

# City of Isleton

City Council  
Staff Report

DATE: February 28, 2023

ITEM#: 4.A

CATEGORY: Communication

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## **A CALIFORNIA STATE LANDS COMMISSION LETTER SCPH STATEMENT ON THE END OF COVID-19 STATE AND LOCAL EMERGENCIES**

### **SUBJECT:**

- A. A letter from California State Lands Commission regarding General Lease – Public Agency Use, of Sovereign Land, located on the Sacramento River, City of Isleton, Sacramento County for public fishing pier with a tour boat landing and guest dock-fishing pier with a connecting float and fishing access float with a fish cleaning station; a tour boat landing float; accessible landing tower float with metal gangway connecting to a concrete landing; and 13 steel mooring piles Public side-tide guest dock-side-tide docking float; two pedestrian access configurations with landing tower floats; 60 metal gangways connecting to concrete approach landings; and 23 steel mooring piles.
- B.
  1. Sacramento County Public Health COVID-19 dashboard will no longer be updated after March
  2. Public Meetings governed by the Brown Act, such as City Councils, Board of Supervisors, School Boards, and other affiliated advisory bodies will need to return to in-person meeting if they have not already done so.
  3. Testing sites – some underutilized State-funded testing sites will wind down operations in the coming months.
  4. The federal COVID-19 emergency will remain in place until May 11, at which point residents can expect additional changes, including how costs associated with COVID-19 testing, treatment, and vaccination may be covered.

### **FISCAL IMPACT**

There is no fiscal impact.

### **RECOMMENDATION**

City Council receive communication.

Prepared and Submitted by: Deputy City Clerk, Yvonne Zepeda \_\_\_\_

Reviewed by: City Manager, Charles Bergson





**CALIFORNIA STATE LANDS  
COMMISSION**

1000 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

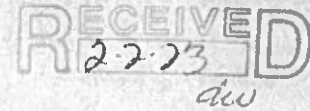


*Established in 1938*

**JENNIFER LUCCHESI, Executive Officer**  
**916.574.1800**

TTY CA Relay Service: 711 or Phone **800.735.2922**  
from Voice Phone **800.735.2929**  
or for Spanish **800.855.3000**

**Contact Phone: (916) 574-1900**



February 1, 2023

File Ref: Lease 8506  
**First Notice**

City of Isleton  
P.O. Box 716  
Isleton, CA 95641

**Subject:** General Lease – Public Agency Use, of Sovereign Land, located on the Sacramento River, city of Isleton, Sacramento County, for a public fishing pier with a tour boat landing and guest dock - fishing pier with a connecting float and fishing access float with a fish cleaning station; a tour boat landing float; accessible landing tower float with metal gangway connecting to a concrete landing; and 13 steel mooring piles Public side-tide guest dock - side-tide docking float; two pedestrian access configurations with landing tower floats; 60 metal gangways connecting to concrete approach landings; and 23 steel mooring piles

Dear Lessee:

A review of our records indicates that the above referenced General Lease No. PRC 8506 will expire on February 01, 2024. If you still intend to occupy or use the lands in question, you will need to obtain a new lease from the State Lands Commission (Commission) prior to the expiration of this lease.

We encourage you to submit an application as soon as possible to allow sufficient time to complete the application process, conduct any required environmental review, and negotiate a new lease. The lease application is available on our website at [OSCAR.slc.ca.gov](https://www.slc.ca.gov). Information regarding the lease application is available at <https://www.slc.ca.gov/leases-permits/>.

We appreciate your cooperation in this matter and look forward to receiving your application. If you have any questions, please contact Ninette Lee, Regional Manager, at (916) 574-1869 or [Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov)

Sincerely,

*Vicki Caldwell*

Vicki Caldwell, Public Land Manager  
Land Management Division

**County Executive**  
Ann Edwards

**Deputy County Executive**  
Chevon Kothari  
Social Services



**Department of Health Services**  
Timothy W. Lutz, Director

**Divisions**  
Behavioral Health Services  
Primary Health  
Public Health  
Departmental Administration

## County of Sacramento

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### **SCPH Statement on the End of COVID-19 State and Local Emergencies** **February 23, 2023**

February 28, 2023 will mark the end of the Sacramento County COVID-19 State of Emergency and Public Health Emergency. The California COVID-19 State of Emergency will also terminate on February 28.

Sacramento County Public Health identified the first case of COVID-19 in Sacramento County three years ago this month. Since then, there have been **over 368,000** reported cases of COVID-19 and **over 3,700** residents of Sacramento County have died from COVID-19. COVID-19 will not go away on February 28 and residents are urged to continue to take steps to prevent the spread of respiratory illnesses. This includes staying up-to-date on COVID-19 vaccinations, testing for COVID-19 if you have symptoms, and asking your healthcare provider about treatments if you test positive for COVID-19. Vulnerable people, including those who are at greater risk for severe illness, should consider wearing a mask in indoor public places.

Some of the changes residents may notice when the emergencies end and in the coming months:

#### **Dashboard**

The Sacramento County Public Health COVID-19 dashboard will no longer be updated after March 1. After this date, please use the California Department of Public Health (CDPH) "[Tracking COVID-19 in California](#)" dashboard to access the latest data.

#### **Public Meetings**

Meetings governed by the Brown Act, such as City Councils, Board of Supervisors, School Boards, and their affiliated advisory bodies will need to return to in-person meetings if they have not already done so.

#### **Testing Sites**

Some underutilized State-funded testing sites will wind down operations in the coming months.

The federal COVID-19 emergency will remain in place until May 11, at which point residents can expect additional changes, including how costs associated with COVID-19 testing, treatment, and vaccination may be covered.

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**Division of Public Health**  
Olivia Kasirye, MD, MS  
Public Health Officer



7001-A East Parkway, Suite 600A  
Sacramento, CA 95823  
phone (916) 875-5881  
fax (916) 854-9709  
[www.scph.com](http://www.scph.com)

Please note that the following are **not** tied to emergency declarations and are not directly affected when the emergencies terminate:

- Health Officer Orders, including CDPH Orders [governing mask usage in certain settings](#);
- [Cal/OSHA COVID-19 Non-Emergency Regulations](#);
- Emergency Use Authorizations (EUAs) for vaccinations; and
- Investigational New Drug applications (INDs).

Sacramento County Public Health will continue to monitor COVID-19 as we do with other infectious diseases.

# City of Isleton

City Council  
Staff Report

DATE: February 28, 2023

ITEM#: 5.A

CATEGORY: Consent Calendar

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## MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 10, 2023

### SUMMARY

A. Review of the Regular City Council Meeting minutes of January 10, 2023.

### FISCAL IMPACT

There is no fiscal impact associated with this action.

### RECOMMENDATION

A. City Council review and approve the draft minutes of the Regular City Council meeting of January 10, 2023.

### ATTACHMENTS

- Minutes of the Regular City Council Meeting of January 10, 2023.

Reviewed by: Charles Bergson, City Manager 

Prepared and Submitted by: Yvonne Zepeda, Deputy City Clerk \_\_\_





## CITY OF ISLETON

### Regular City Council Meeting Minutes

Tuesday, January 10, 2023 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

You can call in to join our public meeting

### TELECONFERENCE OR IN PERSON MEETING

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This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this Zoom meeting can dial in by phone at 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# (for Personal ID just hit #) and then Passcode 123456#. For computer log-in, follow the link below.

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#### 1. OPENING CEREMONIES

- A. Welcome & Call to Order – Vice Mayor Pamela Bulahan called to order 6:30pm.
- B. Pledge of Allegiance
- C. Roll Call: Councilmember's Paul Steele, Kelly Hutson, Iva Walton, David Kent, Vice Mayor Pamela Bulahan. Absent: Mayor Eric Pene.
- D. Sacramento County Registrar of Voters Certificate of Facts, accept the November 8, 2022, General Election Results. ACTION: Councilmember Paul Steele motion to approve Sacramento County Registrar of Voters Certificate of Facts, accept the November 8, 2022, General Election Results. Councilmember Iva Walton second the motion. PASSED 4-0-1.
- E. Oath of Office, new Councilmember's
- F. Exchange of Seats
- G. Reorganization of Council: ACTION: Councilmember Kelly Hutson motion for Pamela Bulahan be appointed Mayor. Councilmember Paul Steele second the motion. AYES: Councilmember Paul Steele, Kelly Hutson, Pamela Bulahan. NOES: Councilmember Iva Walton, David Kent. ABSTAIN: None. ABSENT: None. PASSED 3-2. Mayor Pamela Bulahan motion to appoint Paul Steele to Vice Mayor. Councilmember Kelly Hutson second the motion. AYES: Councilmember Paul Steele, Kelly Hutson, Pamela Bulahan. NOES: Councilmember Iva Walton, David Kent. ABSTAIN: None. ABSENT: None. PASSED 3-2.
- H. Recognition of Councilmembers: Congratulations to all Councilmember's and recognition will be held next month.
- I. Councilmember comments: David Kent – I wouldn't presume result of election on a number game. There are no losers no matter what. No one lost. Problems with

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vandalism and hint of smearing and intent of those guidelines. It matters what occurred. If it is proven that the election worked and important.

## 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

## 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered. We got the best possible outcome. Iva Walton\_

ACTION: Ruby Fowler-Litter removal January 21<sup>st</sup> from 10-1 and meet at 46 Main St. Aleida Suarez-Off-Duty Sheriff's coverage? Armed robbery on Main St and shots were fired. City Manager-Apothek robbed at 4am and Sheriff's conducting an investigation. Kelly Hutson-Does owners live at apothek? No they do not. Alarm went off. Don Cain-League of California Cities-Brown Act-8 City Attorney's wrote it. Update on our Water permit. Site plan review-Chuck keeps saying there's a fee-muni code says none-fee set by ord or resolution set by City Council. Request per Brown Act a closed session. City Council meeting where as a personnel matter and bring charges against Mr. Bergson. It can be a closed session pages 30-35 says exempt is the public exempt to consider employment or dismiss or charges against the employer in closed session and mitigate any embarrassment. Frankly this is the last step with in the city, before it goes to court and fee schedule and documents sent and I want PC and CC to attend. Chuck-Consultant fees. Michelle Burke-its not in code. CC agendize and give direction. Website needs fixed, agenda packet and code need search function. Chris Medders-Cal Ripken baseball league would like to use the Wilson Ball Park facilities for 2023.Iva Walton – we sit and listen and then comment. City Manager we take comments and then done and City Council comment when public done. Kelly Hutson-3 minutes limit. David Kent-meet with applicant and have a private meeting. Iva Walton- Lets have a meeting and mitigate for everyone regarding 6<sup>th</sup> street-Michelle Burke and Partner Don Cain property.

