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CITY OF COLTON  
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING MINUTES

September 18, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:07 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

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

Council Members/Staff Absent

Vincent Yzaguirre

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A, B, C and D, and announced that reportable action was anticipated.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Case Name: Jhobanna Martinez, et al. v. Robert Dimas, City of Colton  
Case Number: San Bernardino County Superior Court Case No. CIVDS 1101839
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code section 54956.9(b)  
Potential cases: 1  
(Velasco, Lara, Carlon)
- C. 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 Numbers: 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

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D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code Section 54957  
Title: City Manager

Mayor Zamora adjourned the meeting to Closed Session at 5:10 p.m. and at 6:31 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Derleth reported that they did meet on all four Closed Session Items and announced that there was reportable action on Item C with unanimous approval for the settlement agreement consent decree with Pyro Spectaculars Inc. and will be available once it is finalized. City Attorney Derleth stated that Council also gave direction to provide for the sale of water as part of the basin clean-up process and the agreement will return to Open Session on the October 2, 2012 Council agenda.

CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE  
CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING

September 18, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:31 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor  
David J. Toro  
Frank A. Gonzales, Mayor Pro Tem  
Susan M. Oliva  
Deirdre Bennett  
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

INVOCATION

Chaplain Bob Johnson

FLAG SALUTE

Thomas Leon, VFW Post 6476

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CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Colton's 125<sup>th</sup> Birthday Celebration Recognition of Dignitaries and Sponsors:
  - Dignitaries: Congressman Joe Baca Sr., Senator Gloria Negrete McLeod, Senator Bob Dutton, Assembly Member Wilmer Amina Carter, and San Bernardino County Supervisor Josie Gonzales.
  - Sponsors: Union Pacific Railroad, Republic Services, BNSF Railway, Vanir/Dominguez Plaza, California Cement Company, Best, Best & Krieger, James & Terri Ramos, San Bernardino County Supervisor Josie Gonzales, Roquet Paving, Leno's Rico Taco, Brithinee Electric, Bakers Burgers, Ashley Furniture, Colton City News, KOLA Radio 99.9, Signs for Help, and United Packing Group.

Mayor Zamora announced the ceremonial matters and invited Senator Gloria Negrete McLeod and her Field Representative Manuel Carrillo to give the first presentation. Senator McLeod read her resolution to the public and asked Senator Bob Dutton to join her at the podium to make the presentation as co-author of the resolution. Both received certificates presented to them on behalf of the Council by Mayor Zamora. Stephen Wall from Congressman Joe Baca's office made a presentation to the Colton Council on behalf of the Congressman, and received a certificate on behalf of the Congressman from Mayor Zamora. Mayor Zamora also made a presentation to Assembly Member Wilmer Amina Carter which was accepted by Senator Gloria Negrete McLeod. Chief of Staff Dan Flores presented a certificate on behalf of Supervisor Josie Gonzales and received a certificate in appreciation of her sponsorship for the 125<sup>th</sup> Birthday Celebration.

Mayor Zamora presented certificates to the Gold and Silver sponsors in attendance, announcing the list of all contributors that consisted of various dignitaries, sponsors, residents and business representatives that participated in Colton's 125<sup>th</sup> Birthday Celebration. Mayor Zamora also gave kudos to Community Services Director Bill Smith and Community Services Manager Deb Farrar and their staff for coordinating such a successful event.

Mayor Zamora presented a proclamation to Mayor Pro Tem Frank Gonzales in honor of his contribution to the 125<sup>th</sup> Birthday Celebration.

At 7:25 p.m., Mayor Zamora announced a short recess and adjourned the regular meeting to a reception in honor of Colton's 125<sup>th</sup> Birthday Celebration.

The regular meeting reconvened at 7:46 p.m. and Mayor Zamora continued with Mayor and Council Items.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 18, 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

Council Member Bennett reported that she attended the League of California Cities conference in San Diego with Mayor Zamora, Council Members Oliva and Perez and City Clerk Gomez.

APPOINTMENTS

None.

PUBLIC COMMENT

The following community members addressed the Council:

Luis Gonzalez, Jose Marcial Giron, Jr., Gary Mitchell, Chris Mardis, Christine Irish-Ré and Gary Grossich.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY TREASURER'S REPORTS

City Treasurer De La Torre presented reports for June and July 2012 as receive and file.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 6 for action by Council.

