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

January 11, 2012

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 on Wednesday, January 11, 2012, at 5:30 p.m., in the 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 January 10, 2012, in compliance with Government Code Section 54956.

Mayor Zamora called the meeting to order at 5:35 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
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

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 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

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:37 p.m. and at 6:18 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 AND
 COLTON HOUSING AUTHORITY
 SPECIAL MEETING

January 11, 2012

Special Meeting was held on the above-given date at 6:18 p.m., in the Council Chambers of 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

Council Members/Staff Absent

None.

PUBLIC COMMENT

The following community members addressed the Council:

Jose Olivar, John Anaya, Sr., Gary Grossich, and Wyn Holmes.

BUSINESS ITEMS

City Attorney Dean Derleth announced that the two Redevelopment Agency items could be discussed simultaneously. He summarized the two issues and explained that the action needed is to decide whether the City itself would be the Successor Agency and if the City would be the Successor Agency to the housing functions. He stated that the decision whether or not the City will chose to be the Successor Agency should move forward as there is a deadline. The decision to become the Successor Agency on the Housing Authority does not need to be made tonight as there is no specific deadline but he recommended that a decision be made by January 31, 2012, due abolishment date for redevelopment agencies being effective February 1, 2012. City Attorney Derleth also explained that housing item can be carried over to the next regular council meeting or to a special meeting if necessary.

Agency Counsel Delmar Williams explained the legislation seeking to eliminate redevelopment agencies and the payments anticipated to be paid to the State. He explained that legal action was taken on December 29, 2011 by the Supreme Court to not allow cities to continue to make payments as the law to dissolve the redevelopment agencies was upheld as constitutional. Mr. Williams continued to explain the process and the action needed for the dissolution of the agency. He also gave an overview of the purpose of the Oversight Committee that the Successor Agency must go through for approvals such as deposition of property. If there are any arrangements to be made for accelerating payments or existing debts, they would have to go before the Oversight Committee which will be comprised of appointees by various agencies throughout the County. Mr. Williams continued with his explanation of the process that will take place upon the dissolution of the redevelopment agencies and the implementation of the new law.

CITY ACTIONS

City Manager Foster provided a summary of the action needed to move Item No. 1 forward. Mayor Zamora asked for Council comments on this item.

1. Successor Agency to Redevelopment Agency - Approved and Adopted a Resolution **Electing** to become the Successor Agency to the Redevelopment Agency for the City of Colton Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, **RESOLUTION NO. R-01-12.**

Motion and second by CM Yzaguirre/MPT Bennett, to approve Item No. 1, **ELECTING** to become the Successor Agency to the Redevelopment Agency and adopting Resolution No. R-01-12. Unanimous vote.

Mayor Zamora, MPT Bennett and Council Members Yzaguirre and Gonzales encouraged those in attendance to contact local legislators to let them know what an impact this issue is having on our community and gave comments regarding this matter.

Mayor Zamora invited community members to sign a letter to local legislators that she would coordinate. City Attorney Derleth and City Manager Foster will meet to discuss the possibility of placing this item in a future agenda if necessary.

City Attorney Derleth introduced the second item and gave a brief summary of the necessary action needed for this item. Agency Counsel Delmar Williams then explained the financial obligations of the City in regards to housing assets and functions as stated in the staff report.

2. Successor to Housing Assets and Functions - Approve and Adopt a Resolution Electing the Public Entity (either the City, the Colton Housing Authority or the Housing Authority of the County of San Bernardino) to Assume the Housing Assets and Functions previously Performed by Redevelopment Agency for the City of Colton Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, **RESOLUTION NO. R-02-12.**

AGENCY ACTION

1. Amended Enforceable Obligation Payment Schedule - Approve and Adopt an Amended Enforceable Obligation Payment Schedule Pursuant to Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code, **RESOLUTION NO. 897.**

City Manager Foster gave brief comments on future goals regarding downtown revitalization and the impact of moving our housing projects forward without redevelopment.

City Attorney Derleth gave a brief overview of Item No. 2 and Agency Action Item No. 1, and explained the options presented in the staff report regarding the housing assets and functions.