## 4. COMMUNICATION

- A. Delta residents survey research project, from Annie Merritt Delta Council.
- B. November 28, 2022 State Water Resources Control Board member visit.
- C. City Manager email to Planning Commissioners, December 30, 2022.
- D. Department of Water Resources, Division of Flood Management.

ACTION: Information only. David Kent-Lack of information. I do want to recite from the survey. Walter flows and fish flow, more than the 1.5 billion people in the Delta. Hidden agenda. gain any information they can provide. Pam Bulahan-The survey link in our City website. Iva Walton-I want to read the survey and decide if right thing to promote and put on website.

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## 5. CONSENT CALENDAR

- A. **SUBJECT:** Approval of Minutes of the Regular City Council Meeting of December 13, 2022.

**RECOMMENDATION:** City Council review and approve draft minutes of the Regular City Council meeting of December 13, 2022.

**ACTION:** Vice Mayor Paul Steele motion to approve minutes of the Regular City Council meeting on December 13, 2023. Mayor Pamela Bulahan second the motion. **AYES:** Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.**

## 6. PUBLIC HEARING

- A. **SUBJECT:** Isleton Water Tower Park, Historic Landmark designation, 411 Union Street, Isleton, CA.

**RECOMMENDATION:** Adopt City Council Resolution No. 002-23, approving designation of the Isleton Water Tower as a Landmark,

**ACTION:** There was a motion from Vice Mayor Paul Steele to continue Isleton Water Tower Park, Historic Landmark designation, 411 Union St. to next meeting on January 24, 2023. Councilmember Kelly Hutson second the motion. **AYES:** Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.**

- B. **SUBJECT:** Cannabis Conditional Use Permit Application CUP 02-22 and Development Agreement DA 2022-02, 51 Main Street, Isleton Cannabis Company, Inc. formerly known as TPCC Incorporated and Timeless Palliative Care Collective.

### **RECOMMENDATION:**

1. Adopt City Council Resolution 01-23 approving Conditional Use Permit Application CUP 02-02 and Development Agreement DA2022-02 (Attachment A); and
2. Conduct First Reading in title only of Ordinance 2023-01 approving Development Agreement DA 2022-02 (Attachment B).
3. Direct Staff to agendize second reading of ordinance for the next regular meeting of the City Council for January 24, 2023.

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**ACTION:** Contract Planner Gary Price reviewed staff report and let council know this is a name change and it is DA Agreement for Delivery, distribution and retail dispensary. Mark N.-Seek your approval to change ownership to myself and my partner. David Kent-My intended vote, ruling, there are concerns Mr. Steele may have different views in a sense the residents have inherited this. Cannabis is allowed and some attract business in town. Iva Walton-store front open to the public, showroom. Every 5 year reevaluate is disappointing, but tax revenue is great. I took that there would be 24 hour security guard but its cameras. David Kent-There is always a way for store front business. A measure of quality display of the building. Then we can come to a census on this. Iva Walton-the original business did have the agreement for store front. Gary Price- The display of cannabis by state law. They couldn't do it legally. Iva Walton- we were misinformed. Mayor Bulahan-It is coming up for review. Michelle Burke-I don't think it should go forward and rewritten what we concluded too. We didn't know that before-keep front 30' excludes form all these docs. Because the commercial zoning 900' or 30'-60' to be specific what is excluded 20'.

Vice Mayor Paul Steele motion to approve CUP with name change, ownership change. Councilmember Kelly Hutson second the motion. **AYES:** Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.**

Vice Mayor Paul Steele motion to Adopt City Council Resolution 01-23 approving Conditional Use Permit Application CUP 02-02 and Development Agreement DA2022-02 (Attachment A); and Conduct First Reading in title only of Ordinance 2023-01 approving Development Agreement DA 2022-02 (Attachment B).

Direct Staff to agendize second reading of ordinance for the next regular meeting of the City Council for January 24, 2023.Councilmember Iva Walton second the motion. **AYES:** Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.**

## **7. OLD BUSINESS**

- A. SUBJECT:** Resolution No. 01-23 of the City Council of the City of Isleton authorizing Civicwell as independent contractor to provide project management and implementation for the Isleton Main Street Redesign and Revitalization Plan Project.

**RECOMMENDATION:** It is recommended that City Council pass Resolution No. 01-23, authorizing Civicwell as independent contractor to provide project

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management and implementation for the Isleton Main Street Redesign and Revitalization Plan Project.

**ACTION:** Vice Mayor Paul Steele motion to pass Resolution No. 01-23, authorizing Civicwell as independent contractor to provide project management and implementation for the Isleton Main Street Redesign and Revitalization Plan Project. Councilmember Kelly Hutson second the motion. AYES: Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. NOES: None. ABSTAIN: None. ABSENT: None. PASSED 5-0.

**B. SUBJECT:** General Plan Housing Element Policy Implementation.

**RECOMMENDATION:** It is recommended that City Council review draft Interim General Plan Interim Review Policy 1-23 and approve it.

**ACTION:** Tabled. Needs to go to Planning Commission first then to City Council.

## 8. NEW BUSINESS

**A. SUBJECT:** Sacramento Local Agency Formation Commission (LAFCo) selection.

**RECOMMENDATION:** It is recommended that City Council appoint one councilmember to Sacramento Local Agency Formation Commission (LAFCo) and one alternate.

**ACTION:** Councilmember David Kent motion to appoint one councilmember to Sacramento Local Agency Formation Commission (LAFCo). Councilmember Iva Walton was appointed to LAFCo. Vice Mayor Paul Steele second the motion. AYES: Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. NOES: None. ABSTAIN: None. ABSENT: None. PASSED 5-0.

LAFCo representative Enrique said City of Isleton has Chair of the Commission. They meet February 1, 2023 and 1<sup>st</sup> Wednesday of every month, except January and July. Galt has the alternate member.

**B. SUBJECT:** Criminal Justice Cabinet Full Committee Members and Designees.

**RECOMMENDATION:** It is recommended that City Council appoint one member and one alternate designee to the Criminal Justice Cabinet Committee.

**ACTION:** Vice Mayor Paul Steele motion to appoint David Kent to the Criminal Justice Cabinet Committee and they meet one time a month. Councilmember Kelly

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Hutson second the motion. AYES: Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. NOES: None. ABSTAIN: None. ABSENT: None. PASSED 5-0.

**C. SUBJECT:** Sacramento Area Council of Governments Presentation.

**RECOMMENDATION:** To receive Sacramento Area Council of Governments Presentation.

**ACTION:** James Corlis presented SACOG update. Region plan every 4-5 years. BIG region plan blue print. Long range plan 2050 region. Transportation, land use, housing and earth quality. March and July pop up event. Path to get adopted in 2025. Six county trail plan, and bike trails just adopted. Working group on transportation projects. January ending off with roads, infrastructure, rams, rails ect. Transit center from here to Sacramento.

**D. SUBJECT:** Sewer Rate Study, direction to proceed.

**RECOMMENDATION:** It is recommended that City Council give direction to proceed on sewer rate study.

**ACTION:** City Manager to resume sewer rate study. We have a grant for the upgrade of the sewer plant. 8 million. Cost increased 30% and we get hit with 30 to 50,000 in repairs. David Kent-ongoing future reports. To receive on going capacity and ongoing reports mechanical on concern of rates. Report should be brought to council and citizens. Dean Dockery-rate done in 2012. Grants available for upgrade and grant to improve study. Councilmember Kelly Hutson motion to give direction to staff to proceed on sewer rate study. Councilmember David Kent second the motion. AYES: Councilmember's Kelly Hutson, David Kent, Iva Walton, Vice Mayor Paul Steele, Mayor Pamela Bulahan. NOES: None. ABSTAIN: None. ABSENT: None. PASSED 5-0.

**9. COUNCIL REPORTS AND COMMITTEE UPDATES**

- A. Councilmember Kelly Hutson – None.
- B. Councilmember David Kent-None.
- C. Councilmember Iva Walton- None.
- D. Vice Mayor Paul Steele- SPAM Festival February 19, 2023. Donation for raffle prizes-1<sup>st</sup> of next month.
- E. Mayor Pamela Bulahan-Don Notolli's retirement party at Laguna Town Hall.

**10. STAFF GENERAL REPORTS AND DISCUSSION**

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

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- A. City Manager Report – Jim Cooper swearing in. Dealing with the storm and challenging. Power outages.
- B. Fire Chief Report – Dean Dockery Fire Department and Public Works all been busy with this storm. Wires down, trees down, oxygen machines need charged. We have generator at Fire Station. We have sandbags at corporation yard. Mr. Kent-we commend you for public service. Dean Dockery I look forward to working with you all.

## 11. CLOSED SESSION

11.1 None.

## 12. ADJOURNMENT

AYES:

NOES:

ABSTAIN:

ABSENT:

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MAYOR, Pamela Bulahan

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda

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# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 7.A

CATEGORY: Old Business

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### CONTINUATION

### CITY OF ISLETON CRAWDAD FESTIVAL, PERMIT APPLICATION

#### SUMMARY

The City has received an application from Michael Goldstein for staging of Isleton's 100<sup>th</sup> Anniversary - Crawdad Festival for the second weekend of June 2023.

The special permit application has been made to stage the City's 100th Anniversary and Crawdad Festival for Father's Day weekend in 2023. Mr. Goldstein has submitted a special events application for this event. This application includes plans for parking, fire and emergency medical staging plan, security that is to include 30 security officers and 10 Sacramento County Sheriffs, a trash clean up schedule, insurance coverage, hold harmless agreement, state liquor license, food vendors, and entertainment and sponsors. Copy is attached.

Mr. Goldstein has produce themed events in various locales in involving retail vendors, sponsors, music and entertainment in a size that the range of 700 to 10000 people. Some of these events include Rubrik Sales Kickoff in Las Vegas, Zscaler SKO Games in Chicago, Connect in Dana Point, California.

It is anticipated that this event will be of moderate size and limited activities after such a long absence. Reestablishing Isleton's Father's day weekend event after a hiatus has been an objective of the City since the prior festival closed several years ago. The local cannabis industry did a good job re-initiating this event in 2019 on a smaller scale. However the continuation of this event was halted by the coronavirus pandemic for the past three years. Mr. Goldstein's plan is comprehensive, has the experience and resources to engage the range of services needed - security, finance, sponsor, beverage, vendors, food, parking, trash - to bring this event to the fore. The size of this event is expected to be similar to the event of 2019.

Staff has put Mr. Goldstein in touch with the City's insurance broker to put in place the proper amount of liability and insurance protection to the City. The insurance minimum limits have been adjusted upward to \$2 million for occurrence, automobile and liquor liability and \$4 million for aggregate; up from \$1 million for all categories.

Update – Mr. Goldstein has contacted the City's insurance carrier (SCORE) and familiarized with insurance requirements. He will retain the insurance closer to the event date.