The following action was taken on the Consent Calendar:

Mayor Zamora abstained from the vote on Item No. 1, due to her absence from the Special and Special Joint meeting held on January 30, 2012.

Council Member Oliva abstained from the vote on Item No. 6 due to her relationship with Union Pacific.

Motion and second by MPT Gonzales/CM Perez, to approve Consent Calendar Item Nos. 1 through 6. Motion carried with CM Yzaguirre being absent; Mayor Zamora abstaining on Item No. 1; and CM Oliva abstaining on Item No. 6.

- (1) Minutes – Approved Minutes for the City Council Special and Special Joint Meeting with the Utilities Commission Held January 30, 2012, on File in the Office of the City Clerk.

- (2) Warrants – Approved Payable Warrants #130284 to #130415, Dated 7/26/12, Totaling \$1,548,157.28; Payable Warrants #130416 to #130559, Dated 8/2/12, Totaling \$1,311,596.07; Payable Warrants #130560 to #130695, Dated 8/9/12 and Totaling \$999,610.88; Payroll Disbursement Listing for 8/4/12 to 8/17/12, Totaling \$595,654.71; and Payroll Disbursement Listing for 8/18/12 to 8/31/12, Totaling \$572,299.01, on File in the Finance Department.
- (3) Easement Vacation along Miguel Bustamante Parkway – Authorized the Mayor to sign and Execute a Quitclaim Deed for 10' Easement for Pipeline purposes of Real Property known as the Agua Mansa Power Plant along Miguel Bustamante Parkway.
- (4) Purchase of Itron Meters - Approved the Annual Purchase of Itron Meters from McAvoy & Markham Engineering Sales Company, Inc., in the Amount Not-to-Exceed \$156,859.
- (5) Second Reading of Ordinance No. O-09-12 – Waived Full Reading and Passed Second Reading of an Ordinance Adding Section 2.04.040 to the Colton Municipal Code Relating to the Supervision of the Executive Assistant to the Council/Office Manager and Making other Clarifying Changes to Section 2.16.070(B) of the Colton Municipal Code, ORDINANCE NO. O-09-12.
- (6) Sublease Agreement and Consent to Sublease Agreement – Approved Sublease Agreement and Consent to Sublease Agreement (City of Colton, Union Pacific Railroad, Ernest Grossich and Gary Grossich).

#### PUBLIC HEARING

- (7) Appeal of the Planning Commission's Denial of a Conditional Use Permit for the Sale of Beer & Wine for Off-Site Consumption at 1089 N. Rancho Avenue

TIME AND PLACE FIXED TO CONSIDER CONTINUED PUBLIC HEARING OF AUGUST 21, 2012, APPROVAL OF A RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEWLY PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37 ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

Mayor Zamora opened the Public Hearing and the City Clerk reported that 118 protests were received.

Mark Tomich, Development Services Director, provided a PowerPoint presentation regarding the decision by the Planning Commission and the appeal process and restated staff recommendations for this item.

Representatives for the Appellant approached the podium and gave comments on behalf of 7-11 and provided information regarding the denial of the appeal.

Mayor Zamora left the dais at 9:00 p.m., due to an emergency and MPT Gonzales presided for the duration of this meeting.

MPT Gonzales opened Public Comment with the following members of the community in protest of this project:

Anthony Garcia, Loretta Caldez, George Aguilar, Jesus Ordoñez, Theresa Arevalo, Matthew Frazier on behalf of Ronald Espinosa, Christine Irish-Ré, Theresa Burns, Darryl Fisher, Einer Soberonis, Ron Lawrence, and Bob Zermeno.

Motion and second by CM Oliva/CM Bennett, to close the public hearing. Motion carried with CM Yzaguirre and Mayor Zamora being absent.

There was discussion regarding the appeal process and Council Members continued to address staff with questions and gave comments on this item.

Motion and second by CM Toro/Oliva, to approve staff recommendations to uphold the Planning Commission's decision to deny the appeal, and adopt Resolution No. R-60-12. MPT Gonzales asked for a Roll Call vote. The vote on this item was as follows: MPT Gonzales, Toro, Oliva, Bennett, Perez voting yes. Motion carried with Mayor Zamora and CM Yzaguirre being absent.

