

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/
COLTON HOUSING AUTHORITY
SPECIAL MEETING MINUTES

1

August 23, 2011

A Special Meeting of the City Council/Redevelopment Agency/Colton Utility Authority/Colton Public Financing Authority and Colton Housing Authority of the City of Colton was held at 5:30 p.m., on the above given date at the City of Colton, City Council Chambers, located at 650 N. La Cadena Drive, Colton, CA 92324, with Mayor Sarah S. Zamora presiding. Notice of Special Meeting was given on August 22, 2011, in compliance with Government Code Section 54956.

This meeting consisted of Redevelopment Agency items that only required Mayor Sarah S. Zamora and Council Members David Toro, Frank Gonzales and Alex Perez to attend.

Mayor Zamora called the meeting to order at 5:33 p.m. and asked City Clerk Gomez to announce roll call. City Clerk Gomez took roll with the following members present and absent:

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Alex G. Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Vincent Yzaguirre
Susan M. Oliva
Deirdre H. Bennett, Mayor Pro Tem
Aurelio De La Torre, City Treasurer

MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF AUGUST 23, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None disclosed.

PUBLIC COMMENT:

The following citizens addressed the council: None

MAYOR AND COUNCIL ITEMS:

None.

BUSINESS ITEMS

City Attorney Derleth gave a brief overview of the Rule of Necessity process and the reasons for the three (3) Council Members being absent from this meeting. He explained that due to the subject of this item being the Redevelopment Project Area, it was necessary to implement the Rule of Necessity at their council meeting on May 10, 2010. This process allows an official to participate in decisions where it is not possible to constitute a quorum out of officials who do not have potential conflicts of interest and there are no alternative means of reaching a decision. A random means of selecting the minimum number of Council Members needed to participate in a decision was to have them all “draw straws” at that meeting. City Attorney Derleth explained that since four of the seven council members are needed to create a quorum, it was necessary to reconstitute the other three which would not be allowed to remain at the dais or in the room while the decision on the item is made. Also explained at the May 10, 2010 council meeting, was that the same four members would remain as the voting members needed to constitute a quorum in order to vote on this item throughout the entire project and that it would not be necessary to go through the same process each time the item was discussed.

- (1) Approved and Adopted a Redevelopment Agency Resolution Adopting an Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Sections 34169 (g), et. Seq. (ABX1 26): **AGENCY RESOLUTION NO. 893.**

Motion and second by CM Perez/Toro, to move this item and approve Agency Resolution No. 893. Motion carried with Council Members Yzaguirre, Oliva and Mayor Pro Tem Bennett abstaining.

ADJOURNMENT

At 6:54 p.m., with consensus of Council, Mayor Sarah S. Zamora declared the Special Meeting adjourned.

Eileen C. Gomez, CMC
City Clerk

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/
COLTON HOUSING AUTHORITY
REGULAR MEETING MINUTES

September 20, 2011

Regular Meeting was held on the above-given date at 6:00 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

This meeting consisted of Redevelopment Agency items that only required Mayor Sarah S. Zamora and Council Members David Toro, Frank Gonzales and Alex Perez to attend.

Mayor Zamora called the meeting to order at 6:02 p.m. and asked City Clerk Gomez to announce roll call. City Clerk Gomez took roll with the following members present:

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Alex G. Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

Vincent Yzaguirre
Susan M. Oliva
Deirdre H. Bennett, Mayor Pro Tem

City Attorney Dean Derleth explained the redevelopment merger process and the reason that there are three (3) council members absent from this meeting. The three (3) items on this agenda are related to the alternative Redevelopment Agency program and all of the potential project area mergers/consolidation. The three (3) council members that are not present this evening all have property or other interests either in or within 500 feet of one those projects areas. Since the agenda is entirely made up of those three items that they are conflicted out on, they are not here this evening.

INVOCATION

Pastor Jonathan Florez, Assembly of God

FLAG SALUTE

Thomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

None.

MAYOR AND COUNCIL ITEMS

None.

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 20, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

None.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

None.

PUBLIC COMMENTS

The following citizens addressed the Council:

Ron Lawrence, John Anaya, Fred Cordova, and Jose Olivar.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members announced various activities throughout the community.

CITY TREASURER'S REPORTS

None.