The amount of time it takes to stage such an event takes months to a year. This plan provides the schedule and necessary resources to stage this event. Issuing the permit at this time will give Mr. Goldstein and staff at this time to address and secure the many details and resources needed in advance. This action allows the applicant the authority to determine and secure these details at

least a half a year ahead of the event. Should there be obstacles to preparing this event or that may prevent the event from being staged, the City needs to know early. Staff will report to and so advise Council in early January of 2023.

Staff recommends that this application be approved.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action

### **RECOMMENDATION**

Status report on the event permit application for the Isleton 100<sup>th</sup> Anniversary-Crawdad Festival for 17-18 June 2023.

### **ATTACHMENT**

- None.

Reviewed by: Charles Bergson, City Manager 

Submitted by: Yvonne Zepeda, City Clerk \_\_\_\_\_

# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 7.B

CATEGORY: Old Business

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### COUNCIL AGENDA MODIFICATIONS, PROPOSED

#### **SUBJECT:**

It has been proposed by Councilmember Kent to modify the format of the City Council meeting agenda. A copy of the proposed modified agenda is attached. Councilmember Kent will present this proposal

#### **FISCAL IMPACT**

There is no fiscal impact associated with the item.

#### **RECOMMENDATION**

It is recommended that City Council review and provide direction on the proposed Agenda modifications.

Prepared by: City Manager, Charles Bergson 



**DRAFT**

City of Isleton Sample Agenda and Proposed Improvements

2/17/2023

Revision 08

**CITY OF ISLETON**



Serving the Heart of the Delta

**Regular City Council Meeting Agenda**

<Date of Meeting> at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

You can call in to join our public meeting

**TELECONFERENCE OR IN PERSON MEETING**

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This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this Zoom meeting can dial in by phone at 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# (for Personal ID just hit#) and then Passcode 123456#. For computer log-in, follow the link below.

Join Zoom Meeting

<https://us02web.zoom.us/j/3379037904?pwd=cWdVNkN5aHUxcjVwRGRIb1BpaicwZz09>

Meeting ID: 337 903 7904

Passcode: 123456

Minutes of this meeting will be recorded, transcribed, and made available on <date> at <link>

A 5 minute recess will occur every 2 hours the Council is in session

CITY MOTTO: "Crawdad Town, USA"

**STATEMENT OF OBJECTIVES:**

"We, the City Council of Isleton, have been appointed through due process to enact solutions that represent the needs and wants of our citizens, individually and collectively, and to competently attend

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at IO I

to the business of the City on their behalf. Our goal is for Isleton to become known and beloved by all as The Little Paris of the Delta."

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## 1. OPENING CEREMONIES

- A. Welcome & Call to Order – Mayor
- B. Pledge of Allegiance
- C. Roll Call

## 2. RECOGNITION OR ADJUSTMENT OF PRIORITIES

Items may be added, removed, or reviewed at the discretion of the Council

- A. <Sample Item: "Debt Management and Public Safety">
  - B. <Sample Item: "CUP Timeout and Clarification">
  - C. <Sample Item: "Code Enforcement">
  - D. <Sample Item: "Water Tower">
  - E. <Sample Item: "Crawdad Festival">
- ...

## 3. PRIOR STATEMENTS OF DIRECTION TO STAFF OR COMMITTEES

When so declared and issued, a Statement of Direction given by the Council to the City Manager or a Committee is to be entered into the Minutes and will appear here in ongoing Agendas, until deemed completed or no longer relevant by the Council or the City Manager.

## 4. COUNCIL REPORTS AND COMMITTEE UPDATES

- A. Mayor Pamela Bulahan
- B. Vice Mayor Paul Steele
- C. Councilmember Iva Walton
- D. Councilmember Kelly Hutson
- E. Councilmember David Kent
- F. Planning Commission Update
- G. Monthly Budget Report (4<sup>th</sup> Tuesday)

## 5. STAFF GENERAL REPORTS AND DISCUSSION

- A. City Manager Report
- B. Fire Chief Report

## 6. PUBLIC COMMENT ON PRIORITIES, STATEMENTS, AND REPORTS

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This is an opportunity for the public to speak to the Council on items discussed so far in this Agenda, specifically Priorities, Reports, and Statements of Direction. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton, and the name of the organization they are representing, if any. The Mayor, Vice Mayor, or a Councilmember will impose a time limit of 5 minutes per speaker, strictly enforced.

## **7. AGENDA CHANGES OR DELETIONS**

## **8. COMMUNICATIONS**

## **9. CONSENT CALENDAR**

## **10. PUBLIC HEARING**

## **11. OLD BUSINESS**

## **12. NEW BUSINESS**

New business originating from a Committee or Staff shall be accompanied by the following, to be entered into the Minutes:

- A. Statement of benefit or incentive
- B. Brief summary of financial impact, if any
- C. Brief summary of community impact

Guidelines:

- A. Mayor reads item
- B. City Manager, Staff, or Committee comments
- C. Council comments or questions
- D. Public comments @ 3 minute time limit, strictly enforced
- E. Close public comments
- F. Council follow up comments or questions
- G. Council enters a motion or issues Statement of Direction to City Manager, Staff, or Committee

## **13. GENERAL PUBLIC COMMENT**

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton, and the name of the organization they are representing, if any. The Mayor, Vice Mayor, or Councilmember will impose a time limit of 5 minutes per speaker, strictly enforced.

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**14. CLOSED SESSION**

**15. ADJOURNMENT**

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# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 7.C

CATEGORY: Old Business

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### **CITY COUNCIL APPROVE ORDINANCE 2023-04 ALLOWING AND REGULATING DOMESTIC ANIMALS ZONED RESIDENTIAL PARCELS (R-1), AMENDMENT TO ORDINANCE 218.**

#### **SUMMARY**

There has been a request that Ordinance 218 be amended in order to harbor and maintain chickens on residential parcels. City staff reviewed Ordinance 218 and made amendments for this request.

#### **DISCUSSION**

Staff has made amendments to Ordinance 218 to allow domestic animals in zoned residential parcels R-1, which includes chickens.

It is recommended City Council approve or make amendments to Ordinance 2023-04 Allowing and Regulating Domestic Animals zoned Residential Parcels (R-1), Amendment to Ordinance 218. (Attachment 1).

The existing ordinance 218 provides for the regulating of domestic animals zoned residential parcels (R-1).

#### **FISCAL IMPACT**

There is no fiscal impact for this action.

#### **RECOMMENDATION**

It is recommended City Council approve Ordinance 2023-04 Allowing and Regulating Domestic Animals zoned Residential Parcels (R-1), Amendment to Ordinance 218

#### **ATTACHMENT**

Ordinance 2023-04 Allowing and Regulating Domestic Animals zoned Residential Parcels (R-1), Amendment to Ordinance 218

Written by: Diana O'Brien

Reviewed by: Charles Bergson, City Manager 

Submitted and prepared by: Yvonne Zepeda, City Clerk \_\_\_\_\_



**ORDINANCE NO. 2023-04**

**AN ORDINANCE FOR ALLOWING DOMESTICATED ANIMALS ON RESIDENTIAL PROPERTIES (R-1); AMENDING ORDINANCE 218**

**THE CITY COUNCIL OF THE CITY OF ISLETON DOES ORDAIN AS FOLLOWS:**

Section 1. Definition. The term animal as used herein means any bovine animal, horse, mule, burro, sheep, goat, swine, duck, turkey or other domestic animal with the exception of domestic dog or cat.

Below are domesticated animals that are permitted pursuant to the regulations contained for residential parcels (R-1) only:

No.	Type of Animal	Amount Permitted
1	Small animals such guinea fowls, rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like	Total Maximum 10 in any combination
2	Roosters	Not permitted
3	Hens (Chickens)	Total Maximum 5
4	Miniature pot-bellied pigs or pet pigs	Maximum 2
5	Large fowl such as geese/ducks	Maximum 5 (More than 5 must be approved by encroachment permit and is on one (1) Acre or more in a lot area)
6	Goats/Sheep	Maximum 2 (More than 2 must be approved by encroachment permit and is on one (1) Acre or more in a lot area)
7	Horses and Bovine	2 Approved by encroachment permit and is on one (1) Acre or more in a lot area)

If these domesticated animals become a nuisance or danger to residents, they are to be removed immediately and /or fined per Section 8 of this ordinance.

Section 2. Keeping of Animals. ~~It is unlawful to keep, harbor or maintain any animal on any parcel of real property within the City of Isleton, unless such property is zoned for agricultural uses and the keeping, harboring and maintaining of an animal there on is authorized pursuant to the Zoning Ordinance of the City of Isleton.~~ Where the keeping, harboring and maintaining of an animal is authorized herein, such animal shall not be located nor shall any structure, pen or enclosure used for the keeping thereof be located nearer than ~~400~~ 20 feet of any building on adjoining property used for dwelling purposes, food preparation, food service, a school, a hotel or motel or place of public assembly. ~~Animals must be harbored in animal shed(s) located in the backyard at dusk to not attract wild animals such as hawks, coyotes and foxes.~~ No animals are allowed to be harbored or maintained in front areas of residential parcels of real property within the City of Isleton.

It is unlawful to keep, harbor or maintain animals listed for the purposes of selling on any residential parcel of real property zoned Residential 1-7 within the City of Isleton.

It is unlawful to keep, harbor or maintain any animal on any parcel of real property zoned Residential 2-7 in the City of Isleton excluding small animals in item 1, and dogs and cats (See Ordinance 906 and 946).

Section 3. Slaughter of Animals. It is unlawful to kill or slaughter any animal within the City of Isleton.

Section 4. Transportation of Animal Carcasses. It is unlawful to transported upon any public street within the City of Isleton, the carcasses of any animal unless the vehicle in which it is so transported is constructed to completely enclose said carcasses and so that the same are not exposed to view.

Section 5. Repealing Conflicting Ordinances. Ordinances No. 11 and 13 passed and adopted June 4, 1923, and Ordinance No. 153 passed and adopted March 28, 1955, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Other Regulations. This Ordinance is not an exclusive regulation of animals within the City. It shall supplement, be cumulative with, and in addition to, all other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, **Sacramento County**, the State of **California** or other legal entities having jurisdiction. **Control of Animals is found in Isleton Ordinances 946 and 906.**

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by the decision of any Court of competent jurisdiction, such invalidity shall not affect the other provisions or the application of this ordinance which can be given effect without the invalid provisions or application, and to this and the provisions of this ordinance shall be declared severable. The City Council hereby declares it would have adopted this Ordinance irrespective of the fact that any one or more of its provisions or the application thereof to any person or circumstances is held invalid.

Section 8. Penalty for Violation. Any person, firm, partnership, venture, association or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for not exceeding six (6) months or both such fine and imprisonment.\

Section 9. Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate protection of the public health and shall take effect immediately upon its adoption.

