey, City Clerk

Freight Charges	\$2,532.00
Dealer Assembly Charges	\$495.00
Other Charges: Material and Logistics	\$8,550.00
Quote Total - US dollars	\$112,190.15

Notes:
 Plus applicable taxes

**Prices per the Sourcewell Contract #040319-CEC.*
**Terms Net 60 Days. Credit cards accepted.*
**FOB Destination*
**State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with order.*
**TID# 38-0425350*

****Orders Must Be Placed with: Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.***

**Quote valid for 30 days*

ORDER ACCEPTED BY:

SIGNATURE	DATE
PRINT NAME AND TITLE	PURCHASE ORDER NUMBER

DELIVERY ADDRESS: _____

BILLING ADDRESS (if different than Ship To): _____

TAX EXEMPT? _____ YES _____ NO

Exempt in the State of _____

Tax Exempt ID:

FEDERAL - _____

STATE - _____

Expiration Date: _____



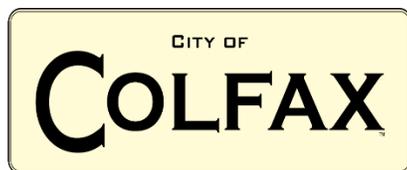
FAMILY OWNED SINCE 1976

V.46

QUOTATION/SALES ORDER

BILL TO		Account No.	SHIP To	Name
Buyer		Martin Jones - City of Colfax Public Works	Address	
Address		PO Box 702	City, State Zip	
City, State		Colfax Ca Zip 95713	County	
County		Placer	Del Date	
Phone No.		530-368-2150	Mobile No.	530-368-2150
			PO #	
Equipment(s)	Make	BOBCAT	Year	2022
	Model	S66		
	Stock #	Order		
	Description	S66 Premier Package- Includes SJC, Clear side Enclosed Cab with auto HVAC, Sound Reduction, Touch Display With Radio and Bluetooth, Heated Cloth Air Ride Suspension Seat, Premium LED Lights, Rear View Camera, . Power Bob-Tach, 7-Pin Attachment Control, High Flow, Two-Speed, Dual Direction Bucket Positioning, Automatic Ride Control, and Reversing Fan.		
	Description	8' Snow Pusher Pro w/ Angle blade and removable pusher box.	Stock #	Order
	Description	24" HF Planer w/ Smoothcut Drum	Stock #	Order
	Description	68" Bucket W/ Edge or Teeth	Stock #	Order
	Description	72" Sweeper Bucket	Stock #	Order
	Description	FC200 - Flail Cutter	Stock #	Order
	Description	Water Kit / Mount / Tanks / Nozzle Kit x 2 (+ Install, sweeper and planer) (&113709 - Nozzle)	Stock #	Order
Rebates				\$ (1,100.00)
Rebates				\$ -
Rebates				\$ -
TRADE	Year	Serial #	SALES PRICE \$ \$ 147,915.00	
Make	Model		If Tax Exempt, Provide Certificate or enter Rate Below	
EXT Warranty			Sales Tax 7.250%	\$ 10,723.84
LienHolder			Total Price	\$ 158,638.84
Trade in Allowance	\$	Less (Est.) Payoff/ Open SO \$	Net Trade-In	\$ -
BILL OF SALE: FOR TRADE-IN DESCRIBED HEREIN. WE CERTIFY THAT THERE IS NO LIEN, CLAIM, DEBT, MORTGAGE OR ENCUMBRANCE OF ANY KIND, NATURE OR DESCRIPTION AGAINST THIS PROPERTY NOW EXISTING, OF RECORD OR OTHERWISE AND THAT SAME IS FREE AND CLEAR AND IS MY/OUR SOLE AND ABSOLUTE PROPERTY EXCEPT AS NOTED ABOVE.			Fees/Charges	\$ -
BUYER'S SIGNATURE X			Other	\$ -
			Total Price	\$ 158,638.84
			F.E.T Tax	\$ -
			Balance Due	\$ 158,638.84
FINANCE	CASH/COD		Down Payment/Cash Rec	\$ -
TERMS (SUBJECT TO APPROVAL):			Insurance	
			Amount on Cash/COD	\$ 158,638.84
			Terms of Loan in Months	Interest
			48	0
			60	0
			Monthly Payments	
WARRANTY	NEW STANDARD 2 Years / 2000 Hours Standard			
	NEW EXTENDED 3 Years / 3000 Hours Protection PLUS - \$2300 *No Tax (Not included in price)			
This Sales Order is subject to additional terms and conditions on the reverse side of this document. The undersigned Buyer agrees that it has read and understands the terms and conditions, warranty disclaimers, and limitations of liability set out in the additional terms and conditions on the reverse side of this document and that the same are included in and are part of this Sales.				
Quote Good To				
Bobcat of Sacramento			BUYER	
Store Address	575 Display Way		By	Title
City/State/Zip	Sacramento, CA 95838		By	Title
By	Kris Packwood		Date	
Phone Number	916-504-3461	Date	8/29/2022	
Fax Number	916-999-8434	Sales Rep #	916-207-6059	

Disclaimer: All Prices quoted are valid for 30 days from the date stated on the quotation. Disclaimer: Bobcat Company reserves the right to extend or discontinue any programs, including rebates, at any time without prior notice. Rebates are only valid if still being offered by Bobcat Company at the time that the customer takes possession of the equipment.



City Council Minutes

Regular Meeting of Colfax City Council

Wednesday, August 24, 2022

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

- 1 **CLOSED SESSION** (No Closed Session)
- 2 **OPEN SESSION**
 - 2A. **Call Open Session to Order**
Mayor Burruss called the open session to order at 6:00 pm.
 - 2B. **Report from Closed Session**
 - 2C. **Pledge of Allegiance**
 - 2D. **Roll Call**
Present: Councilmember Lomen, Councilmember Ackerman, Councilmember Fatula, and Mayor Burruss.
Absent: Mayor Pro Tem Mendoza
 - 2E. **Approval of the Agenda Order**
By motion, accept the agenda as presented.
MOTION made by Councilmember Fatula and seconded by Councilmember Ackerman, and unanimously approved.
- 3 **CONSENT CALENDAR**
 - 3A. **On-Call Professional Services Agreement – Simpson and Simpson Inc.**
Recommendation: Adopt Resolution 32-2022 authorizing the City Manager to enter into an On-Call Professional Services Agreement with Simpson and Simpson Inc. for one year, starting FY 2022-23, with the option to renew for a second year for a total not to exceed amount of \$200,000.
 - 3B. **Cash Summary – July 2022**
Recommendation: Accept and File.
 - 3C. **Minutes**
Recommendation: By Motion, approve the Colfax City Council minutes of 08/10/2022.
 - 3D. **Ordinance Amending Colfax municipal Code Section 17.112.180 I 4 Regulating Time Limit for Posting Election Campaign Signs**
Recommendation: Waive the second reading and adopt Ordinance 549, an Ordinance of the City of Colfax Amending Colfax Municipal Code Section 17.112.180 I 4 Regulating Time Limits for Posting Election Campaign Signs.
End of Consent Calendar

By **MOTION**, approve the consent calendar.
MOTION made by Councilmember Fatula and seconded by Councilmember Ackerman, and unanimously approved.
- 4 **AGENCY REPORTS**
 - 4A. **Placer County Sheriff Office** – Sgt. Kevin Griffiths spoke about traffic safety. Councilmember Ackerman asked about Search and Rescue training.
 - 4B. **CHP** – Public Information Officer Chris Nave spoke about problematic speeding on I80.

- 4C. **Placer County Fire/CALFIRE** – Battalion Chief Jeff Loveless provided a situational update on current fire conditions.
- 4D. **Non-Profits** – Tim Ryan with the Chamber of Commerce thanked Emergency Services and also thanked Will Stockwin editor of the Colfax Connections. He spoke about tourism in the area and upcoming events. Fred Abbott provided an update about Colfax Railroad Days.

5 **PRESENTATION**

- 5A. **2022 Annual Mosquito and Vector Update**
Presentation by Jake Hartle, Assistant Manager of the Placer Mosquito and Vector Control District (MVCD)

Will Stockwin, MVCD Board Member and Colfax Representative was in attendance. Jake Hartle, Assistant Manager of the Placer Mosquito and Vector Control District presented the 2022 annual update.

