

**COLFAX CITY COUNCIL MEETING
REGULAR SESSION AGENDA**

City Council Chambers
33 S. Main Street, Colfax, CA.

February 8, 2012

6:00 PM (Closed Session)

7:00 PM (Regular Session)

Last Ordinance
#515

Last Resolution
01-2012

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the building & safety director, (530) 346-2313. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibilities to this meeting.

1. OPENING

- A. Call to Order
- B. Roll Call

2. PUBLIC COMMENT

3. CLOSED SESSION

Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

Conference with Legal Counsel—Existing Litigation (Subdivision (a) of Section 54956.9) Name of case: Edwards et.al. v. City of Colfax, Federal District Ct, Eastern Dist. Of California # 07-CV-02153-GEB-EFB

Conference with Legal Counsel -- Existing Litigation pursuant to Government Code Section 56954.9(a) Name of Case: Woodford vs Colfax, Placer County Superior Court #SCV26658

Public Employee Performance Evaluation pursuant to Government Code Section 54957.
City Manager.

Conference with Labor Negotiators pursuant to Government Code Section 54957.6.
City's Designated Representatives: City Manager Bruce Kranz and City Attorney Alfred Cabral. Employee Organization: All represented and unrepresented employees

Public Employee Appointment pursuant to Government Code Section 54957.
Wastewater Operator 1.

4. OPENING

- A. Pledge Of Allegiance
- B. Announcement of Action Taken at Closed Session
- C. Approval of Agenda Order

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

Recommended Action: By motion accept the agenda as presented or amended.

Members of the public who addresses the Council shall do so in an orderly manner. No person shall yell or make profane or threatening remarks to any member of the Council, staff or general public. No person shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping, or other acts that unreasonably disturb, disrupt, delay or otherwise impede the orderly conduct of any Council meeting. Except as allowed by rules of order, a councilmember or staff person shall not by conversation or other means delay the Council proceedings or disturb any other councilmember or staff person while speaking.

5. CITY COUNCIL COMMITTEE REPORTS

The purpose of these reports is to provide information to the City Council and public on projects and programs that are discussed at committee meetings. No decisions are to be made on these issues. If a Council member would like formal action on any of these discussed items, it will be placed on a future Council Agenda

6. INFORMATION REPORTS FROM STAFF AND OTHERS

7. CONSENT AGENDA

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

**RECOMMENDED
ACTION**

- | | |
|---|-------------------------------------|
| A. Minutes: December 14, 2011
January 11, 2012 | <i>Receive and File</i> |
| B. Project Acceptance: Dinky Avenue RR Xing Closure, Project No. 10-02, Fed-Aid STPLR 7500(118) | <i>Accept Closure</i> |
| C. Adoption of Resolution No. 02-2012: A Resolution Recognizing January 11, 2012 as Human Trafficking Awareness Day | <i>Adopt Resolution No. 02-2012</i> |

CONSENT ITEMS PULLED FOR DISCUSSION

8. PRESENTATIONS

Wave Broadband representatives will give a presentation on the new network and cable updates coming to Colfax.

SACOG representatives will be giving a presentation on the draft Metropolitan Transportation Plan/Sustainable Communities Strategy.

9. PUBLIC COMMENT

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

10. PUBLIC HEARING

Notice to Public	
City Council, when considering a matter scheduled for hearing, will make the following actions:	
1.	Open the Public Hearing
2.	Presentation by Staff
3.	Presentation, when applicable, by Applicant or Appellant
4.	Accept Public Testimony
5.	When applicable, Applicant or Appellant 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.	

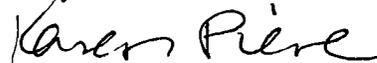
11. COUNCIL BUSINESS

- A. Removal of Hazardous Waste from 250 Rising Sun Road (City Corporation yard)
Recommended Action: Approve expenditure of \$6,491.50 to remove hazardous waste from the Corporation Yard and Building.
- B. Consideration of appointment of Council member to fill council member Robert's board seat on SACOG.
Recommended Action: Appoint member

12. ADJOURNMENT

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.

AGENDA POSTED, February 3, 2012
at City Hall and Post Office locations



Karen Pierce, City Clerk

Minutes
City Council Meeting
December 14, 2011

1. OPENING

Mayor Delfino called the meeting to order at 6:00pm.

Present and answering roll call were Council members Harvey, Barkle and Mayor Delfino.