CONSENT CALENDAR

Before the Consent Calendar was presented, Mayor Zamora explained the rule of necessity process and the reason that are only four (4) council members present this evening. Mayor Zamora explained that as was mentioned at our last council meeting on August 16th, it is no longer necessary to use the "rule of necessity" process on any of the three (3) items this evening. On May 10th of 2010, the process was used when the Redevelopment Agency entered into a Professional Services Agreement with Urban Futures, Inc. to prepare an amendment/merger of the City's redevelopment plans or project areas. The "rule of necessity" allows officials to participate in decisions where it is not possible to constitute a quorum out of officials who do not have potential conflicts of interest and there is no alternative means of reaching a decision. Since using that process, two of the "conflicted" council members (Chastain and DeLaRosa) are no longer on the City Council, and they have been replaced by myself and Council Member Gonzales, and neither of us appears to have a potential conflict of interest. Thus, since there are now four (4) Council Members (Zamora, Gonzales, Toro and Perez) without apparent conflicts of interest, only these four (4) will participate on these matters tonight.

City Manager Foster then presented Consent Calendar Item No(s). 1 and 2.

Motion and second by CM Gonzales/Perez, to approve the Consent Calendar Item No(s) 1 and 2. Motion carried with Council Members Yzaguirre, Oliva and Mayor Pro Tem Bennett abstaining.

- (1) Recognized Obligation Program Schedule (ROPS) – Approved and Adopted a Resolution of the Redevelopment Agency for the City of Colton Approving and Adopting a Preliminary Draft of an Initial Recognized Obligation Program Schedule Pursuant to Health and Safety Code Section 34169(h), et. seq.; and Submit to the City of Colton, the potential “Successor Agency.” (AB X1 26),
- (2) Community Remittance Payment Agreement – (1) Adopted a City and Agency Resolution Conditionally Approving a Community Remittance Funding Agreement by and between the City and the Agency; **CITY RESOLUTION NO. R-86-11 and AGENCY RESOLUTION NO. 895**; (2) Adopted a Resolution of the Redevelopment Agency for the City of Colton Conditionally Reducing the Fiscal Year 2011-2012 Allocation to the Low Moderate Income Housing Fund and Making Related Findings, **AGENCY RESOLUTION NO. 896**.

BUSINESS ITEMS

- (3) Boundaries Report – Approved and Adopted a Resolution Amending the Previously Designated Redevelopment Survey Area and Directed the Planning Commission of the City of Colton (“Planning Commission”) to work cooperatively with staff of the Redevelopment Agency for the City of Colton (“Agency”) to; (1) Consider Modifications to the Preliminary Boundaries of the Area to be Potentially added to the Proposed Colton Merged Redevelopment Project (the “Added Territory”); (2) Consider Technical Modifications to the Previously Approved Preliminary Plan for the Added Territory; and (3) Pursue other Necessary Actions regarding the Potential Redevelopment of such Area, **RESOLUTION NO. R-87-11**.

City Manager Foster provided a brief background and discussion ensued on this item.

Motion and second by CM Toro/Gonzales, to adopt Resolution No. R-87-11. Motion carried with Council Members Yzaguirre, Oliva and Mayor Pro Tem Bennett abstaining.

At 6:46 p.m., Mayor Sarah Zamora adjourned the Regular Meeting.

Eileen C. Gomez, CMC
City Clerk

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/
COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/
COLTON HOUSING AUTHORITY
REGULAR MEETING MINUTES

October 4, 2011

Closed Session meeting was held on the above given date at 5:04 p.m., in the City Manager's Conference Room in City Hall, with Mayor Sarah S. Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Deirdre H. Bennett
Alex G. Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Aurelio De La Torre, City Treasurer

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A, two cases.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: City of Colton v. American Promotional Events, Inc., *et al.*

Case Number: US District Court Case No. CV 09-01864; Los Angeles Superior Court

Case No. BC 376008; Ninth Circuit Court of Appeals Case No. 06-56718

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:04 p.m. and at 6:05 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Dean Derleth reported that they did meet on Item A with no reportable action.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: City of Colton v. American Promotional Events, Inc., *et al.*

Case Number: US District Court Case No. CV 09-01864; Los Angeles Superior Court

Case No. BC 376008; Ninth Circuit Court of Appeals Case No. 06-56718

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/
COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/
COLTON HOUSING AUTHORITY

October 4, 2011

Regular Meeting was held on the above-given date at 6:05 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Father Peter Luque

FLAG SALUTE

Cecelia Enriquez, Post Commander for the American Legion Post 155

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor

David J. Toro

Frank A. Gonzales

Vincent Yzaguirre

Susan M. Oliva

Deirdre H. Bennett

Alex G. Perez

Staff Present:

Rod Foster, City Manager

Dean Derleth, City Attorney

Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Aurelio De La Torre, City Treasurer

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

City Clerk Gomez announced that the fourth presentation scheduled for this evening regarding the Laurel Grade Separation Project would be heard as part of the Colton Crossing Project, Business Item No. 12 on this agenda.