6 **PUBLIC HEARING (No Public Hearing)**

7 **PUBLIC COMMENT**

Public comment received by Jim Dion regarding cannabis delivery. Tim Dion spoke about cannabis retail licensing. Patty Coverston talked about road conditions. Council and Staff spoke about CDBG Funding and Chip Seal options. Larry Hillberg spoke about fire responses and the City purchasing inclusive swing equipment, local businesses and lighting. City Attorney, Alfred “Mick” Cabral reported that the City Ordinance does not offer cannabis delivery licenses. John Coddling thanked CalFire for their quick response to a recent fire. Tom Parnham requested an update on the Historic Hotel.

8 **COUNCIL AND STAFF**

- 8A. **Committee Reports and Colfax Informational Items – All Councilmembers**
 Councilmember Lomen shared that the Placer Sierra Fire Safe Council will have their next meeting on 8/25/22. Mayor Burruss stated the Placer County Transportation Planning Agency (PCTPA) is providing Sierra College students free transportation with their student IDs and is working on coming up with a solution for the school transportation staffing crisis.
- 8B. **City Operations Update – City Manager**
 City Manager, Wes Heathcock stated that there would be a Town Hall Meeting at the Sierra Vista Community Center regarding the Bear River Campground. The Colfax Hotel was at the plan review phase. He also stated that the Regional Board granted an additional 6 million dollars in funding to the Waste Water Treatment Plant improvements and construction projects to bring the total up to 11.5 million dollars.

9 **COUNCIL BUSINESS**

- 9A. **Ordinance Amending Colfax Municipal Code Section 10.16.080 By Adding Subsection 10.16.080 To Authorize Restricting Or Prohibiting Parking On Narrow Streets.**
Recommendation: Introduce the proposed ordinance by title only, waive the first reading and schedule the proposed ordinance for a second reading, public hearing and adoption at the next regular City Council meeting currently scheduled for September 14, 2022, to be effective 30 days after adoption.
 City Attorney Alfred “Mick” Cabral presented the item. Council discussed the benefits and consequences. Tim Ryan asked about the impact during special events.
 By **MOTION**, approve Item 9A.
MOTION made by Councilmember Lomen and seconded by Councilmember Fatula, and approved unanimously.

10 **GOOD OF THE ORDER**

Councilmember Lomen asked to give staff direction to advertise the Hazardous Vegetation Ordinance to send out in October/November. Councilmember Fatula asked about the Union Pacific

Corridor status and Public Works Director, Martin Jones provided an update. Councilmember Fatula asked about creating a map of City road conditions. City Manager, Wes Heathcock discussed creating a pavement index and Council entertained the item. Mayor Burrus inquired about increasing the public comment time limit during Council Meetings from 3 minutes to 5 minutes and the item was agendaized for the next meeting.

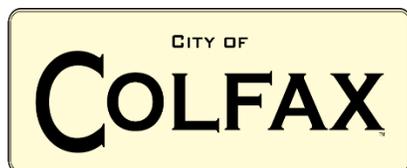
11

ADJOURNMENT

As there was no further business on the agenda, Mayor Burruss adjourned the meeting, by motion and without objection at 7:37 pm. Respectfully submitted to City Council this 14th day of September, 2022.



Marguerite Bailey, City Clerk



City Council Minutes

Special Meeting of Colfax City Council

Wednesday, August 31, 2022

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

1 OPEN SESSION

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

Mayor Burruss called the open session to order at 12:30 pm.

2B. **Pledge of Allegiance**

2C. **Roll Call**

Present: Councilmember Lomen, Councilmember Ackerman, Councilmember Fatula, and Mayor Burruss.

Absent: Mayor Pro Tem Mendoza

2 PUBLIC COMMENT

3 COUNCIL BUSINESS

3A. **Maidu ARCO Subdivision Improvement Agreement**

Recommendation: Adopt Resolution 33-2022 authorizing the City Manager to execute a Subdivision Improvement Agreement with Colfax Auburn, LLC, for the Maidu ARCO Project.

City Attorney, Alfred "Mick" Cabral, City presented the item. Councilmember Lomen asked if the applicant had posted a bond. Staff responded that the check was received.

MOTION made by Councilmember Fatula and seconded by Councilmember Ackerman, and approved by the following vote:

AYES: Lomen, Ackerman, Fatula, Burruss

NOES:

ABSTAIN:

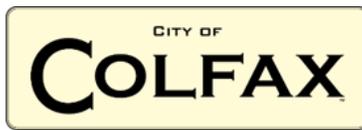
ABSENT: Mendoza

4 ADJOURNMENT

As there was no further business on the agenda, Mayor Burruss adjourned the meeting, by motion and without objection at 12:34 pm. Respectfully submitted to City Council this 14th day of September, 2022.

A handwritten signature in blue ink that reads "Marguerite Bailey".

Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
 Alfred A. "Mick" Cabral, City Attorney
Subject: Public Comment At Regular City Council Meetings

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2022 extending and regulating public comment at regular City Council meetings.

Summary/Background

The resolution before Council, if adopted, will increase the time allocated to each speaker during public comment at regular Council meetings from three minutes to five minutes and reserve Council's discretion to adjust the time allocated to each speaker and each topic as circumstances warrant.

At the August 24, 2022, regular Council meeting, the Council expressed a desire to increase the time allocated to each speaker during the regular meeting public comment period from three minutes to five minutes. Council directed staff to research this issue and present proposed action for Council consideration. This resolution responds to that direction.

It appears that the current three-minute time limit resulted from informal direction given staff in 2009. The agendas prior to December 9, 2009, allowed 5 minutes per speaker under public comment at regular Council meetings. Effective December 16, 2009, the time was reduced to 3 minutes per speaker. The 3 minute per speaker time limit has been in effect since then. There was no formal action on the December 9, 2009, meeting agenda that would have formalized that change. There appear to have been no minutes prepared for the December 9, 2009, meeting. Staff believes that the reduction of 5 minutes per speaker to 3 minutes per speaker was done informally.

The draft resolution provides for 5 minutes per speaker for oral comments at regular meetings and 5 minutes for reading written public comments into the record when Council chooses to do so. It also reserves the City Council's discretion to adjust the total time allocated for public testimony on particular issues, and for each individual speaker, as circumstances may warrant on a case-by-case basis, and to revise the regulations as it deems necessary.

Staff will be available to answer questions or provide additional information.

Fiscal Impact

None

Attachments:

1. Resolution __-2022

City of Colfax

City Council

Resolution No. __-2022

EXTENDING AND REGULATING PUBLIC COMMENT AT CITY COUNCIL MEETINGS

WHEREAS, it is the policy of the Colfax City Council to encourage public participation and public comment at its meetings; and,

WHEREAS, Government Code Section 54954.3(a) requires every regular City Council meeting agenda to provide an opportunity for members of the public to directly address the City Council on any item of interest to the public, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council; and,

WHEREAS, Government Code Section 54954.3(b) authorizes the City Council to adopt reasonable regulations to ensure that adequate time is allowed for all speakers who wish to speak before the City Council, including, but not limited to, regulations limiting the total amount of time allocated for public comment or public testimony on particular issues, and for each individual speaker; and

WHEREAS, the City Council finds and determines that the following regulations will maximize the opportunity for members of the public to participate in and comment at regular City Council meetings while retaining adequate control to ensure that City Council meetings are conducted efficiently and effectively.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Colfax adopts the following regulations regarding public comment at regular City Council meetings:

1. The Public Comment section of each regular City Council meeting agenda shall allocate five minutes each for members of the public to directly address the Council and make oral comments on any item of interest to the public that is within the subject matter jurisdiction of the City Council, and for reading written comments submitted by the public that the Council elects to read into the meeting record.
2. The time allocated to public comment shall be adjusted to comply with the provisions of Government Code Section 54954.3(b)(2), which requires allocation of twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to address the City Council, and to comply with other applicable provisions of law.
3. The City Council reserves its right and discretion to adjust the total amount of time allocated for public testimony on particular issues, and for each individual speaker, as circumstances may warrant on a case-by-case basis, and to revise these regulations.

