

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

March 19, 2013

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, Mayor Pro Tem
Frank A. Gonzales
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, Interim City Manager
Bonnie Johnson, Acting City Manager
Sonya Carvalho, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

None.

City Attorney Carvalho announced that the City Council would meet in Closed Session to discuss Items A through D and read the titles for the record.

CLOSED SESSION

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to California Government Code, Section 54956.9(a)

Case Name: Kenneth Rulon v. City of Colton, et al

Case No. San Bernardino County Superior Court Case No. CIVSS 708536

(Appeal No. E057053)

(B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code, Section 54956.9(a)

People of the State of California ex rel City of Colton v. G3 Holistic, Inc., et al., San Bernardino Superior Court Case No. CIVDS1108868

People of the State of California ex rel City of Colton v. Organic Garden Collective, et al., San Bernardino Superior Court Case No. CIVDS1102363

Nature's Quest v. City of Colton, San Bernardino Superior Court Case No. CIVDS1104137

- (C) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code, Section 54957
Title: Public Employee Appointment - Interim City Manager
- (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: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:05 p.m. and at 6:09 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Carvalho announced that the City Council did meet in Closed Session and did discuss Items A through C with no reportable action.

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

March 19, 2013

Open Session of the Regular Meeting was called to order on the above-given date at 6:09 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, Mayor Pro Tem
Frank A. Gonzales
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, Interim City Manager
Bonnie Johnson, Acting City Manager
Sonya Carvalho, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

None.

INVOCATION

Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE

Steve Ferrance and Louie Barrera, American Legion Post 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition – Brian Roberts – Eagle Scout

Mayor Zamora presented a Certificate of Commendation to Brian Roberts, in honor of obtaining his Eagle Scout designation. Recreation Services Manager Deb Farrar gave comments on his accomplishments.

- Presentation – SANBAG – Interstate 10/Interstate 15 Corridor Project

Mayor Zamora introduced Gary Cohoe of San Bernardino Associated Governments (SANBAG). Mr. Cohoe provided a PowerPoint presentation regarding the Interstate 10/Interstate 15 Corridor Project, and handed out an information Fact Sheet. Mr. Cohoe also answered questions from Council, staff and the public.

Mayor Zamora announced that she had a special presentation to make acknowledging Utilities Commissioner Fred Cordova for his years of service. He was recognized for his service on the Utilities Commission, the Code Enforcement and Housing Appeals Board, the San Bernardino Grand Jury, the San Bernardino Community Action Partnership (CAP), Ombudsman for Senior Service for CAP, and the Colton Senior Housing Committee. He was also recognized for his service to his country as an American Veterans, serving in World War II in the United States Armed Forces.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MARCH 19, 2013.

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:

Ricardo Bustamante, Gloria Gaona, Mary Lou Navarro and Tammy Duron, Paulina Schiaretti, Rene Cespedes, Dava DeVicaris, Fred Cordova, Gary Grossich, and Omar Castro.

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 Report for January 2013

It was a consensus of the Council to receive and file the City Treasurer's reports for January 2013.

CONSENT CALENDAR

Acting City Manager Johnson presented Consent Calendar Item Nos. 1 through 11 for action by Council.

The following action was taken on the Consent Calendar:

Council Member Oliva pulled Item Nos. 3 and 4 for questions.

Motion and second by CM Bennett/Suchil, to approve Consent Calendar Item Nos. 1 through 11, with the exception of Item Nos. 3 and 4.

CM Oliva recused herself from the vote on Item No. 3 due to her relationship with Union Pacific.

Separate vote on Item No. 3 – Motion and second by CM Bennett, second Suchil, to approve Item No. 3. Motion carried with the recusal of CM Oliva.

Art Morgan, Redevelopment Manager, provided information and answered questions regarding the Affordable Senior Housing Project and the Affordable Housing Cooperation Loan Agreement.