(8) 2012 Annual Weed Abatement Program

TIME AND PLACE FIXED TO CONSIDER ANY OBJECTIONS OR PROTESTS FROM PROPERTY OWNERS FOR WEED ABATEMENT SERVICES PERFORMED DURING THE 2012 ANNUAL WEED ABATEMENT PROGRAM.

MPT Gonzales opened the Public Hearing and the City Clerk reported that no protests or objections were received.

Alan Sork, Fire Marshal was available to answer questions from Council Members. CM Oliva asked that we move forward on this item since the staff report was already distributed.

MPT Gonzales opened Public Comment and no community members addressed the Council on this item.

Motion and second by CM Oliva/Toro, to close the public hearing. Motion carried with CM Yzaguirre and Mayor Zamora being absent.

There was discussion regarding this item and staff answered questions from Council Members.

Motion and second by CM Oliva/Bennett, to approve staff recommendation. Motion carried with CM Yzaguirre and Mayor Zamora being absent.

(9) Solid Waste Rates

TIME AND PLACE FIXED TO CONSIDER MUNICIPAL SOLID WASTE RATES.

MPT Gonzales opened the Public Hearing and the City Clerk reported that 13 objections were received.

City Manager Foster and Public Works Director Amer Jakher provided information and answered questions from Council Members regarding current rates and the proposed increase.

MPT Gonzales opened Public Comment and no community members addressed the Council on this item.

Motion and second by CM Bennett/Oliva, to close the public hearing. Motion carried with CM Yzaguirre and Mayor Zamora being absent.

There was discussion regarding this item and staff answered questions from Council Members.

Motion and second by CM Bennett/Toro, to approve staff recommendation and adopt Resolution No. 62-12. The vote on this item was as follows: Motion carried with Council Members Toro, Oliva, Bennett and Perez voting yes; MPT Gonzales voting no; and CM Yzaguirre and Mayor Zamora being absent.

BUSINESS ITEMS

(10) Update on Guyaux Landfill. (Verbal Report)

Development Services Director Mark Tomich presented this item and gave a PowerPoint presentation outlining the Guyaux Landfill area.

Motion and second by CM Bennett/CM Yzaguirre, to approve the increase to staffing levels in Streets and Parks Division. Motion carried with CM Oliva being absent.

At 10:28 p.m., MPT Gonzales polled the attending Council Members to go past the 10:30 p.m. council meeting rule. It was the consensus of the Council to continue with this item past 10:30 p.m.

MPT Gonzales opened Public Comment on this item. The following community members addressed the Council: Amador Roman and Gary Grossich.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

None.

ADJOURNMENT

At 10:39 p.m., MPT Gonzales adjourned the regular council meeting.

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Eileen C. Gomez, CMC  
City Clerk

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FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING MINUTES

October 2, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:05 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor  
David J. Toro (arrived at 5:47 p.m.)  
Frank A. Gonzales, Mayor Pro Tem  
Vincent Yzaguirre (arrived at 5:49 p.m.)  
Susan M. Oliva  
Deirdre Bennett  
Alex G. Perez

Staff Present

Bill Smith, Acting City Manager  
Dean Derleth, City Attorney  
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Rod Foster, City Manager

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A and that no reportable action was anticipated.

CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property Description/Sites: (1) Portion of Steel Road at I-215 (Colton ROW); (2) Portion of City Property located in the 1100 Block of S. Mt. Vernon near Mt. Vernon/Washington Intersection; (3) Portion of City Property located in the 2800 Block of S. Iowa Ave.

Agency Negotiator(s): Rod Foster, City Manager; Mark Tomich, Development Services Director

Negotiating Parties: (1) Steve McClaury, Caltrans Associate ROW Agent; (2) & (3) Brian Smith, Lamar Advertising Director of Real Estate Services

Under Negotiation: Price & terms of payment

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CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING

October 2, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:06 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor  
David J. Toro (arrived at 5:49 p.m.)  
Frank A. Gonzales, Mayor Pro Tem  
Vincent Yzaguirre (arrived at 5:49 p.m.)  
Susan M. Oliva  
Deirdre Bennett  
Alex G. Perez

Staff Present

Bill Smith, Acting City Manager  
Dean Derleth, City Attorney  
Eileen C. Gomez, City Clerk  
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

Rod Foster, City Manager

City Attorney Derleth announced that the City Council did meet in Closed Session to discuss Item A and that there was no reportable action.