Section 10. Posting. This Ordinance shall be typed and posted in three conspicuous places in the City of Isleton, namely: City Hall, Post Office and DE Jack's Country Store.

**PASSED AND ADOPTED** by the City Council of the City of Isleton, State of California, this 28th day of February, 2023, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
MAYOR, Pamela Bulahan

ATTEST:

\_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda

# City of Isleton

DATE: February 28, 2023

## City Council Staff Report

ITEM#: 7.D

CATEGORY: Old Business

### **ORDINANCE NO. 2023-05, AN ORDINANCE AMENDING ORDINANCE 2016-02 OF THE CITY OF ISLETON CONCERNING CAMPING WITHIN CITY LIMITS; DIRECTION**

#### **SUMMARY**

Homelessness continues to be a challenge for the City and residents of Isleton. The living conditions of persons experiencing homelessness in the City are unhealthy and adverse to the health, safety, and welfare of the City residents.

#### **DISCUSSION**

Staff requests City Council approve to amend Ordinance 2016-02 of the City of Isleton Concerning Camping Within City Limits.

This ordinance is a comprehensive ordinance addressing homelessness and unlawful camping. This ordinance provides for temporary seizure of personal property, fines for violations, remedies through the court, and has broader definitions for encampments, public facilities, and prohibited conduct. This proposed Ordinance was discussed at City Council meeting on November 9, 2023 with direction to prohibit open flames.

Staff recommends that the Council review and approve to amend the City's unlawful camping ordinance.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

#### **RECOMMENDATION**

It is recommended that City Council approve amending the City's Unlawful Camping Ordinance No. 2023-05.

#### **ATTACHMENTS**

- A. DRAFT Ordinance 2023-05 An Ordinance of the City of Isleton Concerning Camping with City Limits.
- B. Existing Ordinance.

Prepared by: Diana O'Brien, Administrative Assistant  
Reviewed by: Charles Bergson, City Manager \_\_\_\_\_  
Submitted by: Yvonne Zepeda, Deputy City Clerk \_\_\_\_\_



**ORDINANCE 2023-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON AMENDING  
ORDINANCE NO. 2016-02 AND REPLACING WITH 2022-004**

**WHEREAS, the City Council recognizes that unlawful camping by unhoused persons, and the activities often attendant with unlawful camping, have created public health and safety problems within the City; and**

**WHEREAS, the City Council wishes to adopt an ordinance seeking to address unlawful camping in the City of Isleton.**

**NOW, THEREFORE, the City Council of the City of Isleton does hereby ordain as follows:**

**Section 1: Purpose and Findings**

**The purpose of this ordinance is to amend the City of Isleton Ordinance 2016-02 to enact regulations to address unlawful camping and homelessness in the City. The City Council has authority to adopt this ordinance pursuant to California Constitution Article XI, Section 11.**

**In adopting this ordinance, the City Council makes the following findings:**

- A. There are currently unsheltered persons experiencing homelessness within the City.**
- B. The living conditions of persons experiencing homelessness in the City are unhealthy and unsafe and negatively impact the health, safety, and welfare of City residents and the homeless community in the City.**
- C. Research indicates that nationally approximately one-third of individuals who are homeless experience alcohol and drug problems. (Gillis, Dickerson, & Hanson, 2010).**
- D. Homeless camping areas and encampments generate hazardous waste, including human waste, created dangerous health conditions within the City. Such unsanitary conditions can lead to infestation of vermin and the spread of communicable diseases.**

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- E. Some homeless persons in the City live in makeshift shelters on both private and public property, such as tents, tarps, non-permanent boarded structures, and other non-substantial temporary structures creating a public health and safety hazard.**
  
- F. The City's fire department and other City departments regularly receive calls for service related to homeless activities.**
  
- G. Criminal activity may be present in and near homeless camping areas or encampments, which creates potential victimization of all residents, housed and unhoused. The prevalence of substance abuse and mental health disorders can also lead to an increase in low-level offenses due to individuals being disconnected from support and housing opportunities.**
  
- H. The City is the owner of a Municipal Separate Storm Sewer System (MS4) that includes, without limitation, storm drains, detention basins; and is subject to the requirements of the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Permit, which requires controls to reduce the discharge of pollutants in storm water from MS4s to the maximum extent practicable. Unlawful camping activity can lead to pollutants in runoff, and pollutants in runoff can threaten and adversely affect human health and aquatic organisms.**
  
- I. Unlawful camping can lead to damage to and/or hindrance of operation of public infrastructure in the City, creating a potential health and safety hazard.**
  
- J. Unlawful camping can have a deleterious impact on businesses, private property, and economic development within the City.**
  
- K. By this ordinance, the City Council seeks to implement enforcement efforts to address the health and safety concerns presented by unlawful camping and the homelessness issue in the City, while seeking to provide those experiencing homelessness with potentially available resources to ameliorate their condition.**

## **Section 2: California Environmental Quality Act (CEQA)**

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The City of Isleton is an equal opportunity provider and employer.



**Finding:** Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code, Sections 21000, et. Seq., hereafter “CEQA) pursuant to state CEQA Guidelines Sections 15060 (c) (2), 15061 (b) (3), 15307, and 15308.

**Evidence:** CEQA requires analysis of government agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment.” (CEQA Guidelines, § 15378.) The proposed project includes discretionary amendments to the City’s Municipal Code and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines section 15060(c) (2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines section 15061(b) (3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in this ordinance does not approve any physical development project, and it would not result in a direct or indirect adverse physical changes in the environment. Rather, this action is directed toward addressing homeless issues in the City, including improving conditions within the City through enforcement efforts.

### **Section 3: Action**

The City of Isleton Ordinance No. 2016-02 is hereby rescinded by the addition of Ordinance 2022-004 as shown in Exhibit A, incorporated herein by this reference.

### **Section 4: No Mandatory Duty of Care.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

### **Section 5: Severability.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

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**Section 6: Savings Clause**

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

**Section 7: Effective Date and Publication**

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**INTRODUCED:**

**ADOPTED:**

**EFFECTIVE:**

\_\_\_\_\_  
**MAYOR, PAMELA BULAHAN**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**YVONNE ZEPEDA, DEPUTY CITY CLERK**

\_\_\_\_\_  
**CITY ATTORNEY, ANDREAS BOOHER**

**Exhibit A**

**Municipal Code Amendments**

*Additions are shown in underlined text.*

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**Chapter 5.60 is being replaced to the City of Isleton Municipal Code to read as follows:**

Chapter 5.60

**UNLAWFUL CAMPING**

**5.60.020 Definitions**

**5.60.025 Prohibitions**

**5.60.041 Temporary Seizure of Property**

**5.60.050 Administration**

**5.60.060 Violations**

**5.60.020 Definitions.**

**As used in this chapter, the following terms shall have the following meaning:**

- A. **“Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.**
  
- B. **“Camp” or “camping” means to engage in any of the following activity at a single camping area within the City for a period longer than twenty-four (24) consecutive hours: place, pitch, or occupy camp facilities; live temporarily in a camp facility or camping area or outdoors; and/or to use camp paraphernalia.**
  
- C. **“Camping area” includes the primary physical area of occupation of a single camping person.**

- D. "Camp facilities" includes, but is not limited to, tents, huts, vehicles, or temporary shelter.
- E. "Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, or cooking facilities and similar equipment.
- F. "City" means the City of Isleton, including its employees and agents.
- G. "City manager" means the city manager of Isleton or their designee.
- H. "Encampment" means four (4) or more persons camping together within (50) feet of each other and without permitted electrical power, permitted running water, and/or permitted bathroom facilities that serve that encampment.
- I. "Housing support services" means housing support services intended to connect a person with temporary or permanent housing resources.
- J. "Playground" means any recreational area specifically designed to be used by children which has play equipment installed, including, without limitation, public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.
- K. "Public property" means any real property located in the City and owned in fee title, or its equivalent, by the City or any federal, state, or local government agency.
- L. "Public facility" means any building, structure, or area enclosed by a fence located on public property, whether secured, unsecured, locked, unlocked, open, or enclosed.
- M. "Private property" means any real property located in the City and owned in fee title, or its equivalent, by a private person or entity. The fact that private property may contain an easement, lien, or the interest less than fee title, or its equivalent, by a governmental or public agency does not negate the status of the property as private property.

- N. “School” means the buildings and grounds of any public or private school used for the purposes of the education of children in kindergarten or any of the grades one (1) through twelve (12) inclusive.
- O. “Sidewalk” means any area in the City provided for the use of pedestrians, including planting areas, driveway approaches or parking strips, between the public vehicular road way and the edge of right-of-way bordering fronting or adjacent private property.
- P. “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcaded, or similar amusement park facilities.

5.60.025 Prohibitions.

- A. It shall be unlawful and a violation of this chapter for any person or persons to do any of the following on any public property within the City:
1. Camping within 500 feet of the grounds of any day care center, school, playground, or youth center.
  2. Occupy a camping area greater than 150 square feet measured from the center of the primary living area of the total camping area.
  3. Occupy any encampment.
  4. Fail to keep any camping area clean and free of garbage, debris, waste, including without limitation, hazardous waste and/or human waste.
  5. Camp in any structure or structures that an authorized City official finds is unsafe for human occupation.
  6. Break or damage any lock on any public facility in order to access the public facility, and/or camp within a public facility.
  7. Lock or otherwise impair or impede access of public employees or agents to any public facility.

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8. Block, obstruct, or otherwise interfere with access to, a public facility, sidewalk, and/or other public right-of-way.

9. No open flames or campfires or propane fires.

B. It shall be unlawful and a violation of this chapter for any person to camp on private property without the consent of the owner of the private property.

C. Notwithstanding the foregoing, it shall not be a violation of this section or this chapter for a person to camp on public or private property.

#### 5.60.041 Temporary Seizure of Property.

A. Subject to section 5.60, any person who violates section 5.60.041 shall be subject to having their personal property temporarily seized by the City pursuant to this section.

B. Prior to any seizure of personal property pursuant to this section, the City shall provide the owner/possessor of the personal property not less than seventy—two (72) hours' written notice, on a form prescribed by the City Manager. The written notice may be personally served on the owner of the personal property or posted at the location where the personal property is store or located.

C. Upon seizure of any personal property pursuant to this section, the City shall provide the owner/possessor with a written receipt itemizing the personal property seized, advising that the personal property will be held by the City for not less than 90 days, that the owner/possessor of the seized property may retrieve such personal property within that 90 – day period at an address provided on the receipt, during normal business hours, and that the City may destroy or otherwise dispose of that personal property if not reclaimed and retrieved by the owner/possessor within that 90 – day period. Nothing herein shall require the City to store or maintain personal property that is determined by the City to present a health or safety hazard, is soiled by human waste or other contamination, is illegal, illegally possessed, and/or that is used or intended to be used in furtherance of illegal activity, including, without limitation, paraphernalia used or intended to be used for illegal drugs.