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 of September, 2022 by the following vote of the Council:

AYES:

NOES:

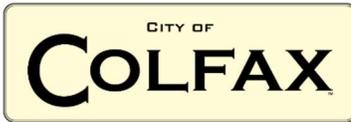
ABSTAIN:

ABSENT:

Marnie Mendoza, Mayor Pro Tem

ATTEST:

Marguerite Bailey City Clerk



Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Laurie Van Groningen, Finance Director
Subject: Cash Summary – August 2022

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Accept and File.

Summary/Background

The monthly financial report includes General Fund Reserved Cash Analysis Graphs and the City of Colfax Cash Summary Report (with supporting documentation). The purpose of these reports is to provide the status of funds and transparency for Council and the public of the financial transactions of the City. The reports are prepared monthly on a cash basis and are reconciled to the General Ledger accounting system, previous reports, and bank statements. Detailed budget comparisons are provided as a mid-year report and as part of the proposed budget process each year.

The attached reports reflect an overview of the financial transactions of the City of Colfax in August 2022. Some monthly highlights are listed below:

- August revenues included:
 - Allocation for Sales Tax revenues reported/paid to the State for the month of June 2022 (two-month lag).
- August expenditures included:
 - Ongoing monthly operating expenses
 - Approved capital project expenditures and inter-fund transfers for project funding.
- Negative cash fund balances at the end of August are due to timing of funding allocations and reimbursements:
 - Fund 358 – CDBG Road Rehabilitation. This is a reimbursable grant – final funding of grant is still pending. CDBG has approved start date of expenditures. Any unfunded expenditures would require allocation from General Fund.
 - Fund 367 – SB2 Planning Grant – this is a reimbursable grant. Second round of Reimbursement requests were submitted in February and are still pending. HCD has been backlogged and recently confirmed requests are approved and pending payment. Next reimbursement request scheduled to be completed and submitted in September or October depending on project activity.
 - Fund 376 – Downtown Streetscape – This project is primarily (89%) funded with grant funds on a reimbursement basis. Reimbursement requests expected to be submitted on a quarterly basis. The first request was submitted at end of July and received in August. The balance of funding (11%) will be a City General Fund match.

- Fund 378 – Zoning Code Update. This project is 100% funded with grant funds on a reimbursement basis. Reimbursement requests expected to be submitted on a quarterly basis. The first request was submitted in August.
- Fund 575 – WWTP Construction Grant. This is a reimbursable grant. Reimbursement requests are scheduled to be submitted quarterly – final grant award was processed in December. The first reimbursement request was submitted in early March 2022 and received in May 2022. Second reimbursement request was submitted in August and is pending approval.
- Fund 576 – Phase II – Pond 3 Fissure Repair. This project is being funded by insurance. Final Project costs were submitted for reimbursement in early March 2022 – 65% of costs were reimbursed in May – with the balance now expected in late August or September.
- Anticipated revenues/expenditures for July include:
 - Revenues
 - Allocation for Sales Tax revenues reported/paid to the State for the month of July 2022 (two-month lag).
 - Expenditures
 - Ongoing monthly operating expenses.
 - Approved capital project expenditures – expect an increase as WWTP solar project and Lift Station #5 repair projects have expected increased activity.

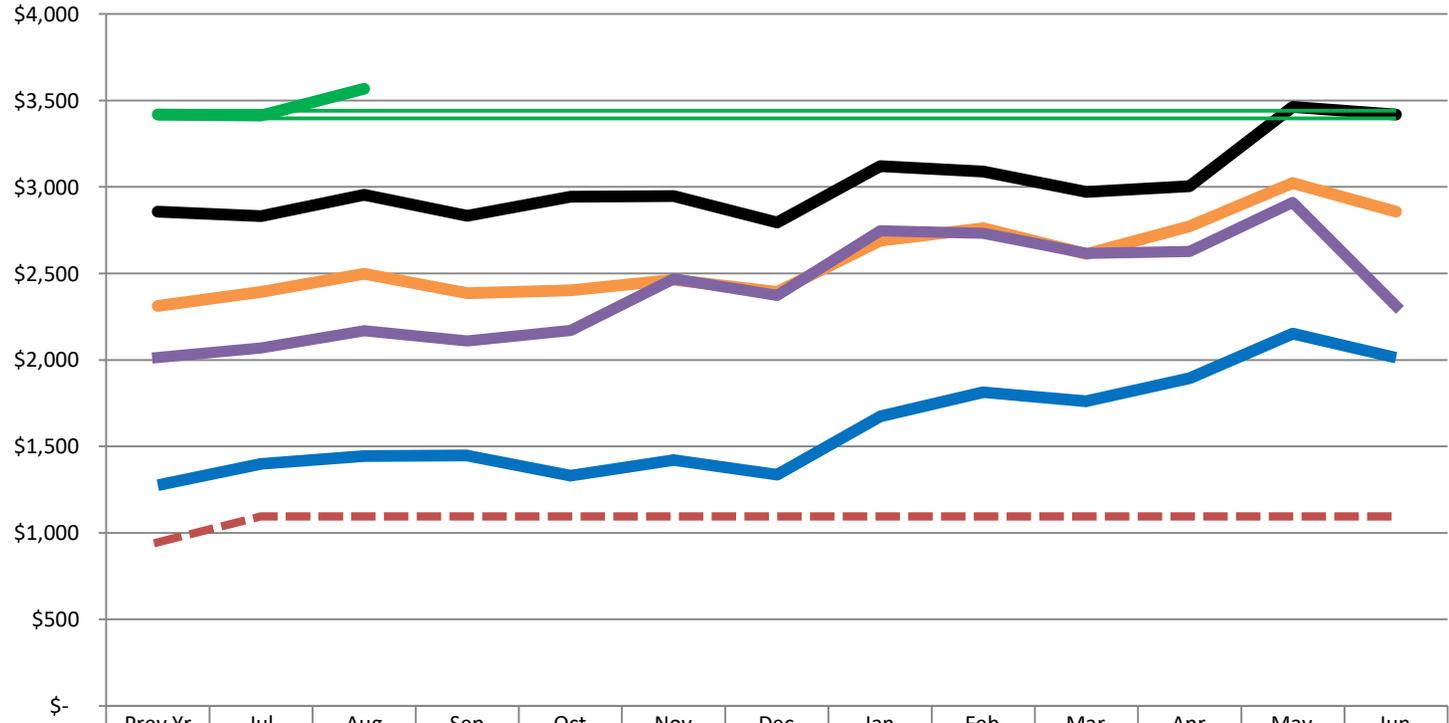
Attachments:

1. General Fund Reserved Cash Analysis Graph
2. Cash Activity Reports
 - a. Cash Summary
 - b. Cash Transactions Report – by individual fund
 - c. Check Register Report - Accounts Payable

City of Colfax - August 2022 General Fund Reserved Cash Analysis

(Dollars in Thousands)

Fiscal Year 2022-23 >>



	Prev Yr	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
— Cash Balance FY2022-23	\$3,418	\$3,412	\$3,568										
— Cash Balance FY2021-22	\$2,857	\$2,831	\$2,953	\$2,833	\$2,943	\$2,946	\$2,794	\$3,120	\$3,088	\$2,971	\$3,004	\$3,462	\$3,418
— Cash Balance FY2020-21	\$2,311	\$2,392	\$2,497	\$2,386	\$2,402	\$2,463	\$2,393	\$2,688	\$2,760	\$2,612	\$2,771	\$3,023	\$2,857
— Cash Balance FY2019-20	\$2,013	\$2,069	\$2,169	\$2,110	\$2,170	\$2,467	\$2,373	\$2,747	\$2,730	\$2,615	\$2,627	\$2,910	\$2,311
— Cash Balance FY2018-19	\$1,275	\$1,398	\$1,444	\$1,447	\$1,329	\$1,420	\$1,336	\$1,672	\$1,812	\$1,760	\$1,893	\$2,151	\$2,013
- - - *Reserves (Ops, Cap, Pen)	\$945	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095
— Budget FY2022-23	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418

*City Administrative policy stipulates General Fund Reserve of 25% (3 months) of annual General Fund Revenues.

