



## **CITY COUNCIL MEETING**

Tuesday, July 18, 2023

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

### **MINUTES**

**CALL TO ORDER** – Mayor Ponciano called the meeting to order at 5:00 pm

**ROLL CALL** - Council Members Conrado, Vaca, Codorniz, Garofalo and Mayor Ponciano were present.

**PUBLIC COMMENTS** – None.

#### **CLOSED SESSION MEETING – 5:00 PM**

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2): (2 cases)

- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9) County of Colusa v. City of Colusa, et al - Case No 34-2022-80003851 – Superior Court

- PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§ 54957) Title: City Manager

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

Professional Firefighters Association

Peace Officers Association

Department Heads

Middle Management

Miscellaneous Unit

#### **REGULAR MEETING – 6:00 PM**

**REPORT ON CLOSED SESSION**– Mayor Ponciano stated no reportable action.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS**

Ed Hulbert, Colusa Industrial Properties confirmed there was enough electrical capacity on current construction but was concerned about the capacity three to five years from now. He stated he supports the Biomass projects. He clarified that CIP does not own the BC&E building.

Don Bransford reported traffic was getting worse on Sioc Street.

## **PRESENTATION**

1. Mayor Ponciano declared July as “Parks and Recreation Month” through a Proclamation.

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

2. **Approve** - Council Draft Minutes - June 6 and 20
3. **Receive and File** - Police Department June Report
4. **Receive and File** - Finance Department June Report
5. **Receive and File** - Recreation Department May and June Reports
6. **Receive and File** - May Treasurer's Report
7. **Receive and File** - June Warrants List
8. **Adopt** - Resolution approving the City of Colusa Code Enforcement Job Description

**ACTION:** Item 7 – pulled by Council Member Garofalo. Item 8 – pulled by Mayor Ponciano. Motion made by Council Member Conrado seconded by Council Member Codorniz to approve Items 2-6. Motion passed unanimously.

Item 7: Council Member Garofalo inquired about a charge that was clarified. Garofalo made a motion, seconded by Conrado to approve Item 7. Motion passed unanimously.

Item 8: Mayor Ponciano inquired about the pay rate. After further discussion, Ponciano made a motion, seconded by Codorniz to approve Item 8. Motion passed unanimously.

## **COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS**

Council Members reported on meetings they attended.

City Attorney Jones discussed Senate Bill 329.

City Manager Cain reported on meetings he attended.

City Engineer Swartz provided an update in his department.

Police Chief Fitch provided updates in his department.

Fire Chief Conley provided updates in his department.

Finance Director Khan-Aziz provided updates in her department.

Consultant Ash provided updates on grants and stated Colusa did not receive the RAISE Grant.

### **COUNCIL CONSIDERATION**

9. **Subject:** Consideration of a Resolution of the City Council of the City of Colusa approving and authorizing the City Manager to sign the Hybrid Renewable Electric Energy Power Purchase Agreement and a Cooperative Agreement with BC&E Colusa USA LLC

City Manager Cain noted changes in the Cooperative Agreement from the last meeting. He explained the Biomass Program with PG&E.

Wayne Herling, BC&E addressed questions regarding Noise, Smell, and Pollution. Bob Norman, BC&E addressed questions on the tax credits.

PUBLIC COMMENTS: Marilyn Acree discussed Senate Bill 535 and due diligence.

Don Bransford commented on the 15-year contract and the value of renewable credits.

Janice Bell noted the city's commitment, fees, etc.

Richard Horn, Engineer Contractor for BC&E discussed technology and the places in Germany. He provided handout "Colusa Hybrid Renewable Electric Energy Power Project" to Council.

**ACTION:** Motion by Council Member Conrado, seconded by Council Member Vaca to adopt **Resolution 23-41** approving and authorizing the City Manager to sign the Hybrid Renewable Electric Energy Power Purchase Agreement and the Cooperative Agreement with BC&E Colusa USA LLC. Motion passed 3-2 with the following roll-call vote:

AYES: Codorniz, Conrado and Vaca,

NOES: Garofalo and Ponciano

10. **Subject:** Consideration of a Resolution of the City Council of the City of Colusa approving the emergency sewer line replacement project located on South 5th Street with H&H Trenching

City Manager Cain reported on the project and recommended H&H Trenching. He explained there would be a total of 453 feet of sewer line to be replaced.

**ACTION:** Motion by Council Member Vaca, seconded by Council Member Garofalo to adopt **Resolution 23-42** for the sewer line replacement project located on South 5th Street and hire H&H Trenching for the installation. Motion passed 5-0 with the following roll-call vote:

AYES: Codorniz, Conrado, Vaca, Garofalo and Ponciano.

NOES: None.

11. **Subject:** Consideration of Resolutions approving the Proposed budget as recommended by City Manager and City Staff.

Finance Director Khan-Aziz presented the PowerPoint presentation on the Proposed Budget.

PUBLIC COMMENTS: Susan Meeker inquired about the city manager's increase. Ed Hulbert commented about continued efforts to bring in additional businesses to Colusa.

**ACTION:** Motion by Council Member Garofalo, seconded by Mayor Ponciano to adopt **Resolution 23-43** Proposed Budget for Fiscal Year 2023-2024 with the revision of hiring one full-time Firefighter, maintaining per diem employee, and eliminating the secretary position. Motion passed 4-1 with the following roll-call vote:

AYES: Codorniz, Vaca, Garofalo and Ponciano.

NOES: Conrado.

**ACTION:** Motion by Mayor Ponciano, seconded by Council Member Garofalo to adopt **Resolution 23-44** Establishing the Proposed Budget Appropriation Limit for the fiscal year 2023-2024. Motion passed 5-0 with the following roll-call vote:

AYES: Codorniz, Conrado, Vaca, Garofalo and Ponciano.

NOES: None.

## **DISCUSSION ITEM**

12. Review of City Noise and Nuisance Ordinance

Based on the discussion and council's direction, City Attorney Jones will research decibel levels and violations and bring back an updated Ordinance

Public Comment: Supervisor Janice Bell mentioned the County Ordinance.

## **FUTURE AGENDA ITEMS**

Tree Trimming, Mow Strips, Refuse Cleanup.

**ADJOURNED** - 9:00 PM

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GREG PONCIANO, MAYOR

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Shelly Kittle, City Clerk