

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

December 6, 2011

Closed Session meeting was held on the above-given date at 5:00 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 Items A and B.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Nancy L. Kochanski v. City of Colton, William Jablonski, et al.
Case Number: San Bernardino County Superior Court Case No. CIVSS 814283
- B. 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 5:02 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 Items A and B with no reportable action.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description/Site: APN # 0276-144-48, 49, 52, 53

Agency Negotiator(s): Rod Foster, City Manager

Negotiating Parties: Aaron Hodgdon, East Valley Land Company

Under Negotiation: Price & terms of payment

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description/Site: APN # 0162-052-20, 06

Agency Negotiator(s): Rod Foster, City Manager

Negotiating Parties: Eagle Colton, LLC

Under Negotiation: Price & terms of payment

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

December 6, 2011

Regular Meeting was held on the above-given date at 6:02 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Pastor Dane Aaker, Centerpoint Church

FLAG SALUTE

Bernardo Moyeda, 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*

- Presentation by Kismet Evans, CEO/Core Evaluating Officer for the Inland Empire Veterans Stand Down

Kismet Evans, CEO/Core Evaluating Officer for the Inland Empire Veterans Stand Down, presented the Mayor, Council Members, City Clerk, City Treasurer, City Manager and City Attorney with Certificates of Special Gratefulness, for attending the 3rd Annual Veterans Day Celebration. This was a memorial event to honor eighteen (18) WWII Veterans, their families, at Pinnacle Peak Restaurant. Mrs. Evans also presented Council Member Oliva with letters she received after speaking at a youth AVID-Ture Graduation.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF DECEMBER 6, 2011.

Mayor Sarah S. 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 community members addressed the Council:

Stan Stosel, Stephen Wall, Beverly Powell, Frank Anthony Quezada, Fred Cordova and Christine Irish-Ré.

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 11 for action by Council.

The following action was taken on the Consent Calendar:

MPT Bennett pulled Item No. 4 for discussion. The following community members addressed the Council on this item:

Nathaniel Sierdsma, Alfonso Luna, Hector Guzman and Isaac Suchil.

Motion and Second by Council Members Yzaguirre/Gonzales, to approve Consent Calendar Item Nos. 1 through 11, as presented with the exception of Item No. 4. Unanimous Vote.

Motion and Second by Council Members Gonzales/Yzaguirre, to approve Item No. 4. Unanimous Vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held November 15, 2011, on file in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #125571 to #125737, Dated 11/10/11, Totaling \$623,512.95; Payable Warrants #125738 to #125817, Dated 11/17/11, Totaling \$2,158,493.28; Payable Warrants #125818 to #125904 Dated 11/23/11, Totaling \$575,648.50; Payroll Disbursement Listing for 10/29/11 to 11/11/11, Totaling \$578,682.60; and Payroll Disbursement Listing for 11/12/11 to 11/25/11, Totaling \$568,644.41, on File in the Finance Department.
- (3) Second Reading of Ordinance No. O-07-11 - Waived Further Reading, and Passed Second Reading of an Ordinance Amending Title 7, Chapter 7.08 of the Colton Municipal Code Relating to Dogs and Cats – Dangerous Animals, **ORDINANCE NO. O-07-11.**
- (4) Second Reading of Ordinance No. O-09-11 – Waived Further Reading and Passed Second Reading of an Ordinance of the City Council of the City of Colton, California, Adding Chapter 12.26 to the Colton Municipal Code Regulating Camping and Storage of Personal Property on Public Property, **ORDINANCE NO. O-09-11.**
- (5) Notice of Completion – Approved and Authorized the Execution and Recordation of the Notice of Completion for the Santa Ana River Staging Area Project.
- (6) Lease Agreement with Sierra Vista Baptist Church - Approved the First Amendment to the Lease Agreement with Sierra Vista Baptist Church, Pertaining to an Expansion of the State Preschool Program for Fiscal Year 2012.

- (7) Southern California Edison Franchise Agreement – Approved and Adopted a Resolution Declaring Its Intention to Grant an Electric Franchise to Southern California Edison to Construct and Use, Poles, Wires, Conduits and Appurtenances, In, Along, Across, Upon, Over and Under the Public Streets, Ways, Alleys and Places, **RESOLUTION NO. R-98-11.**
- (8) Habitat Conservation Planning Assistance Grant - Approved and Adopted a Resolution Authorizing an Application to the Department of the Interior, U.S. Fish and Wildlife Service, for a FY 2012 Habitat Conservation Planning Assistance Grant, **RESOLUTION NO. R-100-11.**
- (9) Citizen Option for Public Safety (COPS) Grant - Approved the Acceptance of the Citizen Option for Public Safety (COPS) Grant in the Estimated Amount of \$100,000 for Local Law Enforcement Purposes.
- (10) Senior Housing Project - Approved and Adopted a Resolution Approving an Exclusive Negotiation Agreement with EAGLE COLTON 55 LLC for the Proposed Development of an Affordable Senior Housing Project, **RESOLUTION NO. R-101-11.**
- (11) Colton Quiet Zone Agreements - Approved the following Draft Agreements for Colton Quiet Zone Project and Laurel Grade Separation Project and to Authorize the City Manager to Execute the Agreement with any minor changes as recommended by the City Attorney: 1) Colton Quiet Zone Project – Construction Cooperative Agreement between San Bernardino Associated Government (SANBAG) and City of Colton; 2) Colton Quiet Zone Project – Construction and Maintenance Agreement between SANBAG, City of Colton and Burlington Northern Santa Fe Rail Company (BNSF); 3) Colton Quiet Zone Project – E Street Crossing Closure Agreement; 4) Colton Quiet Zone Project – H Street Crossing Closure Agreement; 5) Laurel Grade Separation Project – Right of Way (ROW) and Construction Cooperative Agreement, **RESOLUTION NO. R-96-11.**

BUSINESS ITEMS

None.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

Fire Chief Tom Hendrix gave a brief update on the City's winter preparation and discussed last years' flooding efforts and problems with drainage. He stated that the Fire Department is currently undergoing patrol of the areas to check on drainage clearance in the Reche Canyon area.

Community Services Director Bill Smith reported that his staff is already in planning mode for the City's 125th birthday celebration. Mr. Smith gave kudos to the late Mayor David Zamora and also to Council Member Oliva for last years' fundraising efforts for the festivities. He asked Council Members if they would be interested in serving on a birthday planning committee. The 125th Birthday Celebration Committee will consist of Mayor Sarah Zamora, MPT Bennett and Council Member Oliva. CM Oliva reported that she has already started reaching out to businesses in the community and CM Toro stated that members of the community should also participate.

City Manager Foster stated that we will have a council meeting on December 20th and there will be no council meeting on January 3, 2012.

ADJOURNMENT

At 7:47 p.m., Mayor Sarah Zamora adjourned the Regular Meeting.

Eileen C. Gomez, CMC
City Clerk