**City of Colfax
Cash Summary
August 31, 2022**

	Balance 07/31/2022	Revenues In	Expenses Out	Transfers	Balance 08/31/2022
US Bank	\$ 241,284.33	\$ 491,286.96	\$ (584,657.83)	\$ -	\$ 147,913.46
LAIF	\$ 8,719,952.90	\$ -	\$ -	\$ -	\$ 8,719,952.90
Total Cash - General Ledger	<u>\$ 8,961,237.23</u>	<u>\$ 491,286.96</u>	<u>\$ (584,657.83)</u>	<u>\$ -</u>	<u>\$ 8,867,866.36</u>
Petty Cash (In Safe)	\$ 300.00				\$ 300.00
Total Cash	<u>\$ 8,961,537.23</u>	<u>\$ 491,286.96</u>	<u>\$ (584,657.83)</u>	<u>\$ -</u>	<u>\$ 8,868,166.36</u>

Change in Cash Account Balance - Total \$ (93,370.87)

Attached Reports:

1. Cash Transactions Report (By Individual Fund)		
2. Check Register Report (Accounts Payable)	\$ (473,855.01)	
Cash Receipts	\$ 333,816.63	
Payroll Checks and Tax Deposits	\$ (100,727.16)	
Utility Billings - Receipts	\$ 146,644.67	
LAIF Interest	\$ -	
Voided Checks/Reissues	\$ 750.00	
	<u>\$ (93,370.87)</u>	\$ -

Prepared by: Laurie Van Groningen, Finance Director
Laurie Van Groningen, Finance Director

Reviewed by: Wes Heathcock, City Manager
Wes Heathcock, City Manager

City of Colfax

Cash Transactions Report - August 2022

	Beginning Balance	Debit Revenues	Credit (Expenditures)	Ending Balance
Fund Type: 1.11 - General Fund - Unassigned				
Fund: 100 - General Fund	\$ 3,234,402.11	\$ 258,851.77	\$ (108,657.26)	\$ 3,384,596.62
Fund: 120 - Land Development Fees	\$ 159,711.94	\$ 27,682.84	\$ (10,984.30)	\$ 176,410.48
Fund: 200 - Cannabis Application	\$ 17,674.99	\$ -	\$ (10,250.00)	\$ 7,424.99
Fund Type: 1.11 - General Fund - Unassigned	\$ 3,411,789.04	\$ 286,534.61	\$ (129,891.56)	\$ 3,568,432.09
Fund Type: 1.14 - General Fund - Restricted				
Fund: 205 - Escrow Funds	\$ 117,157.00	\$ 36,500.00	\$ -	\$ 153,657.00
Fund: 571 - AB939 Landfill Diversion	\$ 23,317.26	\$ -	\$ -	\$ 23,317.26
Fund: 572 - Landfill Post Closure Maintenance	\$ 802,175.09	\$ 781.46	\$ (6,902.74)	\$ 796,053.81
Fund Type: 1.14 - General Fund - Restricted	\$ 942,649.35	\$ 37,281.46	\$ (6,902.74)	\$ 973,028.07
Fund Type: 1.24 - Special Rev Funds - Restricted				
Fund: 202 - ARPA American Rescue Plan Act	\$ 313,913.30	\$ -	\$ -	\$ 313,913.30
Fund: 210 - Mitigation Fees - Roads	\$ 141,491.04	\$ -	\$ -	\$ 141,491.04
Fund: 211 - Mitigation Fees - Drainage	\$ 5,407.90	\$ -	\$ -	\$ 5,407.90
Fund: 212 - Mitigation Fees - Trails	\$ 75,126.68	\$ -	\$ -	\$ 75,126.68
Fund: 213 - Mitigation Fees - Parks/Rec	\$ 192,396.49	\$ -	\$ -	\$ 192,396.49
Fund: 214 - Mitigation Fees - City Bldgs	\$ 101,489.23	\$ -	\$ -	\$ 101,489.23
Fund: 215 - Mitigation Fees - Vehicles	\$ 22,165.06	\$ -	\$ -	\$ 22,165.06
Fund: 217 - Mitigation Fees - DT Parking	\$ 43,391.10	\$ -	\$ -	\$ 43,391.10
Fund: 218 - Support Law Enforcement	\$ -	\$ -	\$ -	\$ -
Fund: 244 - CDBG Program Inc - ME Lending	\$ -	\$ -	\$ -	\$ -
Fund: 250 - Streets - Roads/Transportation	\$ 5,937.26	\$ 218.91	\$ (19,871.84)	\$ (13,715.67)
Fund: 253 - Gas Taxes	\$ 31,324.06	\$ 5,871.57	\$ (1,307.83)	\$ 35,887.80
Fund: 258 - Road Maintenance - SB1/RSTBG	\$ 166,080.97	\$ 3,370.07	\$ -	\$ 169,451.04
Fund: 270 - Beverage Container Recycling	\$ 19,149.88	\$ -	\$ -	\$ 19,149.88
Fund: 280 - Oil Recycling	\$ 3,775.92	\$ -	\$ -	\$ 3,775.92
Fund: 290 - SB1383 Implementation Grant	\$ 20,226.21	\$ -	\$ -	\$ 20,226.21
Fund: 292 - Fire Department Capital Funds	\$ 93,506.00	\$ -	\$ -	\$ 93,506.00
Fund: 342 - Fire Construction - Mitigation	\$ 75,976.18	\$ 290.00	\$ -	\$ 76,266.18
Fund: 343 - Recreation Construction	\$ 75,976.65	\$ 290.00	\$ -	\$ 76,266.65
Fund: 367 - SB2 - Planning Grant	\$ (53,034.37)	\$ -	\$ (1,063.35)	\$ (54,097.72)
Fund: 376 - Downtown Streetscape	\$ (5,089.88)	\$ 2,470.50	\$ (2,459.57)	\$ (5,078.95)
Fund: 378 - Zoning Code Update	\$ (3,172.40)	\$ -	\$ -	\$ (3,172.40)
Fund Type: 1.24 - Special Rev Funds - Restrict	\$ 1,326,037.28	\$ 12,511.05	\$ (24,702.59)	\$ 1,313,845.74
Fund Type: 1.34 - Capital Projects - Restricted				
Fund: 358 - CDBG Pavement	\$ (92,621.34)	\$ -	\$ -	\$ (92,621.34)
Fund Type: 1.34 - Capital Projects - Restricted	\$ (92,621.34)	\$ -	\$ -	\$ (92,621.34)
Fund Type: 2.11 - Enterprise Funds				
Fund: 560 - Sewer	\$ 1,590,845.40	\$ 97,678.09	\$ (74,954.50)	\$ 1,613,568.99
Fund: 561 - Sewer Liftstations	\$ 735,639.87	\$ 16,512.13	\$ (18,880.34)	\$ 733,271.66
Fund: 563 - Wastewater Treatment Plant	\$ 1,010,953.02	\$ 40,538.86	\$ (234.96)	\$ 1,051,256.92
Fund: 564 - Sewer Connections	\$ 443,017.95	\$ -	\$ -	\$ 443,017.95
Fund: 575 - WWTP Construction Grant	\$ (371,170.32)	\$ -	\$ (329,091.14)	\$ (700,261.46)
Fund: 576 - Phase II - Pond 3 Fissure Repair	\$ (9,784.71)	\$ -	\$ -	\$ (9,784.71)
Fund: 585 - LS #5 Force Main Repairs	\$ (27,407.00)	\$ -	\$ -	\$ (27,407.00)
Fund Type: 2.11 - Enterprise Funds - Unassign	\$ 3,372,094.21	\$ 154,729.08	\$ (423,160.94)	\$ 3,103,662.35
Fund Type: 9.0 - CLEARING ACCOUNT				
Fund: 998 - PAYROLL CLEARING FUND	\$ 1,288.69	\$ 230.76	\$ -	\$ 1,519.45
Fund Type: 9.0 - CLEARING ACCOUNT	\$ 1,288.69	\$ 230.76	\$ -	\$ 1,519.45
Grand Totals:	\$ 8,961,237.23	\$ 491,286.96	\$ (584,657.83)	\$ 8,867,866.36