- Proclamation - Public Power Week (October 2 - October 8)

Council Member Oliva read a Proclamation declaring the week of October 2 through October 8 as Public Power Week. Mr. Tim Lunt, Electric Technician and Distribution Supervisor, came to the podium to receive the Proclamation.

- Presentation - Presentation of Photograph for Luque Center

Father Peter Luque presented a portrait of his father, Peter S. Luque, to be hung at the Luque Center for which the center was named. Council Member Gonzales gave a brief history of the Luque Family and explained on behalf of the family that they donated this portrait to the City to replace the painting that is currently up at the Luque Center.

- Presentation - Officer Anthony Jaeger

Council Member Toro gave the background on the emergency situation where Officer Jaeger expressed professionalism and an act of compassion while assisting a local resident. Council Member Toro also acknowledged Police Dispatcher Theresa Michel and Police Sergeant Kyle Kershner, for their assistance with this emergency matter.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF October 4, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

Mayor Pro Tem Bennett reported that the entire Council, with the exception of Council Member Gonzales, attended the League of California Cities Conference in San Francisco on September 21 - September 23, 2011.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

None.

PUBLIC COMMENT

The following citizens addressed the Council:

Stephen Wall, Isaac Suchil, Gary Grossich, Fred Cordova, and Chris Mardis. Chris Mardis announced the debut of the Arrowhead Medical Regional Center Pink Glove video (pinkglove.co/8). Council Member Toro asked City Clerk Gomez to show the video for the audience.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members made comments on various issues and activities throughout the community.

CITY TREASURER'S REPORTS

None.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 9, pulling Item No. 8 for revisions. Council Member Oliva gave comments on Item No. 4; Council Member Gonzales gave comments on Item Nos. 4 and 8; and Mayor Zamora complimented Chief Ward on Item No. 5.

There were public comments given on Item No. 8, by Scott Bessire, acting agent on behalf of the owner of the Reche Canyon Mobile Home Estates.

Motion and second by CM Yzaguirre/MPT Bennett, to approve the Consent Calendar as presented. Unanimous Vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held August 16, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #124322 to #124392, Dated 9/1/11, Totaling \$5,318,805.42; Payable Warrants #124393 to #124529, Dated 9/8/11, Totaling \$205,872.07; Payable Warrants #124530 to #124647 Dated 9/15/11, Totaling \$2,655,162.76; Payable Warrants #124648 to #124753 Dated 9/22/11, Totaling \$1,150,196.85; Payroll Disbursement Listing for 8/20/11 to 9/2/11, Totaling \$560,167.25; and Payroll Disbursement Listing for 9/3/11 to 9/16/11, Totaling \$565,771.04, on File in the Finance Department.
- (3) Anticipated Disadvantaged Business Enterprise (DBE) - Approved and Adopted a Resolution to Approve the Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL), Race-Conscious, Race-Neutral and the Methodology that are Presented Herein; Authorize the City Manager or his/her Designee to Execute the DBE Annual Submittal Form, **RESOLUTION NO. R-88-11**.
- (4) Omnitrans Bus Shelters - Approved a Maintenance Services Agreement between Omnitrans and the City of Colton for Maintenance of the Bus Shelters in the City of Colton.
- (5) Animal Housing Services Agreement – Authorized Execution of an Agreement with the City of San Bernardino Department of Animal Control for Animal Housing Services for a Term of Three Years Commencing on July 1, 2011 and ending on June 30, 2014, in the Estimated Annual Amount Not-to-Exceed \$206,487.