D. Following seizure of any personal property pursuant to this section, the City shall secure and store the personal property seized, at the City's expense, for a period of not less than ninety (90) days. Such personal property shall be returned to the owner/possessor upon presentation of the receipt identified in subsection (C), or such other proof satisfactory to the City that person seeking return of the property is the owner or otherwise has a viable claim to reclaim the personal property.

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The City of Isleton is an equal opportunity provider and employer.

Any personal property not reclaimed within ninety (90) days of its seizure may be destroyed or disposed of by the City, in its discretion.

#### 5.60.050 Administration

The City Manager shall be authorized to administer the provisions of this chapter including, without limitation, developing all documentation and forms, and taking all actions reasonably necessary and consistent with this chapter, to administer the provisions of the chapter.

#### 5.60.060 Violations

A. Any person violating this chapter shall be subject to the following penalties.

1. Temporary seizure of personal property, as set forth at section 5.60.
2. An infraction citation and penalty of 300 Hundred and no/300ths (\$300.00) Dollars for each day's violation of this chapter pursuant to CIMC chapter 5.60.
3. An administrative citation and penalty of 300 Hundred and no/300ths (\$300.00) Dollars for each day's violation of this chapter pursuant to CIMC chapter 5.60 and section A, (1), (2), (3), (4), B and C, and/or any other generally applicable resolution or provisions of the CIMC concerning administrative fines and penalties.
4. Prior to the City pursuing any of the remedies set forth at subsection A, (B)-(C)-(D), inclusive, above, the City shall provide the violator, orally or in writing, with information about housing support services. Nothing in the section or this chapter shall require the City to provide housing to such violator.

B. Notwithstanding subsection A of this section:

1. Any violation of this chapter may be remedied by a civil action brought by the City Attorney.
2. Violations of this chapter are hereby declared to be public nuisances subject to abatement by the City by any lawful means.

- C. The remedies set forth in this chapter shall be cumulative and in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under law.



# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 8.A

CATEGORY: New Business

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### ISLETON MUSEUM REQUEST CITY SUPPORT, SEWER FEES

#### SUMMARY

The Isleton Museum has requested that the City waive its sewer fees.

#### DISCUSSION

It is not uncommon for a public agency to waive fees for cultural and non profit organization. The Isleton Museum is dedicated to preserving the history of the Chinese and Asian community in the Delta. In the interests of supporting the City's historical and cultural resources, staff recommends granting utility services at no charge provided the museum remains active and open to the public.

It is recommended that City Council grant sewer utility service to the Isleton Museum at no charge.

#### FISCAL IMPACT

The fiscal impact would be \$864.00 (\$72.00 x 12 months) from the sewer enterprise fund. This amount is not considered to be insignificant.

#### RECOMMENDATION

It is recommended that City Council grant sewer utility service to the Isleton Museum at no charge.

#### ATTACHMENT

1. Isleton Museum Letter dated 02/06/23

Written by: Diana O'Brien

Reviewed by: Charles Bergson, City Manager 

Submitted and prepared by: Yvonne Zepeda, City Clerk \_\_\_\_\_





Isleton Museum  
P.O. Box 933,  
Isleton, CA 95641



2/6/2023

Isleton City Council Members,

During last fall our City Manager, Chuck Bergson, and I were discussing ways, other than direct financial support, that the City of Isleton could acknowledge gratitude for the efforts which have been required to complete the restoration of the Bing Kong Tong Building and have it open as a museum. After some thought he suggested that the sewer fees for 29 Main could be waived.

This was presented to the Board of Directors who heartily approved. We would greatly appreciate if you could agree to this.

Sincerely,

Lynne Hasz

Board of Directors President



# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 8.B

CATEGORY: New Business

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### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON AMENDING ORDINANCE 05-2011 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON ADOPTING A HISTORIC PRESERVATION ORDINANCE**

#### **SUMMARY**

On August 24, 2011 the City Council of the City of Isleton adopted Ordinance 05-2011 An Ordinance of the City Council of the City of Isleton Adopting A Historic Preservation Ordinance.

#### **DISCUSSION**

The 1980 amendments to the National Historic Preservation Act of 1966, as amended, provided for the establishment of a Certified Local Government Program (CLG) to encourage the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions and promote the integration of local preservation interests and concerns into local planning and decision-making process. The CLG program is a partnership amount local governments, the State of California (OHP), and the National Park Service (NPS) which is responsible for administering the National Preservation Program.

As part of the CLG Program Federal grants are awarded annually to assist with historic preservation programs.

Staff met with the California State Office of Preservation (OHP) to process the City's application to become a Certified Local Government and was advised to make an amendment to the City of Isleton's 05-2011 Ordinance (see attached).

This amendment – deleting Section 1.06 D – removes the automatic designation as a local historic landmark. The State requires that all potential landmarks undergo the historic landmark review process. The City added an additional amendment by removing “No member shall serve more than eight consecutive years” in Section 1.03.C Term, Officer and Rules.

This action will assist the City complete the CLG application and become eligible for historic preservation grant funds.

#### **FISCAL IMPACT**

There is no fiscal impact for this action.

#### **RECOMMENDATION**

It is recommended City Council adopt Ordinance 2023-02 amending the City of Isleton Historic Preservation Ordinance.

**ATTACHMENT**

1. An Ordinance of the City Council of the City of Isleton Amending Ordinance 05-2011  
An Ordinance of the City Council of the City of Isleton.
2. Letter from Isleton Historical Review Board Approving Amendments

Written by: Diana O'Brien

Reviewed by: Charles Bergson, City Manager

Submitted and prepared by: Yvonne Zepeda, City Clerk

A handwritten signature in blue ink, appearing to read "Bergson", is written over the printed name "Charles Bergson" in the "Reviewed by" line.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE NO. 2023-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON  
AMENDING ORDINANCE 05-2011 AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF ISLETON.**

**WHEREAS**, in December 2009 the Isleton Historic Preservation Stakeholder Committee was formed to help develop historical preservation goals for the city;

**WHEREAS**, the committee met every month for more than a year;

**WHEREAS**, the committee has developed policies and objectives to advance the historical interests of the city;

**WHEREAS**, this ordinance establishes procedures and regulations to identify, preserve, designate, and maintain historic resources;

**WHEREAS**, the California Environmental Quality Act is being complied with through use of a categorical exemption (CEQA Guideline § 154308); and

**WHEREAS**, having reviewed this ordinance on April 12, 2011 the Isleton Planning Commission is recommending City Council approval;

**NOW, THEREFORE**, the Isleton City Council does ordain as follows:

Section 1. The Historic Preservation Ordinance is adopted to read in its entirety as follows:

**HISTORIC PRESERVATION ORDINANCE**

Sections:

- 1.01 Purpose
- 1.03 Establishment of Historic Review Board
- 1.06 Designation of Historic Landmarks and Districts
- 1.09 Certificates of Appropriateness
- 1.12 Certificates of Hardship
- 1.15 Appeals
- 1.18. Duty to Maintain
- 1.21 Unsafe or Dangerous Conditions
- 1.23 Penalties

1.01 Purpose

The purpose of this chapter is to promote the public health, safety, and welfare by providing for the identification, protection, enhancement and perpetuation of such things as buildings, structures, signs, features and sites within the city, that reflect the city's historical, architectural, archaeological and cultural heritage. The way this chapter has accomplished this is by establishing a historic review board which: (i) makes recommendations to the city council concerning the designation of historic landmarks and districts; (ii) oversees the issuance of certificates of appropriateness which are required in order to make specified changes to historic landmarks and districts; and (iii) makes recommendations to the city council concerning the issuance of hardship certificates which are available under specified circumstances to allow an owner to be relieved from the strict application of this chapter. City council is sensitive to the competing needs of preserving its heritage as provided herein while at the same time avoiding unnecessary regulation of private property. Accordingly, city council has directed the board to distinguish between 'minor" and "major" repairs, modifications, alterations and construction as the board develops its operating rules and regulations, which rules and regulations shall be reviewed and adopted by city council resolution and bound in an operational manual together with adopted policies for easy counter reference.

### 1.03 Establishment of Historic Review Board

#### A. Establishment of historic review board

The Isleton Historic Review Board is established to promote the goals and objectives of this chapter through exercise of its powers and duties which are outlined below.

#### B. Composition of the historic review board

The board shall consist of five members as follows: (1) one historical society board member; (2) two public members; and (3) two planning commissioners. The historical society board member shall be selected by the historical society board, the public members shall be appointed by city council; and the planning commission members shall be selected by the planning commission, all subject to city council confirmation.

#### C. Term, officers and rules

Except as otherwise provided, each board member shall serve at the pleasure of the city council until his or her successor is seated. ~~No member shall serve more than eight consecutive years.~~

1- Vacancies shall be filled by majority vote of the city council.

2. The tem of a member who has been absent for three consecutive meetings without prior board approval, shall automatically terminate.



ORDINANCE NO. \_\_\_\_\_

2. The term of a member who has been absent for three consecutive meetings without prior board approval, shall automatically terminate.
3. The board shall elect a chair and vice-chair, who shall each hold office for up to two years.
4. The chair and vice-chair shall be elected at the first board meeting after July 1st of each year or as soon thereafter as possible.
5. The board shall adopt its own operating rules, regulations and policies, and shall designate the time and place for its meetings.

D. Powers and duties of board

1. The board shall:

- a. maintain a list of possible landmarks and districts which may merit official historic recognition;
- b. investigate and report to the city council on the use of various federal, state, local, and private funding sources;
- c. be available to advise people concerning the goals and objectives of this chapter as they relate to proposed work on architectural historical or cultural resources in the community. Examples of such work include exterior painting, roofing, fencing, landscaping, glazing, and installation of light fixtures; and
- d. encourage public awareness, understanding and involvement concerning the unique historical, architectural and environmental heritage of the city through educational and interpretative programs.

2. The board shall also:

- a. make recommendations to the city council concerning the its designation of historic landmarks and districts which city council is hereby authorized to designate as provided herein;
- b. review applications for certificates of appropriateness as follows:
  - (1) the board shall review applications asking for permission to demolish structures, and recommend to city council whether and under what circumstances a certificate should issue;

ORDINANCE NO. \_\_\_\_\_

(2) the board shall review and rule on applications asking permission to move, alter or construct structures, as well as all other 'major' proposals; and

(2) the board shall review all other applications for certificates of appropriateness to determine whether the board or the building official should rule on them.

c. review applications for certificate of hardships and recommend to the city council whether and under what circumstances such a certificate should issue.

2. The board shall have all other powers which are incidental and necessary to carry out its enumerated powers and duties.