INVOCATION

Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE

Steve Ferrance and Louie Barrera from American Legion Post 155, invited Analise Munoz, Mr. Barrera's granddaughter, to lead the flag salute.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation from SANBAG – Pepper Interchange

Garry Cohoe, Director of Project Delivery for the San Bernardino Associated Governments (SANBAG), gave a PowerPoint presentation regarding the Pepper Street Interchange project and answered questions from Council Members.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF OCTOBER 2, 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

None.

PUBLIC COMMENT

The following community members addressed the Council:

Linda Tripp, Luis Gonzalez, Christine Irish-Re, Steven Figueroa, and Isaac Suchil.

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 6 for action by Council.

The following action was taken on the Consent Calendar:

CM Toro pulled Item No. 3 for questions.

Motion and second by CM Yzaguirre/Bennett, to approve Consent Calendar Item Nos. 1 through 6. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Special Meeting held June 5, 2012, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #130696 to #130818, Dated 8/16/12, Totaling \$5,111,649.26; Payable Warrants #130819 to #130945, Dated 8/23/12, Totaling \$4,007,535.67; Payable Warrants #130946 to #131081, Dated 8/30/12, Totaling \$1,830,870.58; and Payroll Disbursement Listing for 9/1/12 to 9/14/12, Totaling \$587,516.98 on File in the Finance Department.

- (3) Purchase Electronic Control Devices through Taser International - Approved the Purchase of 40 Electronic Control Devices through Taser International, to Include Tasers and Taser Cams, along with the Peripheral Equipment.
- (4) Surplus Water Purchase Agreement - Approved Surplus Water Purchase Agreement with San Bernardino County for Cleanup of Perchlorate Contamination in Rialto-Colton Basin.
- (5) Award of Bid for Electric Utility Line Clearance – Awarded the Bid for Electric Utility Line Clearance to Mowbrys Tree Service in the Amount Not-to-Exceed \$65,000 per Year; and Authorize the City Manager to Execute the Maintenance Services Agreement for One Year, with the Option to Renew for Three Additional One (1) Year Periods.
- (6) Bridge Seismic Retrofit Project – Approved and Adopted a Resolution Amending the Fiscal Year 2012/2013 Capital Improvement Program Budget Appropriating \$252,313 Highway Bridge Program (HBP) Funding for the Bridge Seismic Retrofit Projects; Approve the Award of Contract to IDC Consulting Engineers, Inc., for the Seismic Retrofit Design of Six (6) Bridges in the Amount Not-to-Exceed \$260,071, RESOLUTION NO. R-63-12.

#### BUSINESS ITEMS

- (7) For the Love of Cities.

Council Member Bennett gave an overview of the “For The Love of Cities” project that was presented at the League of California Cities in San Diego. There was discussion regarding the information in the staff report including various ideas and examples of how innovative ideas benefit communities. There was also discussion regarding the possibility of starting a project like this in Colton.

Motion and second by CM Oliva/Toro, to direct staff to obtain information on this program and to look into the possibility of hiring Mr. Peter Kageyama to assist with starting a “For The Love of Cities” project in Colton. The motion also included placing this item on a future Council agenda for further discussion. Unanimous vote.

#### CITY COUNCIL DISCUSSION ITEMS

- (8) Discussion of the Manual of Procedure (MOP).

Motion and second by MPT Gonzales/CM Yzaguirre, to adopt the proposed changes as outlined in the staff report and as discussed. City Attorney Derleth answered questions regarding this item and clarified the proposed changes. After further discussion, the vote was as follows: Mayor Zamora, MPT Gonzales, and Council Members Toro, Yzaguirre, Oliva and Bennett voting yes; Council Member Perez voting no on moving Public Comment to the end of the Council meeting. Motion carried.

CITY MANAGER'S REPORTS

In the absence of the City Manager, Acting City Manager Bill Smith asked Dr. David Kolk, Director of Electric Utilities, to provide a brief summary of the information that will be discussed at the Special Joint Council Meeting with the Utilities Commission to be held on October 4, 2012.