- (6) Amendment to Professional Services Agreement with Hogle-Ireland, Inc. - Approved an Amendment to the Professional Services Agreement with Hogle-Ireland, Inc., to Provide Additional Services for the General Plan Update (Land Use, Housing and Circulation Elements).
- (7) Purchase of Itron Meters - Approved the Annual Purchase of Itron Electric Meters from McAvoy & Markham Engineering and Sales Company, Inc., in the Estimated Annual Amount Not-to-Exceed \$156,859.
- (8) Delegation of Duties of Rent Review Commission - Approved and Adopted a Resolution Delegating Duties of the Rent Review Commission, Established Pursuant to CMC Section 15.48, to the Code Enforcement and Housing Advisory Appeals Board, **RESOLUTION NO. R-90-11.**
- (9) San Bernardino Valley Enterprise Zone (SBVEZ) – Approved and Adopted a Resolution to Approve Amendment No. 1 to the San Bernardino Valley Enterprise Zone (“SBVEZ”) Memorandum of Understanding (“MOU”), **RESOLUTION NO. R-91-11.**

PUBLIC HEARING

- (10) CDBG Consolidated Plan

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO ADOPT A RESOLUTION TO REPROGRAM REMAINING AVAILABLE 2010/2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO TWO PROJECTS; A “C” STREET LANDSCAPING PROJECT, AND A CROSSWALK PEDESTRIAN LIGHTING SYSTEM PROJECT AT TWO LOCATIONS; “D” STREET AND MT. VERNON AND AT PALM DRIVE AND MT. VERNON AVENUE.

Mayor announced the Public Hearing Open.

City Clerk Gomez reported that the Affidavit of Publication is on file in the City Clerk’s Office and no protests or objections have been received.

Christy Elshof, Economic Development/Redevelopment Project Manager, gave a brief report and background on this item. Amer Jakher, Public Works and Utility Services Director, provided more information and answered questions from Council regarding this item.

Mayor Zamora opened Public Comment. There were no public comments regarding this item. Mayor Zamora then closed the Public Hearing.

Motion and second by CM Yzaguirre/MPT Bennett, to Approve and Adopt **RESOLUTION NO. R-92-11.** Unanimous vote.

(11) Temporary Promotional Signs and Year-Round Promotional Sign Ordinance

TIME AND PLACE FIXED TO CONSIDER THE CONTINUED PUBLIC HEARING FROM SEPTEMBER 6, 2011, A PUBLIC HEARING TO ADOPT AN ORDINANCE OF THE CITY OF COLTON TO AMEND TITLE 18, CHAPTER 18.50 OF THE COLTON MUNICIPAL CODE RELATING TO TEMPORARY PROMOTIONAL SIGNS (FILE INDEX NO.: DAP-000-926a); AN ORDINANCE OF THE CITY OF COLTON TO ADOPT A YEAR-ROUND PROMOTIONAL SIGN ORDINANCE (FILE INDEX NO.: DAP-000-926B).

Mayor announced that the Public Hearing is re-opened as continued from the Council meeting of September 6, 2011.

City Clerk submits the Notice of Continuance and stated that the Affidavit of Publication is on file in the City Clerk's Office and no protests or objections have been received.

Jay Jarrin, Senior Planner, provided a PowerPoint presentation and gave a brief background on this item.

After discussion and suggested motions, the following motion prevailed:

Motion and second by CM Yzaguirre/MPT Bennett, to approve both ordinances as stated in staff report, to waive full reading and pass first reading by title only, **ORDINANCE NO. O-05-11 AND ORDINANCE NO. O-06-11**; directing staff to provide a staff report with an update in six (6) months; and to close the public hearing. Unanimous vote.

CITY MANAGER'S REPORTS

City Manager Foster provided information regarding sports complexes and asked the Council to consider utilizing the Parks and Recreation Commission to serve in an advisory capacity for this purpose. Mr. Foster provided an update on the construction of a reception center in the lobby to assist the public and also on the future redesign of City Hall. He also stated that AB32 will be a major discussion point which will be brought forward at a future council meeting as a business item, as it will impact our utilities.

Council Member Oliva announced her abstention from Business Item No. 12, the Colton Crossing Project, due to her relationship with the Union Pacific Railroad Corporation (UPRR).

BUSINESS ITEMS

- (12) Colton Crossing Project – Approved the Funding Agreement Related to the Colton Crossing Railgrade Separation Project between the City of Colton, San Bernardino Associated Governments (SANBAG), Union Pacific Railroad Corporation (UPRR) and BNSF Railway Company (BNSF); Approve Letter of Agreement for Colton Crossing Utility Improvements, Additional Work and Graffiti Abatement, between the City of Colton and the Union Pacific Railroad Corporation (UPRR).