## 1.06 Designation of Historic Landmarks and Districts

### A. Procedure for designation of historic landmarks and districts

1. The development and amendment of the city's list of historic landmarks and districts may be initiated:

- a. at the recommendation of staff;
- b. by recommendation of the board; or
- c. by application of the property owner.

2. Upon initiation, the board shall review the request and make a recommendation to be considered at a public hearing before the city council, which will make the final decision concerning adoption or amendment of the list.

3. The city council hearing shall be noticed as follows in addition to the extent otherwise required by law:

a. in the case of a historic landmark, notice of the hearing shall be given to the owners and occupants (if any) of the historic landmark and advertised in a newspaper of general circulation at least ten days prior to the public hearing;

b. in the case of a historic district, notice of the hearing shall be given to the applicants and owners of all properties within the proposed historic district and advertised in a newspaper of general circulation at least ten days prior to the public hearing;

ORDINANCE NO. \_\_\_\_\_

c. at the conclusion of the public hearing city council shall make a decision supported by written findings; and

d. if city council makes a designation, the city clerk will forthwith cause to be recorded notice that such property has been designated and placed on the city's register of historic landmarks and districts and said notice shall state that the designation runs with the land.

**B. Criteria for designation of landmarks and districts**

1. In designating a landmark or district as being of historical or cultural significance and worthy of protection under this chapter, the property must be found to have historical or cultural interest or special character to the public.

2. The criteria to be used is that the place, site, building, structure, object, or improvement possesses integrity of location, design, setting, materials, and workmanship; and meets one or more of the following:

a. the proposed landmark or district reflects interest or value as part of the heritage of the city;

b. the proposed landmark or district was the location of a significant historic event;

c. the proposed landmark or district identifies with a person(s) who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the city, state or country,

d. the proposed landmark or district contains outstanding or exemplary elements of attention to architectural design, detail, materials or craftsmanship of a particular historic period;

e. the proposed landmark or district is in a unique location or contains one or more physical characteristics representing an established and familiar visual feature of a neighborhood;

f. the proposed landmark or district is a source, site or repository of archeological interest; or

g. the proposed resource or district contains a natural setting that strongly contributes to the well-being of the people of the city.

**C. Additional criteria for districts**

ORDINANCE NO. \_\_\_\_\_

Where the designation of an historic district is being considered, the following additional criteria will be considered:

1. whether it is a geographically definable area, urban or rural, possessing a significant concentration of objects, sites or structures unified by past events, or aesthetically by plan of development; or
2. whether the collective value of the area is greater than the value of each individual component.

~~D. Automatic designations~~

~~Any property listed in the National Register of Historic Places or the California Register of Historic Resources will automatically be designated as a local historic landmark, and any neighborhood so designated will automatically be designated as a local historic district. Any property identified as a contributing structure (e.g. one that enhances the historical nature of the area) to a district so listed will also be considered a contributing structure to the local historic district.~~

~~E.D. Findings for deletion of historic landmarks or historic districts~~

~~The deletion of any designated historic landmark or district may be approved only if city council first finds that the historic landmark or district no longer qualifies as such based on the criteria in section 1.06 B or is otherwise entitled to a certificate of hardship.~~

## 1.09 Certificates of Appropriateness

### A. When certificates of appropriateness are required

Except as provided herein, the following activities are only allowed after the city has issued a certificate of appropriateness:

1. exterior alterations (e.g. exterior painting, roofing, fencing, landscaping, glazing, and installation of light fixtures) to a designated historic landmark;
2. new construction on the site of a designated historic landmark;
- 3 moving of a historic landmark;
4. a lot split or subdivision of a historic landmark;
5. the erection or relocation of a sign in a historic district; and

ORDINANCE NO. \_\_\_\_\_

6- new construction on property in a historic district.

B. Applying for a certificate of appropriateness

Applications shall be made on a form prescribed by the building official and shall be accompanied by a fee set by resolution of the city council. The application shall include information required by the building official including elevation drawings, proposed colors and materials, plan view of new construction, and color photographs of all sides of all existing onsite structures.

C. Processing of a certificate of appropriateness

1. The building official will use a "preservation check list" to determine if a proposal is "minor" or "major," and shall use design guidelines to determine if the proposal is compatible with the existing surroundings. All requests for new construction, subdivision, lot splits, demolition, or moving of a historic landmark shall be considered a major alteration. Applications for a certificate of appropriateness for major alterations, except demolition, shall be reviewed by the board. A certificate for demolition shall be reviewed by city council.

2. A certificate of appropriateness for minor improvements may be approved by the building official unless otherwise determined by the board.

3. The building official shall inform the board in writing of all decisions made regarding minor alterations within ten calendar days thereafter.

4. To approve an application, the proposed activity must be found to be consistent with this chapter and with the Secretary of Interior's standards and not detrimental to a historic landmark or district.

5. The board's decision will be supported by written findings.

6. A certificate of appropriateness shall become void unless construction is commenced and diligently pursued within eighteen months of the date of issuance. Certificates of appropriateness may be renewed for up to thirty-six months through the building official.

D. Additional criteria for moving a historic landmark or structure

Approval of a certificate of appropriateness for the moving of a historic landmark or structure in a designated historic district may only be granted if, in addition to the above, the board determines that:

1. the moving will not have a significant negative effect on the applicable goals and objectives of this chapter; and

ORDINANCE NO. \_\_\_\_\_

2. the structure in its original setting is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic landmark.

E. Additional criteria for demolishing a historic landmark or structure

Approval of a certificate of appropriateness for the demolition of a historic landmark or structure in a designated historic district may only be granted if, in addition to the above, the board determines that:

1. the demolition will not have a significant negative effect on the applicable goals and objectives of this ordinance;
2. the structure is not of such unusual design, texture or materials that it cannot be reproduced or can only be reproduced with great difficulty and expense;
3. the structure is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic landmark; and
4. conversion to a new use, rehabilitation and preservation are unfeasible.

F. Demolition mitigation measures

Prior to the issuance of a certificate allowing demolition the following mitigation measures in addition to any others required by law shall be completed by the applicant:

1. Each historic structure shall be documented as follows:
  - a. plans shall be prepared which include a site plan, floor plans, elevations, and detailed drawings of character defining features such as moldings, light fixtures, trim patterns and stairs, and given to the city for preservation; and
  - b. photographs shall be taken which include the exterior and interior of the structure, along with interior and exterior character defining features, and given to the city for preservation.
2. In an effort to preserve features and artifacts from historic structures, a determination whether items within or on the building should be salvaged will be made by the city prior to the issuance of a demolition permit.

ORDINANCE NO. \_\_\_\_\_

### 1.12 Certificates of Hardship

A certificate of hardship permitting demolition, moving, subdivision, or a lot split, new construction, or alteration, etc., for which a certificate of appropriateness has been refused, may be granted by the city council under the conditions described below. Application shall be made in the form required by the building official, and the same procedure required for a certificate of appropriateness shall be followed. A certificate of hardship may only be granted if the city finds:

1. Reasonable use or return on the property is not likely; and
2. Alternative plans in keeping with this chapter are infeasible.

### 1.15 Appeals

#### A. Appeal of building official's decision

Any two members of the board or a member of the public may appeal a decision of the building official made pursuant to this chapter within five calendar days thereafter. The appeal must be in writing, explain the basis and be delivered to the city clerk within that time.

#### B. Appeal of board decision

Any member of the city council or of the public may appeal a decision of the board made pursuant to this chapter within five calendar days thereafter. The appeal must be in writing, explain the basis and be delivered to the city clerk within that time.

#### C. Stay of approval

All approvals shall be stayed pending the outcome of an appeal.

### 1.18 Duty to Maintain

The owner, or other person in charge of a Historical Landmark or a contributing structure in a Historic District has a duty to keep in good repair all of the exterior features of such Landmark, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of such resource to deteriorate, decay become damaged or fall into a state of disrepair.

### 1.21 Unsafe or Dangerous Conditions

Nothing in this chapter shall be interpreted to prohibit the construction, alteration, restoration, demolition, or relocation of any historical resource if such would jeopardize

ORDINANCE NO. \_\_\_\_\_

public safety or result in an unsafe or dangerous condition which cannot be satisfactorily rectified in the professional opinion of the building official.

### 1.23 Penalties

#### A. Misdemeanor

Violation of any provision in this chapter shall constitute a misdemeanor.

#### B. Nuisance

The unauthorized alteration or demolition of a historical landmark in violation of this chapter is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its condition prior to the violation.

#### C. Civil penalties

Any person or entity which demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of this chapter, shall be liable for a civil penalty. In the case of demolition, the civil penalty shall be one-half the assessed value of the landmark or structure prior to demolition. In the case of alteration, the civil penalty shall be one-half the cost of restoration of the altered portion of the landmark or structure.

#### D. Moratorium

Alteration or demolition of a landmark or structure in violation of this chapter shall authorize the city to issue a temporary moratorium for the development of the subject property for a period not to exceed twenty-four (24) months from the date the city becomes aware of the unauthorized alteration or demolition. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the landmark or structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property.

The City Clerk shall cause this ordinance to be posted at the following three (3) locations within the City within (15) days after it is certified to be entered in the Book of Ordinances of the City:

Isleton City Hall, 101 Second Street; Isleton Post Office, 202-205 Second and C Street; and the market at 106-107 Second Street.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Isleton duly held on the 14<sup>th</sup> day of February, 2023, and was approved and



ORDINANCE NO.

enacted at a duly held regular meeting or adjourned meeting of the Council held on the 14th day of February, 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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MAYOR, Pamela Bulahan

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda



SACRAMENTO

STATE ROUTE 160 (RIVER ROAD)

RIVER

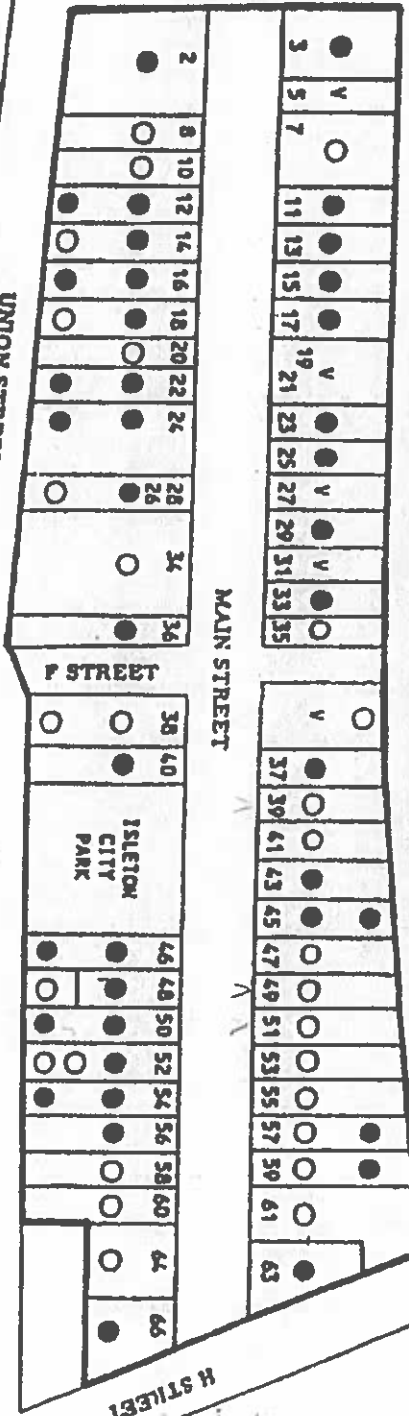
E STREET

UNION STREET

MAIN STREET

F STREET

H STREET



ISLETON CITY PARK

- DISTRICT BOUNDARIES
- 3 ADDRESS
- CONTRIBUTING BUILDING
- NON-CONTRIBUTING BUILDING
- V VACANT LOT

Changes made 11 JAN 2016

Isleton Historical Preservation Review Board  
PAR ENVIRONMENTAL SERVICES, INC. 1990



0 100 FT.  
Approx. Scale



To: City of Isleton, Isleton City Manager, Charles Bergson, P.E.