Councilmember Alpine was absent due to a work emergency and Councilmember Roberts was absent due to a family function.

2. PUBLIC COMMENT

There was no public comment

3. CLOSED SESSION

Mayor Delfino called the closed session to order at 6:03pm

Conference with Legal Counsel—Existing Litigation

Significant exposure to litigation pursuant to subdivision (a) of Section 54956. Number of potential cases: 1

Conference with Legal Counsel—Initiation of Litigation

Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9. Number of potential cases: 1

Conference with legal counsel – existing litigation under Government Code Section 54956.9(a) Edwards et al vs Colfax, U. S. District Court, Eastern District of California #07-CV-02153-GEB-EFB

Mayor Delfino closed the closed session at 7:05pm.

4. OPENING AND AGENDA APPROVAL

Mayor Delfino called the regular meeting to order at 7:08pm.

Lt. Minton-Sander led the Pledge of Allegiance

Mayor Delfino stated that there was no reportable action taken in Closed Session.

A motion was made by councilman Harvey and seconded by councilwoman Barkle to approve the agenda as presented. The motion was passed by the following vote:

AYES: Harvey, Barkle and Mayor Delfino

NOES:

ABSENT: Roberts, Alpine

ABSTAIN:

5. CITY COUNCIL COMMITTEE REPORTS

Councilwoman Barkle reported on the Air Quality Board meeting.

Councilman Harvey reported on Mosquito and Vector Control issues and Placer County Transportation progress on Highway 80 lane widening project and gave credit for this project partially to Congressman Doolittle.

Mayor Delfino reported on the SEDD Corp and League of Cities meetings

6. INFORMATION REPORTS FROM STAFF AND OTHERS

City Manager, Bruce Kranz reported on the following:

- County has approved the \$100,000 grant for the pool project and the 2.5 million grant from the state is deferred until the spring.
- Union Pacific is doing work on the track going through town and will close the crossing on Grass Valley St. from January 3 to January 8.
- Wave Broadband is planning to expand to high speed internet and expand cable in April.

Sgt. Ty Conners gave an update on Sheriff's Department issues.

7. CONSENT AGENDA

- | | |
|--|---|
| A. Minutes: October 26, 2011
November 9, 2009 | <u>ACTION TAKEN</u>
<i>Received and Filed</i> |
| B. Holiday Schedule 2012 | <i>Approved</i> |
| C. Consideration of Adoption of Resolution No. 53-2011: A Resolution Of The City Council Of The City Of Colfax Authorizing The City Manager To Execute An Agreement With Ponticello Enterprises For Non-Residential Sewer Account Evaluation | <i>Adopted Resolution No. 53-2011</i> |
| D. Consideration of Adoption of Resolution No. 54-2011: A Resolution o the City Council of the City of Colfax Authorizing the City Manger to File Claims or Execute Agreements for Local Transportation Funds in the Amount of \$76,885 for Street and Roads Purposes (Article 8a), Local Transportation Funds of \$3,253 for Transit Services (Article 8c), and State Transit Assistance Funds in the Amount of \$8,706 for contracted Transit Services | <i>Adopted Resolution No. 54-2011</i> |

A motion was made by councilman Harvey and seconded by councilwoman Barkle to approve the consent agenda as presented. The motion was passed by the following vote:

- AYES: Harvey, Barkle and Mayor Delfino
 NOES:
 ABSENT: Roberts, Alpine
 ABSTAIN:

8. PUBLIC COMMENT

There was no public comment.

9. PUBLIC HEARING

City Council sitting as Planning Commission:

A. Public Hearing and Consideration of Adoption of Resolution No. 55-2011: A Resolution Of The Planning Commission Of The City Of Colfax Approving An Application (#DR-03-11) For Design Review for the 9 Depot Street Renovation Project

Mayor Delfino opened the Public Hearing. Community Services Director, Gabe Armstrong went over the staff report. Council had questions. There was no public comment. Mayor Delfino closed the public hearing. A motion was made by councilman Harvey and seconded by councilwoman Barkle to adopt Resolution No. 55-2011. The motion was passed by the following vote:

AYES: Harvey, Barkle and Mayor Delfino

NOES:

ABSENT: Roberts, Alpine

ABSTAIN:

10. COUNCIL BUSINESS

City Council sitting as City Council:

A. Discuss and possibly take action adopting Resolution No 56-2011: A Resolution of the City of Colfax declaring an emergency and authorizing the City Manager to sign all contracts and approve all related expenditures for emergency repair and/or replacement of the sanitary sewer force main between Pine and Rose Streets.