Management Services Director Bonnie Johnson gave a summary of the status of the combined equity of the low-mod operation for the Redevelopment Agency, reflecting a deficit balance of \$590,455. She stated that as of June 30, 2011, our most recent audit reflected two different types of low-mod operations and she explained the status of our current debt and other obligations for low-mod access funds. This information is available on our website and will be a component of the CAFR scheduled to be presented to Council in February.

Mayor Zamora asked Council Members for any comments or questions regarding this matter.

Motion and second by CM Yzaguirre/Gonzales, to continue Council Item No. 2 and Agency Item No. 1, and to make a decision on Item No. 2 before the February 1, 2012 deadline. Unanimous vote.

ADJOURNMENT

At 7:30 p.m., Mayor Zamora declared the Special Meeting adjourned in honor of the late Senator Ruben Ayala.

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

January 17, 2012

Closed Session meeting was held on the above-given date at 5:05 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

Council Members/Staff Absent

Aurelio De La Torre, City Treasurer

City Manager Foster announced that the following items are being pulled from this agenda: Items A and B from Closed Session; open agenda pulled Item Nos. 2, 9 and 10. The warrant item, Item No. 2, will be on the February 7th Council agenda and Item Nos. 9 and 10 will be on the Special Joint Council Meeting agenda on January 23th with the Recreation & Parks Commission. If there is no decision made at that time, these items will be placed on the Special Joint Council Meeting agenda on January 30th with the Utilities Commission.

City Attorney Derleth announced that the City Council would meet in Closed Session, pulling Items A and B, and will be discussing Items C and D. City Attorney Derleth stated that Item C is a conference with legal counsel regarding potential litigation relating to possible actions against the State involving the dissolution of redevelopment agencies. He also stated that Item D relates to pass-thru agreement challenges with the Redevelopment Agency. No reportable action is anticipated.

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, Daryl Parrish, Kelly Chastain, Vincent Yzaguirre
Case Number: San Bernardino County Superior Court Case No. CIVDS 917057
- C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(c)
- D. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(b)

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:07 p.m. and at 6:07 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 Items A and B were pulled and that they did meet on Item Nos. C and D with no reportable action.

City Manager Foster announced again that Item Nos. 2, 9 and 10 were pulled from this agenda. The City Treasurer's report was also pulled from this agenda.

- 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, Daryl Parrish, Kelly Chastain, Vincent Yzaguirre
Case Number: San Bernardino County Superior Court Case No. CIVDS 917057
- C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(c)
- D. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(b)

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

January 17, 2012

Regular Meeting was held on the above-given date at 6:07 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Pastor Jim Spellman, Centerpoint Church

FLAG SALUTE

Fred Cordova, Utilities Commissioner

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 - Chamber of Commerce 2011 Holiday Home Decorating Contest Winners

Laura Morales, Executive Director, presented the awards for the 2011 Home Decorating Contest Winners, along with Mayor Zamora and Council Member Oliva. The winners were as follows: Most Creative – 1st Place – Veronica Rodriguez; 2nd Place – Carlos Alba; Best Use of Lights – 1st Place – Danny Rodriguez, and 2nd Place was David Gutierrez; Best Lawn Display – 1st Place – Jim & Linda Tripp and 2nd Place – The Rodriguez Family. Laura also thanked Deb Farrar from Parks & Recreation for handling the judging and the coordination of the event.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JANUARY 17, 2012.

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

- Mayor Pro Tempore Appointment for 2012

Motion and second by CM Oliva/CM Yzaguirre, to nominate CM Gonzales as the 2012 Mayor Pro Tempore. The vote was unanimous and the nomination was accepted by CM Gonzales to be the 2012 Mayor Pro Tempore.

PUBLIC COMMENT

The following community members addressed the Council:

R.A. "Barney" Barnett, Fred Cordova, Laura Morales and Gary Mitchell.

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 November 2011.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 6 for action by Council, pulling Item No. 2.

The following action was taken on the Consent Calendar:

Motion and second by CM Bennett/CM Oliva, to approve Consent Calendar Item Nos. 1 through 6, with the exception of Item No. 2, as presented. Unanimous Vote.