Check Register Report

Item 3F

AP Checks - August 2022

Date: 09/02/2022

Time: 11:37 am

CITY OF COLFAX

BANK: US BANK

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
58394	08/05/22	Reconciled		08/31/22	03141	CALPERS	HEALTH PREMIUMS AUG 2022	7,936.42
58395	08/08/22	Reconciled		08/31/22	06278	FRONTIER COMMUNICATIONS	WWTP PHONE	217.17
58396	08/08/22	Reconciled		08/31/22	07465	GOLD MINER PEST CONTROL	CORP YARD PEST CONTROL	100.00
58397	08/08/22	Reconciled		08/31/22	07570	GRAINGER	WWTP SUPPLIES	129.03
58398	08/08/22	Reconciled		08/31/22	07570	GRAINGER	WWTP PRESSURE WASHER	803.76
58399	08/08/22	Reconciled		08/31/22	08086	HBE RENTALS	WWTP LOADER RENTAL	400.00
58400	08/08/22	Reconciled		08/31/22	08086	HBE RENTALS	LAWN MOWER RENTAL	30.00
58401	08/08/22	Reconciled		08/31/22	08086	HBE RENTALS	BASKETBALL HOOP RPR	106.00
58402	08/08/22	Reconciled		08/31/22	08170	HILLS FLAT LUMBER CO	STMT 7/25/22	1,308.75
58403	08/08/22	Printed			8501	HOLT RENEWABLES	WWTP SOLAR GRANT JULY 2022	130,632.34
58404	08/08/22	Reconciled		08/31/22	08660	HUNT AND SONS, INC.	FUEL	770.70
58405	08/08/22	Reconciled		08/31/22	8661	HYDROCOMPLIANCE	WWTP MONTHLY QSP JULY 2022	1,800.00
58406	08/08/22	Reconciled		08/31/22	14356	NORTHERN CALIFORNIA GLOVE	PW MASKS	152.25
58407	08/08/22	Reconciled		08/31/22	14356	NORTHERN CALIFORNIA GLOVE	PW GLOVES	110.93
58408	08/08/22	Reconciled		08/31/22	14356	NORTHERN CALIFORNIA GLOVE	PW GLOVES	177.93
58409	08/08/22	Reconciled		08/31/22	16011(2)	PELLETREAU, ALDERSON & CABRAL	LEGAL SVCS JULY 2022	11,291.32
58410	08/08/22	Reconciled		08/31/22	3581	PLACER COUNTY LIBRARY	EVENT DEPOSIT REFUND	100.00
58411	08/08/22	Reconciled		08/31/22	19279	SERVICE ENGINEERING	WWTP WELL RPR	788.62
58412	08/08/22	Reconciled		08/31/22	19391	SIERRA MEDICAL PARTNERSHIP	COVID TESTING	445.00
58413	08/08/22	Reconciled		08/31/22	19453	SIGNATURE PLUMBING INC	REFUND OF UNUSED ENCROACHMENT	60.00
58414	08/08/22	Reconciled		08/31/22	21500	USA BLUE BOOK, INC	WWTP SUPPLIES	48.59
58415	08/08/22	Reconciled		08/31/22	22106	VAN GRONINGEN & ASSOCIATES	FINANCIAL SVCS JULY 2022	6,198.75
58416	08/08/22	Reconciled		08/31/22	23169	WAVE BUSINESS SOLUTIONS	DEPOT PHONE	18.99
58417	08/08/22	Reconciled		08/31/22	18883	WAXIE SANITARY SUPPLY	TRASH BAGS	113.08
58418	08/08/22	Reconciled		08/31/22	18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	451.80
58419	08/08/22	Reconciled		08/31/22	25101	YESCO SIGNS LLC	SIGN SURVEY	500.00
58420	08/09/22	Reconciled		08/31/22	03141	CALPERS	GASB86 REPORTS	700.00
58422	08/16/22	Reconciled		08/31/22	01414	ALHAMBRA & SIERRA SPRINGS	WATER	85.92
58423	08/16/22	Reconciled		08/31/22	01448	AMERIGAS - COLFAX	FIRE DEPT PROPANE	12.86
58424	08/16/22	Reconciled		08/31/22	01766	AT&T MOBILITY	CITY CELL PHONES JULY 2022	762.36
58425	08/16/22	Reconciled		08/31/22	03401	CHOICE BUILDER	PREMIUMS SEPT 2022	466.03
58426	08/16/22	Reconciled		08/31/22	3425	CINTAS	UNIFORM SVCS JULY 2022	1,029.75
58427	08/16/22	Reconciled		08/31/22	05120	EDWARDS HEATING & COOLING	CITY HALL HVAC RPR	99.00
58428	08/16/22	Reconciled		08/31/22	08070	HANSEN BROS. ENTERPRISES	ART PARK SOIL	56.23
58429	08/16/22	Reconciled		08/31/22	16035	PG&E	ELECTRICITY	19,877.89
58430	08/16/22	Printed			16040A	PITNEY BOWES	POSTAGE REFILL	503.50
58431	08/16/22	Reconciled		08/31/22	18295	RETAIL STRATEGIES	SEPT ECONOMIC CONSULTANTS	5,000.00
58432	08/16/22	Reconciled		08/31/22	19037	SAFE SIDE SECURITY	CORP YARD SECURITY INSTALL	2,517.11
58433	08/16/22	Printed			19387(2)	SIERRA FOOTHILLS LITTLE LEAGUE	LL EVENT DEPOSIT REFUND	100.00
58434	08/16/22	Printed			19391	SIERRA MEDICAL PARTNERSHIP	NEW HIRE PHYSICALS	480.00
58435	08/16/22	Reconciled		08/31/22	01790	SIERRA OFFICE PRODUCTS	OFFICE SUPPLIES	237.87
58436	08/16/22	Reconciled		08/31/22	78462	SIERRA PROFESSIONAL AUDIO	AUDIO SYSTEM FINAL INSTALL	250.00
58437	08/16/22	Reconciled		08/31/22	19762	STS AUTOMATION INCORPORATED	WWTP FLOW METER RPR	968.19
58438	08/16/22	Reconciled		08/31/22	4262	SWANA LEGISLATIVE TASK FORCE	LEGISLATIVE TASK FORCE 22/23	750.00
58439	08/16/22	Printed			21560	US BANK CORPORATE PMT SYSTEM	STMT 7/22/22	6,223.73