Amer Jakher, Public Works and Utility Services Director, gave a report on the history of the Colton Crossing Project and provided a PowerPoint presentation to the Council.

Tim Watkins, Public Information Specialist for the San Bernardino Associated Governments (SANBAG), provided a PowerPoint presentation on the Laurel Grade Separation project to the Council and answered questions.

Motion and second by CM Yzaguirre/Mayor Zamora, to approve this item and approve staff's recommendation as stated in the staff report. Motion carried with Council Member Oliva abstaining.

CITY COUNCIL DISCUSSION ITEMS

None.

ADJOURNMENT

At 9:39 p.m., Mayor Zamora adjourned the meeting in memory of Paulina Shiaretti's grandson and son-in-law.

Eileen C. Gomez, CMC
City Clerk

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/
COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING
AUTHORITY/COLTON HOUSING AUTHORITY
REGULAR MEETING MINUTES

October 18, 2011

Closed Session meeting was held on the above-given date at 5:02 p.m. in the City Manager's Conference Room in City Hall, with Mayor Sarah S. Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
Deirdre H. Bennett, Mayor Pro Tem
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Alex G. Perez

Staff Present

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A and B.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: City of Colton v. Ernest Grossich
Case Number: San Bernardino County Superior Court Case No. CIVSS 701112
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: Gary Grossich, Ernest Grossich, et al. v. City of Colton, et al.
Case Number: San Bernardino County Superior Court Case No. CIVDS 917057

PUBLIC COMMENT ON CLOSED SESSION

None.

Council Member Oliva announced that she would be recusing herself from discussion on Items A and B due to her involvement with the Union Pacific Railroad.

Mayor Zamora adjourned the meeting to Closed Session at 5:02 p.m. and at 6:13 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Dean Derleth reported that they did meet on Items A and B with no reportable action.

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: City of Colton v. Ernest Grossich
Case Number: San Bernardino County Superior Court Case No. CIVSS 701112

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: Gary Grossich, Ernest Grossich, et al. v. City of Colton, et al.
Case Number: San Bernardino County Superior Court Case No. CIVDS 917057

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/
COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING
AUTHORITY/COLTON HOUSING AUTHORITY
REGULAR MEETING

October 18, 2011

Regular Meeting was held on the above-given date at 6:13 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Dave Mlynarski, Transtech

FLAG SALUTE

Thomas Leon, VFW Post 6476

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
Deirdre H. Bennett, Mayor Pro Tem
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Alex G. Perez

Staff Present

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Oath of Office - Steve Ward, Chief of Police

Mayor Sarah S. Zamora administered the Oath of Office to Steven Ward, the Newly-Appointed Police Chief. Chief Ward gave comments and graciously accepted his appointment.

- Recognition – Anthony Rodriguez, Honorary Citizen for Heroism

Anthony Rodriguez was recognized as an Honorary Citizen for his heroism and was presented with a certificate by Chief Ward. Anthony risked his own life and saved his mother from a vicious dog attack. He also faced the same confrontation from a vicious dog in his neighborhood last year.

- Recognition - Knights of Columbus Council #4017

Council Member Perez presented a Certificate of Recognition to the Knights of Columbus Council #4017, for being the recipient of the Father McGivney Award, named for the organization's founder, for outstanding membership recruitment and retention efforts during the 2010-2011 fraternal year.

- Recognition - 2011 Colton Birthday Celebration Sponsors

Mayor Sarah Zamora and Council Member Oliva presented plaques to local businesses that donated funds and sponsored the 2011 Colton Birthday Celebration.

- Recognition - Studio 33 celebrating 25 years business in Colton

Council Member Yzaguirre presented a Certificate of Recognition to Brian Saxton, Shop Manager from Studio 33 Productions. Back in August of this year, they celebrated 25 years of business in Colton. During their birthday celebration, they had circus acts and different vignette's of their many services. Studio 33 Productions provides demonstrations and workshops from leading manufacturers for new and used sound, lighting and special effects equipment.