ADJOURNMENT

At 8:25 p.m., Mayor Zamora adjourned the regular council meeting in memory of Adam Gonzales, Council Member Yzaguirre's cousin and Maya, one of the baby triplets that passed away.

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Eileen C. Gomez, CMC  
City Clerk

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CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING MINUTES

October 16, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:03 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor  
David J. Toro  
Frank A. Gonzales, Mayor Pro Tem  
Vincent Yzaguirre  
Susan M. Oliva  
Deirdre Bennett  
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 through E and that reportable action was anticipated on Item A.

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 Numbers: 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
  
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code section 54956.9(c)  
Number of potential cases: 1 (City of Grand Terrace - Sewer Agreement)
  
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9(a)  
Case Name: IBEW v. City of Colton (PERB Administrative Claim)  
Case Number: LA-CE-741-M

D. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager

Employee Organizations: IBEW Electric, IBEW Water/Wastewater

E. Laurel property acquisition (Dean/Amer)

Mayor Zamora adjourned the meeting to Closed Session at 5:03 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 Derleth reported that they did meet on Items A, B, C, and D. On Item E, he announced that there was unanimous consent for approval on the settlement agreement which will be available to the public once it is signed by all parties. He was also pleased to report that this litigation case is coming to a close and the consent decree will be available as soon as it is executed by all parties.

CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/ COLTON PUBLIC FINANCING AUTHORITY AND COLTON HOUSING AUTHORITY REGULAR MEETING

October 16, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:07 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor  
David J. Toro  
Frank A. Gonzales, Mayor Pro Tem  
Vincent Yzaguirre  
Susan M. Oliva  
Deirdre Bennett  
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 did meet in Closed Session to discuss Item A and that there was no reportable action.

INVOCATION

Pastor Paul Stumpf, Colton Community Church

FLAG SALUTE

Tomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

None.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF OCTOBER 16, 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

None.

PUBLIC COMMENT

The following community members addressed the Council:

Ron Lawrence, John Anaya, Sr., Adrianna Ramos, Steve Ferrence and Louie Barrera, Luis Gonzalez, George Aguilar, Christine Irish-Ré, Gary Grossich, Jose Olivar, 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

- Receive and File City Treasurer's Reports for August 2012

City Treasurer De La Torre presented a report for August 2012 as receive and file.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 10 for action by Council.

The following action was taken on the Consent Calendar:

MPT pulled Item Nos. 6, 7 and 9 for questions.

CM Yzaguirre had comments on Item Nos. 6, 8 and 9.

CM Bennett had comments on Item No. 10.

CM Oliva had comments on Item No. 8.

Motion and second by CM Yzaguirre/MPT Gonzales, to approve Consent Calendar Item Nos. 1 through 10. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meetings Held July 17, 2012, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #131082 to #131200, Dated 9/6/12, Totaling \$369,145.16; Payable Warrants #131201 to #131325, Dated 9/13/12, Totaling \$1,022,764.93; Payroll Disbursement Listing for 9/15/12 to 9/28/12, Totaling \$577,896.32, on File in the Finance Department.
- (3) Professional Services Agreement with SR Bray, LLC, dba Power Plus - Approved the Professional Services Agreement with SR Bray, LLC, dba Power Plus, for Electrical Engineering Services for the Electric Department.
- (4) I-215 High Occupancy Vehicle (HOV) Project – Approved the Joint Use Agreement between the City of Colton, San Bernardino Associated Governments (SANBAG) and Southern California Gas Company for the Utility Easement Required for the Relocation of a 12” High Pressure Gas Main for the I-215 High Occupancy Vehicles (HOV) Project; Approve and Adopt a Resolution Amending Budget for FY 2012-13 to Increase the Engineering and Administration Fund budget by \$20,000, RESOLUTION NO. R-64-12.
- (5) Annual Anticipated DBE Participation Level (AADPL) for Federal Fiscal Year 2012-13 – Approved and Adopted a Resolution Approving the Annual Anticipated DBE Participation Level (AADPL) for Federal Fiscal Year 2012-13, RESOLUTION NO. R-69-12.
- (6) Mount Vernon Avenue Bridge Widening Project – Approved and Adopted a Resolution approving the Program Supplement Agreement No. N-015, to the Administering Agency-State Master Agreement No. 5065R, for the Mount Vernon Avenue over Union Pacific Railroad (UPRR) Widening Project (Bridge No. 54C-0101, Project No. HPLUL-5065-023); and Authorize the City Manager or his Designee to sign the agreement and future amendments; and Approve and Adopt a Resolution amending Capital Improvement Program (CIP) budget for FY 2012/2013 in an amount of \$3,054,800, for the Mount Vernon Avenue over Union Pacific Railroad (UPRR) Widening Project (Bridge No. 54C-0101, Project No. HPLUL-5065-023), RESOLUTION NOS. R-56-12 and R-57-12.