City Manager, Bruce Kranz went over the staff report. There was no public comment. Council had questions. A motion was made by councilwoman Barkle and seconded by councilman Harvey to adopt resolution No. 56-2011 and authorize City Manager to enter into an agreement. The motion was passed by the following vote:

AYES: Harvey, Barkle and Mayor Delfino

NOES:

ABSENT: Roberts, Alpine

ABSTAIN:

B. Discussion and Report of Resolution No. 44-2011: Declaring An Emergency And Authorizing The City Manager To Sign All Contracts And Approve All Related Expenditures For Emergency Replacement Of Pumps At The Base Of The Pond 3 Dam

City Manager, Bruce Kranz reported to council the status of the emergency. Councilman Harvey added information. A motion was made by councilman Harvey and seconded by councilwoman Barkle to declare that the emergency has been repaired and to remove this item from the agenda. The motion was passed by the following vote:

AYES: Harvey, Barkle and Mayor Delfino
NOES:
ABSENT: Roberts, Alpine
ABSTAIN:

11. PRESENTATIONS

Mayor Delfino gave Community Presentations to:
City Employee Lloyd Pereria, retired
Gold Run CHP
Placer County Sheriff's Department
Audrey Nave, Girl Scout
Bill Bean, volunteer
Tony Martello, Colfax High Football Coach
Doug Dunn, Tully Whir/GKM Corporation
Dick and Helen Wayland
Lt. Troy Minton-Sander, PCSO
Gary and Pene Todd
Congressman John Doolittle
Assemblyman Dan Logue

12. ROTATION OF OFFICERS-MAYOR AND MAYOR PRO TEM

Annually the offices of Mayor and Mayor Pro Tem are selected by and from the sitting members of the council. In December 2002, the council by motion adopted the policy that the office of mayor is rotated annually according to seniority on the council with the exception of those having served, while this council sits.

District Attorney, Scott Owen swore in Steve Harvey to the position of Mayor.

A motion was made by councilwoman Barkle and seconded by councilman Delfino to appoint Steve Harvey to the position of Mayor. The motion was passed by the following vote:

AYES: Harvey, Barkle and Delfino
NOES:
ABSENT: Roberts, Alpine
ABSTAIN:

A motion was made by councilman Delfino and seconded by councilman Harvey to appoint Donna Barkle to the position of Mayor Pro Tem. The motion was passed by the following vote:

AYES: Harvey, Barkle and Delfino
NOES:
ABSENT: Roberts, Alpine
ABSTAIN:

13. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 8:08pm.

Minutes
City Council Meeting
January 11, 2012

1. OPENING

Mayor Harvey called the meeting to order at 6:03pm.

Present and answering roll call were Council members Roberts, Delfino and Mayor Harvey.

Council member Barkle was absent and out of town. Council member Alpine was absent due to work.

2. PUBLIC COMMENT

There was no public comment

3. CLOSED SESSION

Mayor Harvey called the closed session to order at 6:03pm

Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Number of potential cases: 4

Conference with Real Estate Negotiators pursuant to Government Code Section 54956.8. Negotiating with Wave Broadband for City Property at 139 E. Oak St.
City's Designated Negotiator: City Manager Bruce Kranz

Conference with Legal Counsel—Existing Litigation
Number of Cases: 1
(Subdivision (a) of Section 54956.9)
Name of case: Edwards et.al. v. City of Colfax, Federal District Ct, Eastern Dist. Of California # 07-CV-02153-GEB-EFB

Mayor Harvey closed the closed session at 6:56pm.

4. OPENING AND AGENDA APPROVAL

Mayor Harvey called the regular meeting to order at 7:05pm.

Judi Candor led the Pledge of Allegiance

Mayor Harvey stated that a decision regarding the utility billing for the Historic Museum and Chamber of Commerce use of the Depot would be postponed for 3 months.

A motion was made by councilman Delfino and seconded by councilwoman Roberts to approve the agenda as presented. The motion was passed by the following vote:

AYES: Roberts, Delfino and Mayor Harvey

NOES:

ABSENT: Barkle, Alpine

ABSTAIN:

5. CITY COUNCIL COMMITTEE REPORTS

Councilwoman Roberts reported on the WAC/MAC Parks meeting, a meeting in Lincoln and a Tea Party meeting where Tom McClintock was a speaker.