Check Register Report

Item 3F

AP Checks - August 2022

Date: 09/02/2022

Time: 11:37 am

CITY OF COLFAX

BANK: US BANK

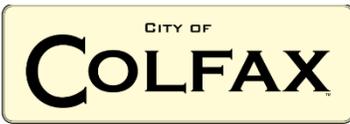
Page: 2

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
58440	08/16/22	Reconciled		08/31/22	22134	VISION QUEST	TECH SUPPORT SVCS JULY 2022	2,012.92
58441	08/16/22	Reconciled		08/31/22	22134	VISION QUEST	TECH SUPPORT AUG 2022	24.50
58442	08/16/22	Reconciled		08/31/22	22134	VISION QUEST	TECH SUPPORT SVCS SEPT 2022	1,872.50
58443	08/16/22	Reconciled		08/31/22	23169	WAVE BUSINESS SOLUTIONS	CITY HALL PHONE	228.20
58444	08/16/22	Reconciled		08/31/22	23169	WAVE BUSINESS SOLUTIONS	FIRE DEPT PHONE	38.42
58445	08/16/22	Reconciled		08/31/22	23301	WESTERN PLACER WASTE	SLUDGE REMOVAL JULY 2022	1,339.50
58446	08/18/22	Reconciled		08/31/22	19743	WILL STOCKWIN	COLFAX CONNECTION EDITING AUG	300.00
58447	08/29/22	Printed			01448	AMERIGAS - COLFAX	FIRE DEPT PROPANE	36.60
58448	08/29/22	Printed			01448	AMERIGAS - COLFAX	CITY HALL PROPANE	175.65
58449	08/29/22	Printed			01500	ANDERSON'S SIERRA	DEPOT IRRIGATION	91.43
58450	08/29/22	Printed			02901	BUREAU VERITAS NORTH AMERICA	BLDG OFFICIAL JULY 2022	5,670.00
58451	08/29/22	Printed			3206	CENTRAL VALLEY SALINITY	SALINITY PERMIT FEE 22/23	277.50
58452	08/29/22	Printed			3468	CIVICWELL	STREETSCAPE CONSULTING	2,459.57
58453	08/29/22	Reconciled		08/31/22	03482	CLEAR PATH LAND EVOLVEMENT,	I&I SURVEY	15,600.00
58454	08/29/22	Reconciled		08/31/22	3555	COLFAX RAILROAD DAYS	RAILROAD DAYS EVENT CONT	2,500.00
58455	08/29/22	Printed			03562	COMMERCIAL PUMP SERVICE, INC	WWTP PUMP RPR	1,840.00
58456	08/29/22	Printed			03650	CRANMER ENGINEERING, INC.	GEOTRACKER	555.00
58457	08/29/22	Printed			04592	DACOMM	WWTP INTERNET	103.45
58458	08/29/22	Printed			04234	DE LAGE LANDEN FINANCIAL	COPY MACH LEASE SEPT 2022	444.96
58459	08/29/22	Printed			05221	EOSI - ENVIRONMENT OPERATING	WWTP CHEMICALS	8,763.68
58460	08/29/22	Printed			9541	FASTRAK	MEETING BRIDGE TOLL	7.00
58461	08/29/22	Printed			6203	FENNEMORE DOWLING AGRON	LEGAL MATTER JULY 2022	1,147.50
58462	08/29/22	Printed			06278	FRONTIER COMMUNICATIONS	WWTP PHONE	213.33
58463	08/29/22	Printed			14859	GHD INC.	ENG SVCS JULY 2022	10,165.00
58464	08/29/22	Printed			08086	HBE RENTALS	SCISSOR LIFT RENTAL	120.00
58465	08/29/22	Printed			08086	HBE RENTALS	WWTP FORKLIFT RENTAL	450.00
58466	08/29/22	Printed			08660	HUNT AND SONS, INC.	FUEL	1,603.46
58467	08/29/22	Printed			09540	INTERSTATE SALES	ST DELINEATOR GLUE	38.61
58468	08/29/22	Printed			23101	LARRY WALKER ASSOCIATES	NPDES PERMIT ASS JULY 2022	723.00
58469	08/29/22	Printed			12209	LIEBERT CASSIDY WHITMORE	LEGAL SVCS	1,231.50
58470	08/29/22	Printed			14356	NORTHERN CALIFORNIA GLOVE	PW SUPPLIES	87.21
58471	08/29/22	Printed			16300	PCWA -PLACER COUNTY	WATER	3,056.23
58472	08/29/22	Printed			16052	PLACEWORKS	GEN PLAN/HOUSING ELEM JULY 22	1,063.35
58473	08/29/22	Printed			16821	PSOMAS	WWTP CONST GRANT JULY 2022	14,350.00
58474	08/29/22	Printed			16040	PURCHASE POWER	POSTAGE REFILL	503.50
58475	08/29/22	Printed			19065	SCI CONSULTING GROUP	CANNABIS COMPLIANCE 21/22	9,500.00
58476	08/29/22	Printed			19065	SCI CONSULTING GROUP	CANNABIS BUS LICENSE REVIEW	750.00
58477	08/29/22	Printed			16603	STERI-CLEAN	ROY TOMS BATHROOM BIOHAZARD	2,508.00
58478	08/29/22	Reconciled		08/31/22	20092	THUMBLER	PUBLIC OUTREACH	600.00
58479	08/29/22	Printed			21105	UNICO ENGINEERING	ARCO INSPECTION JULY 2022	8,276.80
58480	08/29/22	Printed			21500	USA BLUE BOOK, INC	WWTP SUPPLIES	232.48
58481	08/29/22	Printed			23204	WATSON MARLOW INC.	WWTP SUPPLIES	599.10
58482	08/29/22	Printed			23169	WAVE BUSINESS SOLUTIONS	CORP YARD INTERNET	61.87
58483	08/29/22	Printed			23169	WAVE BUSINESS SOLUTIONS	CITY HALL INTERNET	159.90
58484	08/29/22	Reconciled		08/31/22	23450	WINNER CHEVROLET, INC.	PW VEHICLE MAINT	287.62
58485	08/29/22	Reconciled		08/31/22	23451	WOOD RODGERS	INSTRUMENTATION SURVEY JULY 22	205.00
58486	08/29/22	Reconciled		08/31/22	23451	WOOD RODGERS	WWTP CONST JULY 2022	166,708.80
58487	08/23/22	Reconciled		08/31/22	2087	BASIC PACIFIC	FSA BENEFIT PYMT	60.00

Total Checks: 93

Checks Total (excluding void checks):

473,855.01



Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
 Alfred A. “Mick” Cabral, City Attorney
Subject: Ordinance Amending Colfax Municipal Code Section 10.16.080 By Adding Subsection 10.16.080 C To Authorize Restricting Or Prohibiting Parking On Narrow Streets.

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Waive the second reading, conduct a public hearing and adopt Ordinance 550 authorizing restricting or prohibiting parking on narrow streets, to be effective 30 days after adoption.

Summary/Background

The proposed ordinance, if adopted, will authorize the City Engineer, with prior City Council approval, to prohibit parking on streets when the width of the roadway does not exceed 20 feet, and to prohibit parking on one side of a street when the width of the roadway does not exceed 30 feet. All narrow streets upon which parking is restricted or prohibited will be designated by official signs or markings.

This ordinance was introduced at the August 24, 2022, meeting, at which Council waived the first reading and scheduled the second reading, public hearing, and adoption for this meeting. There have been no changes to the language of the draft ordinance since August 24. The balance of this staff report substantially reiterates the August 22, 2022, staff report.

This issue was initially discussed at the June 8, 2022, regular City Council meeting. Staff was directed to propose language that can be added to Colfax Municipal Code (“CMC”) Chapter 10.16 to allow the City Engineer, with prior Council approval, to post signs restricting or prohibiting parking on narrow streets within City limits, and to consider whether an amendment to CMC Chapter 10.16 is needed to accomplish that result. On August 10, 2022, Council directed staff to bring forward an ordinance to that effect for consideration by Council and the public.

The language presented at the August 10 was slightly modified for discussion on August 24. The draft submitted on August 24 was not subsequently changed and still reads as follows:

“The City Engineer, with prior approval of the City Council, is hereby authorized to place signs or markings indicating restricted or no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet. When official signs or markings restricting or prohibiting parking are erected upon narrow streets as authorized in this section, no persons shall park a vehicle upon any such street in violation of any such sign or marking.”

Allowing restricted parking as opposed to no parking at all will permit the City Engineer to consider creative ways to regulate parking on narrow streets without prohibiting it altogether.

If this ordinance is adopted as drafted, the City Engineer will not have authority to restrict or prohibit parking on any narrow street until approval is given by the City Council. It is anticipated that the City Engineer will

make recommendations to the City Council for consideration at a public meeting, that members of the public will be allowed to comment on the City Engineer's recommendations, and that signs restricting or prohibiting parking on narrow streets will not be erected unless and until the Council approves doing so.

The Colfax Municipal Code vaguely addresses regulation of parking in CMC Section 10.16.040: “The city may designate areas for diagonal, parallel, right angle, limited or prohibited parking. The director of public works shall erect signs and mark those portions of the streets and curbs designated for such parking.”

This general authorization is likely not sufficient to restrict or prohibit parking on narrow streets. CMC Section 10.16.080 on its face defines the areas within the City in which parking is prohibited. That section does not allow parking on narrow streets to be restricted or prohibited. Other portions of CMC Chapter 10.16 address specific types of parking the Council wanted to restrict or prohibit, none of which include parking on narrow streets. There is at best an ambiguity in the City’s existing regulatory authority, and at worst a lack of authority to regulate parking on narrow streets without amending the CMC.

The Placer County Sheriff's Office is responsible for parking enforcement. See CMC 10.16.030. PCSO has indicated that if Colfax wants to restrict or prohibit parking on certain residential streets, it will need to adopt an enforceable ordinance to that effect and post appropriate signage.

The Sheriff has received one complaint that vehicles parked along a narrow street prohibit safe passage by emergency, utility, and sanitation vehicles. Various members of the City Council and members of City staff have either received or are aware of multiple complaints to the same effect. Recology has apparently been unable to access one or more streets for refuse collection.