3 February 2023

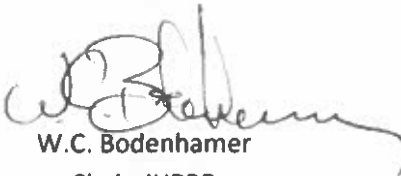
From: The Isleton Historical Preservation Review Board (IHPRB)

Subject: Amendments to Ordinance No. 05-2011

The IHPRB has reviewed the amendments as listed in the request dated January 30, 2023: Modification Requests to Ordinance No. 05-2011.

The IHPRB concurs with the recommended changes to Ordinance No. 05-2011 as stated in the modification request:

1. Remove automatic designation of properties listed in the national Register. Section 1.06 A-B
2. Section 1.03.C Term, Officer and Rules: Remove "No member shall serve more than eight consecutive years".
3. The ordinance does not state the board as "Isleton Historical Preservation Review Board". It is stated as "Isleton Historical Review Board". It is recommended to add "Preservation".



W.C. Bodenhamer  
Chair, IHPRB



# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 8.C

CATEGORY: New Business

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### CITY COUNCIL SUB COMMITTEES ASSIGNMENTS

#### SUMMARY

With the start of a new year and the addition of new members to City Council, it is time for the Council to make assignments to the several Sub-committees currently established. These sub-committees are established to carry out a single particular purpose and generally are comprised of two Council members. These committees are created by formal action, but fall under the ad hoc sub-quorum committee Brown Act 's meeting requirements. Government Code §54952(b).

#### DISCUSSION

**Current Sub-Committee Assignments, 2022 attached.**

- Finance
- Sheriff Contract
- Code Enforcement
- Intergovernmental
- Personnel
- Development Agreements
- Parking
- Architecture Design Review
- General Plan

#### **Appointments Board Member**

Small Communities Organized Risk Effort (municipal insurance) 'SCORE':

SACOG – Sacramento Area Council of Governments:

BALMD – Brannan-Andrus Levee Maintenance District:

Delta Protection Commission – nominee: County Supervisor Notolli requested that the City offer a nominee for appointment to this Commission. The Delta Protection Commission is responsible for the protection and health of the Sacramento-San Joaquin Delta and consists of a 15 member Board that meets six times a year.

Delta Protection Commission

Delta Region GHAD

**FISCAL IMPACT**

There is no fiscal impact associated with this item.

**RECOMMENDATION**

That City Council appoint representatives to Sub-Committees and Government Agencies.

Reviewed by: City Manager, Charles Bergson   
Submitted and prepared by: Deputy City Clerk, Yvonne Zepeda





# City of Isleton

101 Second Street

P.O. Box 716

Isleton, California 95641

Tel: 916-777-7770

## SUB-COMMITTEE ASSIGNMENTS 2023

**FINANCE:** AND PAUL STEELE

**PUBLIC SAFETY:** AND IVA WALTON

**CODE ENFORCEMENT:** PAUL STEELE AND IVA WALTON

**INTERGOVERNMENTAL:** PAMELA BULAHAN AND PAUL STEELE

**PERSONNEL:** AND IVA WALTON

**DEVELOPMENT AGREEMENTS:** IVA WALTON AND PLANNING COMMISSIONER

**PARKING:** PAMELA BULAHAN AND IVA WALTON

**ARCHITECTURE DESIGN REVIEW:** AND PLANNING COMMISSIONER MANDY ELDER

**GENERAL PLAN:** PAMELA BULAHAN AND

**SCORE:** – ALTERNATE CHARLES BERGSON

**SACOG:** AND ALTERNATE PAMELA BULAHAN

**BALMD:** CITY MANAGER, CHARLES BERGSON

**DELTA PROTECTION COMMISSION NOMINEE:** PAUL STEELE

**DELTA REGION GHAD (NEW)** CHARLES BERGSON



# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 8.D

CATEGORY: New Business

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### **VILLAGE ON THE DELTA LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT No. 2007-1, REIMBURSEMENT REQUEST**

#### **SUMMARY**

Request has been received by the owner of the Village on the Delta to be reimbursement for overassessment during the initial years of the Lighting and Landscaping Assessment District assessments.

#### **DISCUSSION**

This Lighting and Landscaping Assessment District (LLAD) was formed in about 2007 and remained inactive until 2017. During the first ten years the City was maintaining the LLAD facilities and lighting with General funds. No records were kept pertaining the maintenance costs that the City expended on the LLAD. In 2017 the City activated the fiscal function of the LLAD including commissioning an engineering study and establishing an assessment on the properties within the Village on the Delta.

In the beginning years the fees were based upon the initial engineering study which included costs reflecting a built-out Village on the Delta and theoretical maintenance expenses. During those years, the LLAD was collecting more than actual expenditures. Since that time the City has been tracking funds and has tailored the assessment to actual costs covering the maintenance and lighting expenses.

It has been determined that the LLAD initially collected revenue more than expended. This was especially the case on the vacant and unimproved lots. Mr. Garcia is requesting refund of the overpaid fees for those initial years, approximately 2017 through 2020. Included with this report is Mr. Garcia's estimate of the higher than actual assessments.

Staff is analyzing this request and will be able to recommend an amount to refund within two months.

#### **FISCAL IMPACT**

The fiscal impact has not been determined. Staff is reviewing this request for accounting and accuracy. The amount of reimbursement will be revenue neutral and have no impact on the LLAD or City's budget.

#### **RECOMMENDATION**

It is recommended that the City Council receive this request and direct the completion of the review and analysis of this request for reimbursement from the Village on the Delta Lighting and Landscaping Assessment District.

**ATTACHMENT:**

Mr. Garcia request of 06-23-22.

Reviewed by: City Manager, Charles Bergson

Submitted and prepared by: Deputy City Clerk, Yvonne Zepeda



## Charles Bergson

---

**From:** ANTHONY GARCIA <ag@lucas-homes.com>  
**Sent:** Thursday, June 23, 2022 2:38 PM  
**To:** Charles Bergson  
**Cc:** mnegaard@lucas-homes.com  
**Subject:** Tax Resolution  
**Attachments:** Isleton Tax Resolution Plan.pdf; Untitled attachment 01657.htm; City of Isleton Ditect Levy Removal Letter - refund.pdf; Untitled attachment 01660.htm; Back Tax Resolution Spreadsheet.pdf; Untitled attachment 01663.htm; Lucas homes Final copy.jpeg; Untitled attachment 01666.htm

Chuck,

I have attached a spreadsheet showing the Over billing for the vacant lots. It's pretty clear.

19/20 Should not have been charged as it was shared over the \$31,854.54 that was paid from 2017/18. A \$100 per lot credit should be applied of \$6,900

20/21 - Was charged \$210.50 for each Lot and should have been charged \$100 per lot, a \$110.50 per lot credit should be applied @ 69 \$7,624.50

21/22 - Was charged \$231.74 for each lot and should have been charged \$100 per lot, a \$131.74 per lot credit should be applied @ 69 Lots = \$9,090.06

Total Credit backed out of the taxes should be \$23,614.56

Amounts to be backed out./

**19/20 - \$6,900**

**20/21 - \$7,6724.50**

**21/22 - \$9,090.06**

Please let me know if you have any questions.

Regards,

Tony



Village on the Delta Tax Resolution Plan  
Requested Relief

Tax Year	Amount Due	
17/18	\$31,854.54	Due / to be disbursed over 3 years
18/19	\$31,854.54	Waived
<b>Total Due</b>	<b>\$63,709.08</b>	

Village on the Delta Tax Resolution Plan  
17/18 Funds Distribution

Tax Year	Amount Due	
17/18	\$10,618.18	1/3
18/19	\$10,618.18	1/3
19/20	\$10,618.18	1/3
	\$31,854.54	

Village on the Delta Tax Resolution.  
Valuation Going forward

Vacant Lot valuation	\$100.00	\$6,900.00
Closed House Valuation	\$461.66	\$31,854.54

- \* Based on the \$7,000 a year in hard costs supplied by the city
- \* \$31,854.54 to be paid within the next 90 days through taxes.







# City of Isleton

101 Second Street

P.O. Box 716 Isleton, California 95641

Tel: 916-777-7770 Fax: 916-777-7775

March 18, 2019

Anthony Garcia  
9172 Greenback Lane, Suite A  
Orangevale, CA 95662

RE: Direct Levy Correction – Removal: Village on the Delta Lighting and Landscaping District, Fiscal Year 2018-19

Dear Mr. Garcia

This is to confirm on January 22, 2019 the Isleton City Council approved the removal of the Village on the Delta Landscaping and Lighting Assessment District No. 2007-1, Direct Levy for Fiscal Year 2018-19.

This letter also confirms the City will reimburse the LLAD FY19 Funds of \$31,854.44 provided proof of payment to the Sacramento County for this assessment is provided to the City.

If you have any questions, please contact this office at 916-777-7771.

