



## **CITY COUNCIL MEETING**

Tuesday, November 07, 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 LABOR NEGOTIATORS (Section 54957.6) Agency designated representatives: City Manager Jesse Cain and Ryan Jones, City Attorney. Memorandum of Understandings (MOU's) for:

-Department Heads

- Professional Firefighters Association

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) One case

#### **REGULAR MEETING – 6:00 PM**

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

**ROLL CALL** – All present.

#### **PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS** – Ben King commented about a study of the city's water quality.

District Supervisor Bell thanked the city for the river park cleanup.

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

- 1. Approve** - Council Draft Minutes of October 3 and 17
- 2. Receive and File** - Treasurer's September Report
- 3. Receive and File** - Fire Department October Report

4. **Receive and File** - Parks, Recreation and Tree Quarterly Commission Report
5. **Receive and File** - Fire Department ARPA fund allocations updated expenditures
6. **Adopt** - Resolution to waive the single-day business license fee for vendors - Christmas Tyme in Colusa event December 1, 2023
7. **Adopt** - Resolution approving the proposal from Moffat & Nichol for conceptual engineering services for the slope repair at the Colusa boat launch facility.

**ACTION:** Motion by Council Member Vaca, seconded by Council Member Codorniz to approve the consent items. Motion passed unanimously.

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

Council Members reported on meetings they each attended.

City Attorney Jones reported new laws that will impact cities in 2024.

City Manager Cain reported on meetings he attended and provided an update on the Mushroom Plant.

Code Enforcement Officer, Manual Soto introduced himself and provided an update in his department.

Police Chief Fitch provided updates in his department.

Fire Chief Conley provided updates in his department.

Grant Writer Ash provided updates on grants and community events.

City Engineer Swartz provided updates in his department.

### **PUBLIC HEARINGS**

8. Consideration of a Resolution of the amendments and updates to Planning Zone Articles 21.5 and 33 concerning Commercial Cannabis and Personal Cannabis

City Attorney Jones stated this would be an Ordinance (not a Resolution) and would be introduced and to waive the first reading of the Ordinance. The second reading would be at the next meeting. Consultant Ash explained cross-referencing. City Manager Cain stated the Ordinance would support the policies moving forward. Mayor Ponciano thanked the Planning Commission for their hard work on this. The council asked questions, and discussions followed with clarification. The City Attorney explained that the Ordinance could be modified later.

Public Hearing opened at 6:42 pm

Planning Commissioner Cativiela explained the decisions made by the Planning Commission, as a whole.

Citizen Cheryl Goodman commented on potential issues.

Citizen Sean Amsden agreed with the parameters and was a proponent of the changes.

Public Hearing closed at 7:01 pm

**ACTION:** Motion by Mayor Ponciano, seconded by Council Member Garofalo to waive the first reading of **Ordinance 559** with the amendments to eliminate “The General Commercial District” (Section 21.501, Item B) to “Light Industrial Only” and add “Code Enforcement” approving the revisions to the Planning Zoning Articles 21.5 and 33. Motion passed 5-0 with the following roll-call vote:

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

**NOES:** None.

**ABSENT:** None.

9. Consideration of an Ordinance to repeal and replace City Ordinance Chapter 12E

Consultant Ash explained this portion of the Ordinance would be updated to the current state laws.

Public Hearing opened and closed at 7:05 with no public comments.

**ACTION:** Motion by Council Member Vaca seconded by Council Member Conrado to and introduce, read by title only, and waive the full first reading of **Ordinance 560:** An Ordinance of the City Council repealing Chapter 12E of the Colusa Municipal Code entitled “Medical Marijuana Cultivation” and reenacting Chapter 12E to be retitled “Personal Cannabis Cultivation”. Motion passed 5-0 with the following roll-call vote:

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

**NOES:** None.

**ABSENT:** None.

10. Consideration adopting a Resolution of the amendments and updates to City Ordinance Chapters 12D and 12F

Consultant Ash explained the amendments and updates to this section, which was duplicative of 21.5 and 33.

Public Hearing opened at 7:10 pm

Sean Amsden inquired about zoning and retail on Main Street.

Council asked Consultant Ash technical questions.

Public Hearing closed at 7:12 pm

**ACTION:** Motion by Council Member Conrado, seconded by Council Member Codorniz to introduce and waive the first reading of **Ordinance 561** with the amendments: "Limitations on the Number of Cannabis Dispensary Permits" 12D-3 (A.1. and 2.) from two to one and a review at 18-months rather than 24-months of the City Ordinance 12D and 12F. Motion passed 5-0 with the following roll-call vote:

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

NOES: None.

ABSENT: None.

11. Consideration of a Resolution of the City Council of the City of Colusa approving a Conditional Use Permit/Cannabis Special Use Permit for special planning area #4 located at the northeast corner of Colusa east of D street (between East Clay Ave and the Sacramento River levee).

City Manager Cain explained what was adopted in 2019. Everything would be under the roof in a metal building which is consistent with the General Plan that was previously approved. Mayor Pro-Tem Garofalo read her notes and recommended it be part of the Resolution and Attachment A.

Public Hearing opened at 7:38 and will be continued to November 21<sup>st</sup>.

Applicant Mike Olivas stated he was surprised by all the additional conditions from Mayor Pro-Tem Garofalo. He asked for a copy, along with additional time. City Attorney Jones recommended this Public Hearing be continued to the next regularly scheduled meeting.

Citizen Ben King discussed D Street, his divided interests, property rights, and the best interest for the city.

Citizen Cathy Yerxa expressed concerns about seepage.

District Supervisor Janice Bell commented on D Street, the source of the water, and other issues.

Citizen Cheryl Goodman expressed her concerns with a Detention Pond being 50 feet from her septic tank. She informed the council to be on notice about this problem.

Citizen John Stuck commented about trading land for land. This project could be moved next to the Treatment Plant where the baseball fields were going to go.

Citizen Matt Simmons commented about the proposed Detention Basin and asked questions of the City Manager for clarification.

**ACTION:** There was council consensus to continue the Public Hearing to November 21<sup>st</sup>.

12. Consideration of a Development Agreement ("D.A.") in support of cannabis manufacturing uses in the northeast corner of the city, bordered by the Sacramento River on the north, Clay Street on the south and D Street on the west in Colusa on property zoned in the Light Industrial (M1) District

City Manager Cain stated this DA had been through the Planning Commission, Council, and the applicants. Mayor Ponciano said he has many questions and concerns about the DA. Applicant Olivas recommended having a Workshop to address all his concerns so he can understand everything. Council and City Attorney Jones agreed to a Workshop before the next regularly scheduled council meeting on November 21<sup>st</sup>.

Public Hearing opened at 8:17 pm and will be continued to November 21st.

Citizen Ben King commented about credit, business risk, and the city's protection.

**ACTION:** There was council consensus to continue this Public Hearing until November 21<sup>st</sup>.

### **COUNCIL CONSIDERATION**

13. Consideration of a Resolution approving the proposal from Placer AI.

Consultant Ash explained the benefits and provided examples.

**ACTION:** Motion by Council Member Conrado seconded by Council Member Vaca to adopt **Resolution 23-58** approving the Placer AI Order Form. Motion passed 5-0 with the following roll-call vote:

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

NOES: None.

ABSENT: None.

### **DISCUSSION ITEMS**

2024 Mayors and Council Members Academy (January 24-26, 2004)

There was council consensus for Council Member Codorniz to attend.

### **FUTURE AGENDA ITEMS**

None.

### **ADJOURNED at 8:35 pm**

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GREG PONCIANO, MAYOR

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Shelly Kittle, City Clerk