The language of this draft ordinance is simple, but the effect can be profound. There are many streets within City limits that fall within the roadway widths that will be subject to restriction or prohibition if this ordinance is adopted. Ideally, cooperation between neighbors residing on narrow streets should minimize the need for formal restriction, prohibition, and enforcement. Where neighborhood cooperation is not adequate, however, Council will have to decide whether to impose and enforce the authority this ordinance provides for.

Staff will be available to answer questions or provide additional information.

Fiscal Impacts

Posting and maintaining the necessary signage will involve the expenditure of city funds. There will also be some level of enforcement cost.

Attachments:

Draft Ordinance.

CITY OF COLFAX

ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL TITLE 10, CHAPTER 10.16 BY ADDING SUBSECTION 10.16.080 C TO AUTHORIZE RESTRICTING OR PROHIBITING PARKING ON NARROW STREETS

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

Section 1:

Colfax Municipal Code Title 10, Chapter 10.16, Section 10.16.080 is hereby amended by adding Subsection 10.16.080 C in the form and substance contained in the Ordinance attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Superceding Provisions

The provisions of this Ordinance and any resolution adopted pursuant hereto shall supersede and repeal 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 the final judgment of any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions 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 (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 or 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 exemptions provided by Senate Bill 94, and 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.

Section 5. Effective Date

This Ordinance, and all of its provisions, shall take effect thirty (30) days after its adoption and 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 held on the 24th day of August, 2022, and passed and adopted at a duly held regular meeting of the City Council held on the 14th day of September, 2022, by the following vote:

AYES:
NOES:
ABSENT:

Marnie Mendoza, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Alfred Cabral
City Attorney

Marguerite Bailey
City Clerk

EXHIBIT A

CITY OF COLFAX

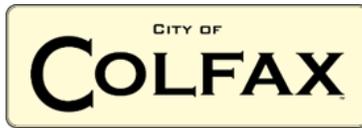
ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL TITLE 10, CHAPTER 10.16 BY ADDING SUBSECTION 10.16.080 C TO AUTHORIZE RESTRICTING OR PROHIBITING PARKING ON NARROW STREETS

Section 1. Colfax Municipal Code Title 10, Chapter 10.16, Section 10.16.080 is hereby amended by adding Subsection 10.16.080 C to read as follows:

“C. The City Engineer, with prior approval of the City Council, is hereby authorized to place signs or markings indicating restricted or no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet. When official signs or markings restricting or prohibiting parking are erected upon narrow streets as authorized in this section, no persons shall park a vehicle upon any such street in violation of any such sign or marking.”

Section 2. The remainder of Colfax Municipal Code Title 10, Chapter 10.16 shall remain in full force and effect. If any of the provisions of Colfax Municipal Code Chapter 10.16 are inconsistent with the provisions of this Ordinance, then this Ordinance and the provisions hereof shall control any inconsistent interpretation.



Staff Report to City Council

FOR THE SEPTEMBER 14, 2022 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
 Alfred A. "Mick" Cabral, City Attorney
Subject: Second Amendment To Best Western Hotel Subdivision Improvement Agreement

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2022 authorizing the City Manager to execute a Second Amendment to the December 17, 2021, Subdivision Improvement Agreement with Colfax Hospitality Partners, LLC, for the Best Western Hotel Project.

Summary/Background

The proposed resolution, if adopted, will extend by 60 days, until November 16, 2022, the Owner's obligation to complete all public and private improvements for the Best Western Hotel, and will continue to require adequate security for completion of those improvements. The basis of the Owner's request for this additional 60-day extension is that supply chain issues have delayed delivery of some of the supplies and materials needed to complete the Project Improvements.

On June 13, 2018, the City Council adopted Resolution 43-2018 whereby it approved a mitigated negative declaration and design review DRP-2017-03 for the Best Western Hotel on South Auburn Street in the City (the "Project"). The conditions of Project approval impose upon the project Owner the obligation to install several project improvements prior to obtaining a certificate of occupancy.

On December 17, 2021, upon request by the Owner and with the recommendation of City staff, the Council authorized execution of a Subdivision Improvement Agreement that allowed the Owner to receive a certificate of project occupancy before completing all required Project improvements. The Subdivision Improvement Agreement obliged the Owner to deposit \$113,920.00 as security for completion of the Project improvements and required the improvements to be completed no later than June 17, 2022. The Owner timely deposited the required security, which the City continues to hold.

On June 8, 2022, at the Owner's request, the City Council adopted Resolution 17-2022 whereby it authorized the City Manager to execute the First Amendment to the Subdivision Improvement Agreement (the "First Amendment"). The First Amendment extended by three months, until September 17, 2022, the Owner's obligation to complete all Project Improvements and continued to require adequate security to complete them.

Circumstances have changed such that Owner will not be able to complete all Project improvements by September 17, 2022. Supply chain issues have delayed delivery of some of the supplies and materials needed to complete the Project improvements. These changed circumstances prompted the Owner to request, and staff to recommend, a 60-day extension of the September 17, 2022, deadline to November 16, 2022. The City will continue to require adequate security for all improvements.

Staff recommends that Council adopt the proposed resolution authorizing the City Manager to execute the Second Amendment to the Subdivision Improvement Agreement with Colfax Hospitality Partners, LLC.

Fiscal Impact

N/A

Attachments:

1. Resolution __-2022
2. Second Amendment To Subdivision Improvement Agreement
3. May 12, 2022 Letter Regarding Project Improvements

City of Colfax

City Council

Resolution No. __-2022

**AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE
SUBDIVISION IMPROVEMENT AGREEMENT WITH COLFAX HOSPITALITY PARTNERS LLC, FOR
THE BEST WESTERN HOTEL PROJECT**

WHEREAS, on June 13, 2018, the City Council adopted its Resolution 43-2018 whereby it approved a mitigated negative declaration and design review DRP-2017-03 for a Best Western Hotel on South Auburn Street in the City (the “Project”); and,

WHEREAS, the conditions of Project approval require the Project developer and owner, Colfax Hospitality Partners, LLC, to install various public and private Project improvements prior to issuance of a Project certificate of occupancy; and,

WHEREAS, on December 17, 2021, the City Council authorized the City Manager to execute a Subdivision Improvement Agreement (the “Subdivision Improvement Agreement”) that allowed the City to issue a certificate of occupancy for the Best Western Hotel in exchange for the Hotel Owner’s agreement to complete all project improvements no later than June 17, 2022, and the Owner’s deposit of a valid check in the amount of \$113,920.00 to secure completion of the Project improvements; and

WHEREAS, On June 8, 2022, at the Owner’s request, the City Council adopted Resolution 17-2022 whereby it authorized the City Manager to execute the First Amendment to the Subdivision Improvement Agreement (the “First Amendment”). The First Amendment extended by three months, until September 17, 2022, the Owner’s obligation to complete all Project Improvements and continued to require adequate security to complete them.

WHEREAS, circumstances have changed such that Owner will not be able to complete all Project Improvements by September 17, 2022, and has requested, and City staff has recommended, a sixty-day extension to November 16, 2022, to complete all required project improvements; and,

WHEREAS, the City Council finds and determines that execution of a second amendment to the Subdivision Improvement Agreement in the form presented to Council and the deposit of security in the form and amount required by that amendment will adequately protect the City and is in the City’s best interests.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Colfax authorizes the City Manager to execute in the name of the City a Second Amendment To Subdivision Improvement Agreement with Colfax Hospitality Partners, LLC, in the form presented to Council for approval and attached to this Resolution.

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 of September 2022 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Marnie Mendoza, Mayor Pro Tem

Marguerite Bailey, City Clerk

**SECOND AMENDMENT TO
CITY OF COLFAX
SUBDIVISION IMPROVEMENT AGREEMENT
FOR THE BEST WESTERN HOTEL PROJECT**

This Second Amendment to Subdivision Improvement Agreement for the Best Western Hotel Project (“Second Amendment”) is made and entered by and among the City of Colfax, a Municipal Corporation of the State of California, and General Law City (“City”), and Colfax Hospitality Partners, LLC, a California Limited Liability Company (“Owner”). The City and Owner may be referred to herein individually as a “Party” and collectively as the “Parties”.