CM Toro asked a question on Item No. 5, regarding the changing of street sweeping maintenance signs currently in place. Public Works Director Amer Jakher verified that they will not change at this time.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held December 20, 2011, on File in the Office of the City Clerk.

- (2) Warrants – Approve Payable Warrants #126131 to #126269, Dated 12/15/11, Totaling \$1,071,147.36; Payable Warrants #126270 to #126407, Dated 12/22/11, Totaling \$608,929.11; Payroll Disbursement Listing for 12/10/11 to 12/23/11, Totaling \$565,741.08; and Payroll Disbursement Listing for 12/24/11 to 01/06/12, Totaling \$578,324.07, on File in the Finance Department. **Item Pulled**
- (3) 2nd Reading of Ordinance No. O-10-11 - Ordinance of the City Council of the City of Colton, Granting an Electric Franchise to Southern California Edison, **ORDINANCE NO. O-10-11.**
- (4) I-215 HOV Utility Relocation Project – Approved and Authorized Utility Relocation (Sewer Line) Agreement between the City of Colton and SANBAG for the I-215 HOV Project.
- (5) Street Sweeping Maintenance Agreement – 1) Awarded a Contract for Street Sweeping Maintenance to Cannon Pacific Inc. for Street Sweeping Services; 2) Authorized the City Manager to Execute the City’s Standard Maintenance Agreement on behalf of the City with any Non-substantive Revisions Approved by the City Attorney; 3) Authorized Execution of Amendment No. 1 to Clean Street for Temporary Street Sweeping Services.
- (6) Delegation of Investment Authority - Approved and Adopted a Resolution Delegating the City Treasurer the Authority to Invest and Reinvest Funds for the City and to Sell or Exchange Securities, **RESOLUTION NO. R-03-12.**

Mayor Zamora announced that Item Nos. 9 and 10 were pulled. City Manager Foster asked Development Services Director Mark Tomich to present Item Nos. 7 and 8.

Mayor Zamora asked Council Members if they had any questions or comments regarding these items. Mr. Tomich continued to answer questions and give a brief overview on the business license process.

BUSINESS ITEMS

- (7) Business License Renewal Timeframes - Introduced First Reading and Read by Title Only, an Ordinance to Amend Title 5 of the Colton Municipal Code to Revise Business License Renewal Timeframes, **ORDINANCE NO. O-01-12.**

Motion and second by CM Yzaguirre/CM Bennett to approve Item No. 7. Unanimous vote.

- (8) Mobile Home Rent Review Commission Duties – Approve and Adopt a Resolution to Temporarily Delegate Rent Review Commission duties to the Code Enforcement and Housing Advisory Appeals Board (CEHAAB), and direct Staff to Return with an Amendment to the Colton Municipal Code Section 15.48 to Authorize Permanent Delegation of Rent Review Commission Duties to CEHAAB, **RESOLUTION NO. R-04-12.**

Motion and second by CM Bennett/Yzaguirre, to approve Item No. 8. Unanimous vote.

- (9) Amended Enforceable Obligation Payment Schedule - Approve and Adopt an Amended Enforceable Obligation Payment Schedule Pursuant to Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code, **RESOLUTION NO. 897.** [Staff Person: **B. Johnson**] **Item Pulled**

- (10) Successor to Housing Assets and Functions - Approve and Adopt a Resolution Electing the Public Entity (either the City, the Colton Housing Authority or the Housing Authority of the County of San Bernardino) to Assume the Housing Assets and Functions previously Performed by Redevelopment Agency for the City of Colton Pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, **RESOLUTION NO. R-02-12.** [Staff Person: **Dean Derleth, City Attorney**] **Item Pulled**

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

None.

ADJOURNMENT

At 7:43 p.m., Mayor Sarah Zamora adjourned the Regular Meeting in memory of Albert Gonzales, a Colton resident and uncle to Council Member Yzaguirre; the late Senator Ruben Ayala; Dr. Martin Luther King, Jr.; the late Mayor David Zamora, who just had a birthday on January 9th; his mother, Maria Zamora, who celebrated her birthday on January 10th; her father-in-law's birthday which was on January 11th; Council Member Oliva's son on January 13th, and Council Member Bennett's sister-in-law.

Eileen C. Gomez, CMC
City Clerk