Councilman Delfino reported on attending the Soropotomist meeting in Sacramento and read a resolution he requested to be added to the January 25 city council meeting on human trafficking.

Mayor Harvey reported on the PCTPA and Mosquito Abatement meetings. He also read an informational letter regarding Pond 3 issues and water that is released from the WWTP.

6. INFORMATION REPORTS FROM STAFF AND OTHERS

City Manager, Bruce Kranz reported on the following:

- Update on Wave Broadband bringing broadband to the City and the benefits that will come with that in April. City Council meetings will soon be televised.

7. CONSENT AGENDA

A. Minutes: December 14, 2011

ACTION TAKEN

*Pulled and added to
next meeting*

B. Cash Balance Summary: October 31, 2011
November 30, 2011
December 31, 2011

Received and Filed

C. Consideration Ratification of Mayor's Assignments to
Commissions and Committees

*Approved
Appointments*

A motion was made by councilman Delfino and seconded by councilwoman Roberts to approve the consent agenda as presented with the above noted item pulled from the agenda. The motion was passed by the following vote:

AYES: Roberts, Delfino and Mayor Harvey

NOES:

ABSENT: Barkle, Alpine

ABSTAIN:

8. PRESENTATION

Judi Caler gave a presentation on Sustainable Development also known as Agenda 21.

Mayor Harvey opened the meeting to public questions and comments.

9. PUBLIC COMMENT

Bob Rahighi, visitor thanked council for Agenda 21 position.

Tony Hesch, resident gave an update on Caboose Restoration.

10. PUBLIC HEARING

11. COUNCIL BUSINESS

A. Consideration of Project Budget Sheet (PBS) for 2012 Pavement Rehabilitation – Grass Valley Street, Project No. 12-01

City Engineer, Jim Fletter went over the staff report and Project Budget Sheet. Council discussed.

Speaking from the public was:

Tony Hesch, resident

A motion was made by councilman Delfino and seconded by councilwoman Roberts to approve the project budget sheet and authorized the City Engineer to commence with design of the improvements, within the approved budgets. The motion was passed by the following vote:

AYES: Roberts, Delfino and Mayor Harvey

NOES:

ABSENT: Barkle, Alpine

ABSTAIN:

B. Consideration of Adoption of Resolution No. 01 -2012: A Resolution of the City Council of the City of Colfax Discussion/Action Participation in Regional Water Resources Coalition

City Manager, Bruce Kranz went over the staff report. There was no public comment. Council discussed resolution. A motion was made by councilwoman Roberts and seconded by councilman Delfino to adopt Resolution No. 01-2012. The motion was passed by the following vote:

AYES: Roberts, Delfino and Mayor Harvey

NOES:

ABSENT: Barkle, Alpine

ABSTAIN:

C. Appointment of Council member to 2012-2013 and 2013-2014 Budget Committee

City Manager, Bruce Kranz gave a report on this item. Mayor Harvey appointed councilwoman Roberts and himself to the Budget Committee.

D. Discussion and report of Resolution No 56-2011: A Resolution of the City of Colfax declaring an emergency and authorizing the City Manager to sign all contracts and approve all related expenditures for emergency repair and/or replacement of the sanitary sewer force main between Pine and Rose Streets.

City Manager, Bruce Kranz reported to council the status of the emergency. A motion was made by councilman Delfino and seconded by councilwoman Roberts to declare that the emergency has been repaired and to remove this item from the agenda. The motion was passed by the following vote:

AYES: Roberts, Delfino and Mayor Harvey

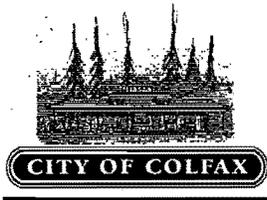
NOES:

ABSENT: Barkle, Alpine

ABSTAIN:

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 9:06pm.



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 8, 2012**

Agenda Item No.

7B

To: Honorable Mayor and Members of the City Council
From: Bruce Kranz, Interim City Manager
Prepared By: Nicholas Ponticello, City Engineer
Subject: Project Acceptance: Dinky Avenue RR Xing Closure, Project No. 10-02, Fed-Aid STPLR 7500(118)

Recommended Action: Staff recommends that City Council accept the Dinky Avenue RR Xing Closure project as complete and direct the City Clerk to file a Notice of Completion.