- Recognition - Colton High School Cheerleaders

Council Members Toro and Oliva presented the entire squad with Certificates of Recognition for their participation in the United Spirit Association summer camp at UC Irvine. This year all 4 of divisions earned a Superior rating, that included Mascots, Freshmen squad, JV squad and Varsity squad. Along with earning the Superior rating they also received an invitation to participate in the 2012 Pro Bowl in Hawaii and the 2 captains, Marlene Barraza and Katie Richcreek, received an invitation to participate in the Macy's Thanksgiving Parade. Also, the girls that auditioned and were selected for the All American group received an invitation to perform in London and also to perform at a UCLA halftime show, which they participated in. The squad performed a few cheers for all in attendance at this meeting.

- Recognition - Tony Morales, Past Utilities Commissioner

Council Member Oliva presented a Certificate of Appreciation to Tony Morales for his service on both the Utilities and Historic Preservation Commissions, and also for his service to the City of Colton.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF OCTOBER 18, 2011.

Mayor Sarah Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

None.

APPOINTMENTS

None.

PUBLIC COMMENT

The following citizens addressed the Council:

Steven Wall, Elsa Aguilar, Ron Lawrence, Fred Cordova, Jose Olivar, John Anaya Sr., Arlin White.

Fire Chief Hendrix gave an update on the derailment at the Colton Crossing that occurred the morning of October 18, 2011. No injuries were reported.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members made comments on various issues and activities throughout the community.

CITY TREASURER'S REPORTS

It was a consensus of the Council to receive and file the City Treasurer's reports for July and August 2011 as presented by City Treasurer De La Torre.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 7 and stated they were ready for action.

Mayor Pro Tem Bennett pulled Item Nos. 5 and 6 for questions and Item No. 7 for discussion.

The following action was taken on the Consent Calendar:

Motion and second by Council Members Yzaguirre/Gonzales, to approve Consent Calendar Item Nos. 1 through 6, as presented. Unanimous Vote.

Motion and second by Council Member Yzaguirre/MPT Bennett, to approve Consent Calendar Item No. 7, as presented. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held September 6, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #124754 to #124886, Dated 9/29/11, Totaling \$1,618,923.85 and Payroll Disbursement Listing for 9/17/11 to 9/30/11, Totaling \$549,844.18, on File in the Finance Department.
- (3) Second Reading of Ordinance No. O-05-11 - Waived Full Reading and Passed Second Reading of Ordinance No. O-05-11, to Amend Title 18, Chapter 18.50 of the Colton Municipal Code Relating to Temporary Promotional Signs (File Index No.: Dap-000-926a), **ORDINANCE NO. O-05-11.**
- (4) Second Reading of Ordinance No. O-06-11 – Waived Full Reading and Passed Second Reading of the Uncodified Ordinance No. O-06-11, Adopting Year-Round Promotional Sign Regulations (File Index No.: Dap-000-926b), **ORDINANCE NO. O-06-11.**
- (5) 2010/2011 Measure I Amendment – Approved and Adopted a Resolution Amending and Adopting Fiscal Year 2010/2011 Measure I Capital Improvement Plan and Expenditure Strategy Plan, **RESOLUTION NO. R-93-11.**
- (6) Omnitrans Free Pass Pilot Program - Approved and Adopted a Resolution to Accept Entering into a Memorandum of Understanding (MOU) with Omnitrans and the City of Colton for One-Year Participation to Assist with a College Free Pass Pilot Program for City College Students attending California State University San Bernardino, Chaffey College, Crafton Hills College and San Bernardino Valley College in the Amount of \$14,895, **RESOLUTION NO. R-89-11.**
- (7) Organizational Structure – Approved and Adopted a Resolution Implementing a New Organizational Structure within the City of Colton; Creating or Modifying Positions and Accompanying Job Descriptions; and Adopting the City’s New Comprehensive Salary Table, Thereby Repealing Section 6 of Resolution No. R-04-10, **RESOLUTION NO. R-95-11.**

BUSINESS ITEMS

None.

CITY COUNCIL DISCUSSION ITEMS

- Political Signage and Campaign Contributions (Council Member Toro)

Council Member Toro asked that this item be discussed at the workshop scheduled to be held on Saturday, October 29, 2011 at the Gonzales Center. He also asked for council support to direct City Manager Foster to research political reform with surrounding cities. City Attorney Derleth suggested that the Council provide comments on the information they are requesting be brought to the workshop. There was brief discussion regarding this matter.

There were public comments given by Gary Grossich on this item.

CITY MANAGER'S REPORTS

None.

ADJOURNMENT

At 9:35 p.m., Mayor Sarah Zamora adjourned the Regular Meeting.

Eileen C. Gomez, CMC
City Clerk