Truly yours,

Charles Bergson, P.E.  
City Manager  
City of Isleton  
P.O. Box 716  
Isleton, CA 95641  
Tel: 916-777-7771  
Fax: 916-777-7770  
Email: [cbergson@cityofisleton.com](mailto:cbergson@cityofisleton.com)



Isleton Over billing for Vacant Lots

APN	19/20	20/21	21/22
<b>Action to be taken</b>	Remove amount This was covered by the over payment from 17/18	Remove amount Bill is \$210.50 we agreed on \$100 amount to be removed is \$110.50	Remove amount Bill is \$231.74 we agreed on \$100 amount to be removed is \$131.74
1570260015	100	110.50	131.74
1570260016	100	110.50	131.74
1570260017	100	110.50	131.74
1570260018	100	110.50	131.74
1570260019	100	110.50	131.74
1570260020	100	110.50	131.74
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1570270008	100	110.50	131.74

APN	19/20	20/21	21/22	
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	6900	7624.50	9090.06	23614.56

# City of Isleton

## City Council Staff Report

DATE: February 28, 2023

ITEM#: 8.E

CATEGORY: New Business

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### **RESOLUTION 05-23 OF THE CITY COUNCIL OF THE CITY OF ISLETON APPROVING CALOES FORM OES-FPD-130 (REV. 10-2022) DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES TO AUTHORIZE CITY MANAGER TO EXECUTE FOR AND ON BEHALF OF THE CITY OF ISLETON APPLICATION FOR DR-4683 APPLICATION.**

#### **SUMMARY**

The County of Sacramento declared local emergency on December 31, 2022, Governor Newsom signed Proclamation of a State of Emergency due to Winter Storms on January 4, 2023, the President of the United States declared State of Emergency in the State of California identifying the County of Sacramento on January 8, 2023 and the City ratified Declaration of State of Emergency on January 30, 2023.

The City is submitting request for assistance application for the CALOES/FEMA California Severe Winter Storms, Flooding, Landslides, and Mudslides DR-4683.

#### **DISCUSSION**

It is recommended City Council approve Resolution 05-23 CALOES Designation of Applicant's Agent Resolution for Non-State Agencies to authorize City Manager to execute for and on behalf of the City of Isleton application for DR-4683 application.

The City has been providing ongoing operational response activities and continuing area damage assessments due to the 2023 Winter storms, particularly in sewer system ponds and areas of the City where additional impact, have diverted local resources from day to day operations, and the impacts of these storms are beyond the control of personnel, services, equipment and budget of the City.

#### **FISCAL IMPACT**

There is no fiscal impact for this action. Request for Assistance is for \$360,000

#### **RECOMMENDATION**

It is recommended City Council approve Resolution 05-23 of the City Council of the City of Isleton Approving CALOES Form OES-FPD-130 (Rev. 10-2022) Designation of Applicant's Agent Resolution for Non-State Agencies to authorize City Manager to execute for and on behalf of the City of Isleton application for DR-4683 application.

#### **ATTACHMENT**

1. Form OES-FPD-130 (Rev. 10-2022) CALOES Designation of Application's Agent Resolution for Non-State Agencies

2. Resolution 05-23 of the City Council of the City of Isleton Approving CALOES Form OES-FPD-130 (Rev. 10-2022) Designation of Applicant's Agent Resolution for Non-State Agencies to authorize City Manager to execute for and on behalf of the City of Isleton application for DR-4683 application.

Written by: Diana O'Brien

Reviewed by: Charles Bergson, City Manager

Submitted and prepared by: Yvonne Zepeda, City Clerk



**RESOLUTION NO. CC 05-23**

**RESOLUTION 05-23 OF THE CITY COUNCIL OF THE CITY OF ISLETON APPROVING CALOES FORM OES-FPD-130 (REV. 10-2022) DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES TO AUTHORIZE CITY MANAGER TO EXECUTE FOR AND ON BEHALF OF THE CITY OF ISLETON APPLICATION FOR DR-4683 APPLICATION**

**WHEREAS**, The County of Sacramento declared local emergency on December 31, 2022, Governor Newsom signed Proclamation of a State of Emergency due to Winter Storms on January 4, 2023, the President of the United States declared State of Emergency in the State of California identifying the County of Sacramento on January 8, 2023 and the City ratified Declaration of State of Emergency on January 30, 2023.

; and

**WHEREAS**, The City has been providing ongoing operational response activities and continuing area damage assessments due to the 2023 Winter storms, particularly in sewer system ponds and areas of the City where additional impact, have diverted local resources from day to day operations, and the impacts of these storms are beyond the control of personnel, services, equipment and budget of the City; and

**WHEREAS**, The City is submitting request for assistance application for the CALOES/FEMA California Severe Winter Storms, Flooding, Landslides, and Mudslides DR-4683.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Isleton to adopt and approve Resolution 05-23:

1. CALOES Form OES-FPD-130 (Rev 10-2022) Designation of Applicant's Agent Resolution for Non-State Agencies

**PASSED AND ADOPTED** this 14th day of February 2023, by the following vote to wit:

**AYES:** Councilmembers:

**NOES:** Councilmembers:

**ABSENT:** Councilmembers:

**ABSTAIN:** Councilmembers:

\_\_\_\_\_  
**MAYOR, Pamela Bulahan**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**DEPUTY CITY CLERK, Yvonne Zepeda**

//s//  
\_\_\_\_\_  
**CITY ATTORNEY**







**Please check the appropriate box below**

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): DR-4683

Passed and approved this 14 day of February, 20 23

**Charles Bergson, City Manager**

(Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
 (Name) (Title)

City of Isleton, do hereby certify that the above is a true and  
 (Name of Applicant)

correct copy of a resolution passed and approved by the **City Council**  
 (Governing Body)

of the **City of Isleton** on the 14th day of February, 20 23.  
 (Name of Applicant)

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Title)



Cal OES ID No: \_\_\_\_\_

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Isleton  
 (Governing Body) (Name of Applicant)

THAT City Manager, OR  
 (Title of Authorized Agent)

\_\_\_\_\_, OR  
 (Title of Authorized Agent)

\_\_\_\_\_  
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Isleton,  
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the City of Isleton, a public entity established under the  
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

# City of Isleton

City Council  
Staff Report

DATE: February 28, 2023

ITEM#: 8.F

CATEGORY: New Business

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## MORATORIUM ON CONDITIONAL USE PERMITS, PROPOSED

### SUMMARY

City Council is considering issuing a moratorium on Conditional Use Permits.

### DISCUSSION

Conditional Use Permits are permits issued for certain district in the City. As defined in the City Code, Article 14, Purposes:


In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the zoning ordinance and their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this ordinance additional flexibility necessary to achieve the objectives of this ordinance, the planning commission is empowered to grant or to deny applications for use permits and to impose reasonable conditions upon the granting of use permits.  
(Ord. No. 2015-01, § 1, 4-8-2015)

### FISCAL IMPACT

There is no fiscal impact for this action.

### RECOMMENDATION

It is recommended City Council consider a moratorium on Conditional Use Permits and provide direction to Staff.

Reviewed by: Charles Bergson, City Manager   
Submitted and prepared by: Yvonne Zepeda, City Clerk \_\_\_\_\_



# City of Isleton

Special City Council  
Staff Report

DATE: February 28, 2023

ITEM#: 8.G

CATEGORY: New Business

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## **DRAFT LETTER TO COUNTY SUPERVISOR PAT HUME**

### **SUBJECT**

Letter written to County Supervisor Pat Hume, regarding the talk he gave at the Isleton Chamber of Commerce on February 8, 2023 at the Island House and Delta Paradise Island.

### **FISCAL IMPACT**

There is no fiscal impact with this action.

### **RECOMMENDATION**

Consider the draft letter to County Supervisor Pat Hume.

### **ATTACHMENTS**

- Letter to County Supervisor Pat Hume.

Reviewed by: Charles Bergson, City Manager 

Submitted and prepared by: Yvonne Zepeda, City Clerk \_\_\_\_\_





**David Kent**

City of Isleton Councilmember  
On Behalf of the Isleton City Council  
101 Second St./P.O. Box 716  
Isleton, CA 95641  
Office (916) 777-7770  
davidkent@cityofisleton.com

28th February 2023

**The Honorable Pat Hume**

Sacramento County Supervisor District 5  
700 H Street, Suite 2450  
Sacramento, CA 95814

Dear Mr. Hume,

I was struck by your talk given to the Isleton Chamber of Commerce on February 8th at the Island House on Delta Paradise Island, where I was in attendance. I specifically applaud your efforts to assess the Delta's flood risks, especially with regard to the Cosumnes River.

I would like to call your attention to the outstanding work being done by the town of Paradise, CA and Councilmember Ron Lassonde in particular, who I had the pleasure of meeting at a seminar in Sacramento recently. Their infamous tragedy captured in the media by such documentaries as "Fire in Paradise" strikes to the very heart of what it means to serve the public and protect human life. Their current efforts to rebuild are impressive and every measure has been taken to rethink planning and ensure that a similar disaster will never take place in their area again.

An important aspect to this story which was not widely reported is the statement that "we should have known better". Deaths on State Route 99 in Sacramento County during the recent storms underscore the importance of thinking about our current risks and taking action to prevent any further tragedies. We all know that the winds blow and the rains fall in California during the winter and we should not require the innocent to suffer in order to remind us to build defensively. I would like this message to be heard by every town and city in America, and to commend Paradise for their strong resolve.

Sincerely,

David Kent, On Behalf of the Isleton City Council







RECEIVED  
2-23-23

# City of Isleton

101 Second Street

P.O. Box 716

Isleton, California 95641

Tel: 916-777-7770

City Manager,

Here is a summary of work performed by Code Enforcement for February 2023.

## 02/15/2023

- 72-hour parking warning issued on white pickup truck in front of 27 Fourth street (vehicle missing left front tire and danger to passing pedestrians and motorists, Municipal Code 7.04.430 - Repair and maintenance of vehicles)
- Preliminary Investigation started on 501 6<sup>th</sup> Street (Complaint regarding persons living out of storage containers on the property, spoke with property owner, documented with photos several storage containers)
- Preliminary Investigation started on 60 Main Street (Complaint of mold growing on inside walls and structure damage inside, no answer at door knock)
- Preliminary Investigation started on 50 Main Street (Complaint that property is converting business into a BNB, no answer at door knock)

## 02/22/2022

- Follow up on 72 hour parking warning issued at 27 Fourth street, vehicle still parked in same area with mechanical work still being completed. Contacted vehicle owner and advised vehicle must be moved, owner advised vehicle repair will be completed today and vehicle moved to driveway.
- Notice of Violation letter written for IMC violations at 8 Gaswell Rd
- Notice of Violation letter written for OMC violations at 106 2<sup>nd</sup> St
- Follow up on complaints for
  - Trash/debris on sidewalk between 11-13 Main Street (no longer there)
  - Trash/debris piling up on H street and 6<sup>th</sup> street (no longer there)
  - Homeless encampment on 6<sup>th</sup> street, (no longer there)
  - Trash/debris building up next to motorhome on Gaswell, trash/debris cleaned up, motorhome, still parked at location.
  - Motorhome parked on Main Street (no longer there)

*N. Anderson*

Nathan Anderson, C.E.O.

City of Isleton

Code Enforcement Officer

101 Second Street

Isleton, California 95641-0716