ISSUE STATEMENT AND DISCUSSION: On March 23, 2011, City Council awarded a contract to JD Pasquetti for the Dinky Avenue railroad crossing closure improvements. The work included paving of Dinky Avenue and the northern segment of Forest Hill Street, relocation of the private road designated as Narrow Gauge Road, and installation of a fence along the railroad tracks. The construction portion of the project is complete and determined to be acceptable by Staff.

Council authorized \$150,000 for construction. Final payment to JD Pasquetti is \$146,802.20.

FINANCIAL AND/OR POLICY IMPLICATIONS: The project is funded through the Hazards at Railroad-Highway Intersections provided by Caltrans under Section 130, Title 23 USC.

22

City of Colfax

Resolution No. 02-2012

Recognizing January 11, 2012 as Human Trafficking Awareness Day

WHEREAS, "Human Trafficking" is an international problem that has come to California and...

WHEREAS, Congressman Dan Lungren has stated that Sacramento County has been rated as "Second in the Country" with a human trafficking problem and...

WHEREAS, the convergence of Interstate 5, Interstate 80 and Highway 99 through Sacramento helps move Human Traffic expeditiously and...

WHEREAS, the term "Human Trafficking" is a soft word term for modern day slavery in which one human uses at least one other as a commodity...a tool for economic gain and...

WHEREAS, the United States passed the Trafficking Victims Protection Act and...

WHEREAS, the United States has received a Tier 1 rating for being one of the top nations in the world in combatting Human Trafficking by recognizing the problem, making efforts to address the issue and meeting the Torture Victim Protection Act minimum standards and...

WHEREAS, the City of Colfax which straddles Interstate 80 and has three schools in close proximity, the potential for child exploitation and Human Trafficking exists.

BE IT HEREBY RESOLVED that on this 11th Day of January 2012, the City of Colfax, California does recognize, appreciate and support the efforts of local, national and international law enforcement, the Colfax and Auburn clubs of Soroptimist International and local support organizations in combatting and eliminating Human Trafficking and that the community be made fully aware of this inherent danger to its citizens.

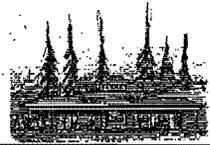
PASSED AND ADOPTED this 8th day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:

Stephen Harvey, Mayor

ATTEST:

Karen Pierce, City Clerk



CITY OF COLFAX

**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 8, 2012**

Agenda Item No.

11A

To:	Honorable Mayor and Members of the City Council
From:	Gabe Armstrong, Community Services Director
Date:	February 3, 2012
Subject:	Removal of Hazardous Waste from 250 Rising Sun Road (City Corporation yard)

Recommended Action: Approve expenditure of \$6,491.50 to remove hazardous waste from the Corporation Yard and Building.
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ISSUE STATEMENT AND DISCUSSION:

For many years the City Corporation yard has accumulated an assortment hazardous waste (see attached estimate for the list of what needs to be removed). This has happened for three reasons. First is people have illegally dropped off 55 gallon drums of at the time unknown substances at the corporation yard gates. This happened over 10 years ago and the city has stored these items since then. Second smaller amounts of hazardous waste have found its way to the corporation yard from illegal dumping and have been stored there for years and years. Finally the City has purchased different chemicals for a variety of reasons that have either never been used, or were partially used and are now illegal to use do to new regulations and /or have expired.

Besides the need to remove these items because they are just taking up space and could pose a health risk, the Department of Health and Human Services, Division of Environmental Health preformed a hazardous materials inspection and sited the city with several violations (66261.11, 66262.34F3, 66262.34 and the top violation 66265.173a of the Health and Safety Code). Because I had already had Ramos Environmental out to the site to give me a price for removing the materials and test the unknown content of some of the barrels prior to the inspection, the inspector agreed to extend the date to clean up the waste from January 12, 2012 to a time shortly after this council meeting. Failure to remove the waste will result in an excessive fee assessment.

FINANCIAL AND/OR POLICY IMPLICATIONS:

If the City does not meet the requirements of removing the materials, the City will face fines. The price for properly removing the materials is not to exceed \$6,491.50 plus sales tax on materials.

By removing all these materials the at City Corporation Yard and Building they will no longer be subject to hazardous waste inspection saving the City \$800.00 a year in inspection costs, which are due to increase in price soon.