- (7) Measure I Five-Year Capital Improvement Plan – Approved and Adopted a Resolution Reaffirming and Adopting Fiscal Year 2012/2013 Measure I Five-Year Capital Improvement Program and Expenditure Strategy Plan; Resolution Approving Submittal of the Fiscal Year 2013/2014 – 2017/2018 Five-Year Capital Projects Needs Analysis to the San Bernardino Associated Governments, as required by the Measure I Strategic Plan; and, Resolution Amending the Capital Improvement Program to Include Citywide Pavement Rehabilitation Project, RESOLUTION NOS. R-66-12, R-67-12, R-68-12.
- (8) Construction Contract with PTM General Engineering - Authorize the Award of Construction Contract for the Mt. Vernon Avenue and Valley Boulevard Traffic Signal Modification Project No. STPLH 5065(011) to PTM General Engineering in the Amount of \$53,305 as the Lowest Responsive and Responsible Bidder.
- (9) Construction Contract for Safe Route to Colton Middle School Project - SRTSL 5065(013) – Authorize the Award of Construction Contract for the Safe Route to Colton Middle School Project to T.A. Pointer Enterprises, Inc., in the Amount of \$379,150 as the Lowest Responsive and Responsible Bidder.
- (10) Award of Construction Contract to TSR Construction and Inspection, Inc. - Authorize the Award of a Construction Contract for City Wide Concrete Repair Project to TSR Construction and Inspection, Inc., as the Lowest Responsive and Responsible Bidder in the Amount of \$40,303.40; Authorize the City Manager or his Designee to Approve Change Orders Not-to-Exceed 20% of the Awarded Contract.

#### BUSINESS ITEMS

- (11) Colton Public Financing Authority Electric Revenue Refunding Bonds, 2012 Series A - Approve and Adopt a Resolution of the Colton Public Financing Authority Approving the Issuance of Electric Refunding Bonds, 2012 Series A, RESOLUTION NO. CPFA 2012-02 AND CITY RESOLUTION NO. R-70-12.

Management Services Director Bonnie Johnson introduced Marshal Linn, CEO of Urban Futures and Danny Kim, Bond Counsel and Partner from Fulbright and Jaworski. Mr. Linn gave a PowerPoint presentation on the bond refinancing process and answered questions from council members.

Motion and second by CM Yzaguirre/Bennett, to approve staff recommendations direct staff to obtain information on this program and to look into the possibility of hiring Mr. Peter Kageyama to assist with starting a “For The Love of Cities” project in Colton. The motion also included placing this item on a future Council agenda for further discussion. Unanimous vote.

#### CITY COUNCIL DISCUSSION ITEMS

None.

## CITY MANAGER'S REPORTS

City Manager Foster provided an update of his recent tour of Colton and observed many positive improvements in our community. He thanked Council for their part in moving projects forward and to staff for their hard work both in the office and out in the field.

## ADJOURNMENT

At 7:58 p.m., Mayor Zamora adjourned the regular council meeting in memory of former employee Danny Serrano and Armida Flores Vasquez.

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Eileen C. Gomez, CMC  
City Clerk

CITY OF COLTON  
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING MINUTES

November 6, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:03 p.m., in the Council Chambers of City Hall, with Mayor Pro Tem Frank A. Gonzales presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

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

Council Members/Staff Absent

Sarah S. Zamora, Mayor

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A and that no reportable action was anticipated.

CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 016024145

Agency Negotiators: Amer Jakher, Public Works & Utility Services Director and Rod Foster, City Manager

Negotiating Party: Garry Cohoe, San Bernardino Associated Governments (SANBAG)

Under Negotiation: Price and terms of payment

Mayor Pro Tem adjourned the meeting to Closed Session at 5:03 p.m. and at 6:08 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Derleth reported that they did meet on Item A with no reportable action and asked the City Clerk note for the record that this item was related to Government Code Section 54956.8.

CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE  
CITY OF COLTON/COLTON UTILITY AUTHORITY/  
COLTON PUBLIC FINANCING AUTHORITY AND  
COLTON HOUSING AUTHORITY  
REGULAR MEETING

November 6, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:08 p.m., in the Council Chambers of City Hall, with Mayor Pro Tem Frank A. Gonzales presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

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

Council Members/Staff Absent

Sarah S. Zamora, Mayor

City Attorney Derleth announced that the City Council did meet in Closed Session to discuss Item A and there was no reportable action.

INVOCATION

Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE

Steve Ferrance & Louie Barrera, American Legion Post 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

None.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF NOVEMBER 6, 2012.

Mayor Pro Tem Frank A. Gonzales 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:

Carissa Cambare, Field Representative for Supervisor Josie Gonzales, John Anaya, Sr., Luis Gonzalez, Gary Mitchell and Alex Torres.

#### 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 8 for action by Council.

The following action was taken on the Consent Calendar:

Motion and second by CM Yzaguirre/Oliva, to approve Consent Calendar Item Nos. 1 through 8. Motion carried with Mayor Zamora being absent.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held June 19, 2012, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #131328 to #131431, Dated 9/20/12, Totaling \$2,574,006.96; Payable Warrants #131432 to #131521, Dated 9/27/12, Totaling \$1,838,817.48; Payable Warrants #131522 to #131671, dated 10/04/12, Totaling \$415,078.50; and Payroll Disbursement Listing for 09/29/12 to 10/12/12, Totaling \$582,232.46, on File in the Finance Department.
- (3) Contract Amendment – California Department of Education – Approved and Adopted a Resolution Approving Amendment 01 to the State of California Department of Education Contract for the Provision of Preschool Services in the Human Services Division of the Community Services Department for FY 2012-13, RESOLUTION NO. R-71-12.
- (4) Santa Ana River Trail Signage & Public Art Guidelines – Approved the Santa Ana River Trail (SART) Minimum Signage Guidelines and Public Art Policy as Recommended by the SART Tri-County Coalition.
- (5) Electric, Water and Wastewater 2012 Business Plans and Electric Utility Integrated Resource Plan – Approved the Colton Electric Department and Colton Water and Wastewater Department 2012 Business Plans and Accept the 2012 Electric Utility Integrated Resource Plan as a Working Document.

- (6) Amendment to Agreement with Transportation Engineering and Planning (TEP) - Approved the Execution of a Second Amendment to the Professional Services Agreement with Transportation Engineering and Planning (TEP) for Traffic Engineering Services in the Amount Not-to-Exceed \$30,000.
- (7) Notice of Completion for the North Colton Water Line Project – Authorized the Execution and Recordation of a Notice of Completion for the North Colton Waterline Project; Authorize the Execution of the Change Orders #1 for the North Colton Waterline Project.
- (8) Relocation of the Existing Water and Sewer Utilities for the I-215 High Occupancy Vehicles (HOV) Project – Authorized the Award of Construction Contract for Relocation of the Existing Water and Sewer Utilities for the I-215 High Occupancy Vehicles (HOV) Project to Merlin Johnson Construction, Inc., in the Amount of \$48,220 as the Lowest Responsive and Responsible Bidder, RESOLUTION NO. R-72-12.

#### BUSINESS ITEMS

#### CITY COUNCIL DISCUSSION ITEMS

None.

#### CITY MANAGER'S REPORTS

City Manager Foster reported on the status of the reinvestments of the Agua Mansa bonds and was pleased to report that and that they originally predicted a savings of approximately \$4 million over the life of the bond and actually saved approximately \$5.5 million.

#### ADJOURNMENT

At 6:45 p.m., Mayor Zamora adjourned the regular council meeting in memory of Gloria Yzaguirre, Council Member Vincent Yzaguirre's aunt.

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Eileen C. Gomez, CMC  
City Clerk