RECITALS

This Second Amendment is entered on the basis of the following facts, understandings and intentions of the Parties:

- A. On June 13, 2018, the City Council adopted Resolution 43-2018 whereby it approved a mitigated negative declaration and design review DRP-2017-03 for a Best Western Hotel on South Auburn Street in the City (the “Project”).
- B. The conditions of Project approval (the “Project Approvals”) impose upon the Owner a requirement that improvements installed by the Owner for the benefit of the Project shall contain supplemental size, capacity, number, or length for the benefit of property not within the development (the “Road Improvements”) and that the Road Improvements be dedicated to the public. The required project improvements include (a) the Road Improvements, (b) the items listed in a letter dated December 10, 2021, from Carl Moore, Contract City Engineer to Owner, and (c) completion of a screen wall/fence along the Project property line. For purposes of this Second Amendment, all public and private improvements required by the Project Approvals will be referred to collectively as the “Project Improvements”.
- C. The Project Conditions of Approval require the Owner to either construct all public and private Project Improvements to the satisfaction of the City or enter into a subdivision improvement agreement for completion of all public and private improvements prior to occupancy of the Project and provide bonds, proof of workers compensation insurance and general liability insurance in forms and amounts deemed satisfactory to and by the City.
- D. Colfax Municipal Code (“CMC”) Section 16.48.30 requires the Owner to provide various forms and amounts of security for completion of Project Improvements. CMC Section 16.48.030 D requires security in sufficient amount deemed necessary by the City to assure faithful performance of the Project Improvements in the event of default or, in the case of a subdivision, where a final map is not prepared and approved. Such security must be in a form acceptable to the City and be in the amount of one-hundred ten percent (110%) of the cost of the Project Improvements for Performance and fifty percent (50%) of the cost of the Project Improvements for Labor and Materials.
- E. As of December 17, 2021, the City and Owner estimated that the cost for completing the Project Improvements, which is the basis upon which the amount of all bonding or other security was required, was \$113,920.00, subject to adjustment as determined by the City.
- F. On December 17, 2021, the Colfax City Council authorized, and the Parties executed, a Subdivision Improvement Agreement for the Best Western Hotel Project (the “Subdivision Improvement Agreement”) that required, among other things, the Owner to complete all Project Improvements no later

than June 17, 2022, and to post security in the amount of \$113,920.00 (the “Security Deposit”). The Owner timely posted its check in the amount of \$113,920.00 as and for the Security Deposit, which the City continues to hold.

G. In accordance with the Subdivision Improvement Agreement, the City issued Owner a certificate of occupancy for the Project on December 17, 2021.

H. On June 8, 2022, at the Owner’s request, the City Council adopted Resolution 17-2022 whereby it authorized the City Manager to execute the First Amendment to the Subdivision Improvement Agreement (the “First Amendment”). The First Amendment extended by three months, until September 17, 2022, the Owner’s obligation to complete all Project Improvements and continued to require adequate security to complete them.

I. Circumstances have changed since the First Amendment was executed, such that Owner will not be able to complete all Project Improvements by September 17, 2022. In particular, supply chain issues have delayed delivery of some of the supplies and materials needed to complete the Project Improvements. These changed circumstances prompted the Owner to request a second 60-day extension of the deadline for completing the Project Improvements. These changed circumstances and others warrant modification of the deadlines established in, and other provisions of, the First Amendment.

J. The Parties desire to again amend the Subdivision Improvement Agreement to (a) extend the deadline for completing the Project Improvements either as approved or as subsequently modified, to the City’s satisfaction, and (b) to ensure that adequate security for the Project Improvements remains in place.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants contained in this Second Amendment, the City and Owner agree as follows:

Section 1: Incorporation of Recitals.

1.1 The foregoing Recitals are true and correct statements of fact and are incorporated into this Second Amendment by this reference.

Section 2: Effective Date and Term.

2.1 **Effective Date.** This Second Amendment shall be dated, and the obligations of the City and the Owner shall be effective as of the date upon which this Second Amendment is executed by the City (the “Effective Date”).

2.2 **Term.** The Term of this Second Amendment shall commence on the Effective Date and shall expire on the earlier of November 16, 2022, or when all Project Improvements are completed to the City’s satisfaction.

Section 3: Project Improvements.

3.1 The Parties acknowledge that the Owner timely posted the \$113,920.00 Security Deposit required by the Subdivision Improvement Agreement. The City shall continue to hold the Security Deposit until all Project Improvements as originally approved or as subsequently modified and approved by the City are completed to the City’s satisfaction. If the Owner fails to complete all Project Improvements to the

City’s satisfaction by November 16, 2022, the City may, in its sole discretion, apply the Security Deposit toward the cost of completing the Project Improvements in accordance with Colfax Municipal Code Chapter 16.48. If the Owner completes the Project Improvements to the City’s satisfaction by November 16, 2022, the Security Deposit, or so much thereof that has not been applied to completion of the Project Improvements, will be released to the Owner in accordance with Colfax Municipal Code Chapter 16.48.

3.2 The City may require the Owner to replace the Security Deposit. If the City requires replacement of the Security Deposit, the Owner shall replace the Security Deposit with equal security, or such greater or lesser amount as the City may require any time prior to the completion of the Project Improvements.

Section 4. Subdivision Improvement Agreement Otherwise Unmodified.

4.1 The remainder of the Subdivision Improvement Agreement and First Amendment shall remain in full force and effect. All provisions of the Subdivision Improvement Agreement and First Amendment are applicable to and incorporated into this Second Amendment, except to the extent that such provisions are inconsistent herewith. If any term, condition, or provision of the Subdivision Improvement Agreement or First Amendment is inconsistent with the provisions of this Second Amendment, then the provisions of this Second Amendment shall control to the extent necessary to resolve or interpret any such inconsistency.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the Effective Date.

CITY:

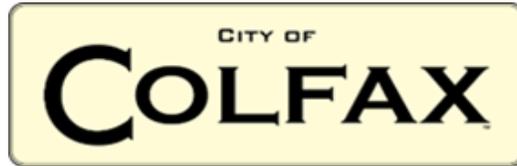
CITY OF COLFAX, a California municipal corporation

By: _____
Wes Heathcock, City Manager
Date:

OWNER:

COLFAX HOSPITALITY PARTNERS, LLC, a California Limited Liability Company

By: _____
Rajinder Singh, Manager
Date:



May 12, 2022

The following is a punch list notice of road improvements and onsite improvements that require corrections:

Road Improvement Items Identified

- The landscape area between the sidewalk and curb & gutter along S. Auburn where the swale was filled in and a culvert placed prior to the city receiving any revised plans will require treatment. Acceptable treatment includes removal of all vegetation (including invasive species) from the swale, installing a weed barrier and reinstalling riprap to secure the inorganic mulch layer. The amount of reinstalled of riprap should be 2-3 times greater than what was originally installed.
- Remove garbage within the city right-of-way

List of onsite improvements previously identified that still require correction:

1. Per previous conversations at City Hall, the revised plan dated 9/10/2021 will be voided and construction will proceed along the access road per approval plans. The following items are outstanding and/or require an updated plan revision:
 - a) Access road off Whitcomb Ave requires paving.
 - b) AC curb to be added on both sides of the access road as a plan revision.
 - c) Complete the screen wall along the fire access road per plan. On the adjacent property owner side, add compacted dirt or aggregate base from the top of footing to form a smooth transition to existing grade. Install a fence on top of the 3' high CMU wall.
 - d) Provide a detail for the 4-block high screen wall including a fence to be installed on top of the screen wall to meet the code requirement of 4-6foot high screen wall as a plan revision.
 - e) Install on 18' x 18' drainage inlet on the adjacent property where the storm drain was intercepted and connect into existing storm drainpipe with 12" SD pipe as a plan revision. Though this was completed, the City will still need to receive inspection documents certifying that the pipe was installed to industry standards.
2. Hole in access road due to drainage needs to be excavated to repair pipe and backfill with competent material in the presence of the site geotechnical engineer and City Inspector.
3. Provide an appropriate cap to all screen walls per plan.

If items have change or have been completed, please make notations coupled with an explanation of the completed work or approved change order.