Motion and second by CM Toro/Oliva, to approve Item No. 4. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held March 5, 2013, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #133819 to #133978, Dated 02/07/2013, Totaling \$1,171,619.79; Payable Warrants #133979 to #134125, Dated 02/14/2013, Totaling \$2,854,714.03; and a Payroll Disbursement listing for the period 02/16/2013 to 03/01/2013, totaling \$602,192.25, on File in the Finance Department.

- (3) Construction Contract Award for La Cadena Drive Underpass Landscaping Project - Authorized the Award of a Construction Contract for the City Wide Concrete Repair Project to Promised Land Nursery as the lowest responsive and responsible bidder in the amount of \$69,777; and Authorize the City Manager or his designee to approve change orders not to exceed 10% of the awarded contract for the City Wide Concrete Repair Project.
- (4) Loan Agreement for Affordable Senior Housing Project – Approved the recommendation that the City Council and the Colton Housing Authority, respectively, Adopt a Resolution approving an Affordable Housing Cooperation Loan Agreement between the City of Colton and the Colton Housing Authority for the Affordable Senior Housing Project, for a loan in the amount of \$4.45 million, RESOLUTION NOS. R-14-13 and CHA-02-13.
- (5) Annual Weed Abatement Program – Approved and Adopted a Resolution and Set the Public Hearing for the Annual Weed Abatement Program for April 2, 2013, RESOLUTION NO. R-11-13.
- (6) Amendment to Professional Service Agreement for Traffic Engineering Services - Approved the recommendation that the City Council approve the execution of Amendment No. 3 to the Professional Service Agreement with Transportation Engineering and Planning (TEP) for Traffic Engineering Services.
- (7) I-215 High Occupancy Vehicles (HOV) Project Water and Sewer Utilities Relocation – Authorized the execution and recordation of a Notice of Completion for the I-215 High Occupancy Vehicles (HOV) Project Water and Sewer Utilities Relocation; and Authorize the Execution of the Change Order No. 1 in the amount of \$23,295 for the I-215 High Occupancy Vehicles (HOV) Project Water and Sewer Utilities Relocation.
- (8) Award of Bid for Various Transformers for the Electric Utility - Approved the recommendation that the City Council award the Bid for Various Size Transformers for the Electric Utility Department, Items 1 through 4 on the Bid Analysis to Wesco Distribution in the amount of \$36,599.21; and Items 5 through 7 to Howard Industries c/o Young & Company, in the amount of \$75,729. **[Staff Person: D. Kolk]**
- (9) Criterion Automation First Amendment to Professional Services Agreement – Approved a First Amendment to the City’s existing Professional Services Agreement with Criterion Automation in an additional amount not-to-exceed \$25,000 for on-going Water and Wastewater Supervisory Control and Data Acquisition (SCADA) System maintenance, retrofit and upgrade services, with the total aggregate amount not-to-exceed \$50,000.
- (10) Retainer Agreement for Representation in Qui Tam Litigation Versus Office Depot – Approved the recommendation that the City Council consider approval of a Retainer Agreement between the City of Colton, Phillips & Cohen LLP, Law Offices of Mark Kleiman, and McKnight & Kennedy, regarding representation of the City of Colton in Qui Tam litigation versus Home Depot.
- (11) Contract Proposal with Bob Murray for City Manager Recruitment – Approved the recommendation that the City Council approve a Professional Services Agreement with

Bob Murray & Associates regarding executive search and recruitment services for filling the position of City Manager.

PUBLIC HEARING

None.

BUSINESS ITEMS

- (12) Employment Agreement for Interim City Manager Services with Stephen P. Compton - Approved the recommendation that the City Council consider approval of an employment agreement for Interim City Manager services with Mr. Stephen P. Compton.

Motion and second by CM Bennett/Suchil, to approve the employment agreement and appoint Mr. Stephen P. Compton as the Interim City Manager. Unanimous vote.

CITY COUNCIL DISCUSSION ITEMS

- (13) Discussion and Direction Regarding Rancho Mediterrania Mobile Home Estates (Rancho Med) Assessment Costs – Approved staff’s recommendation that the City Council review the information in this report and directed staff and the City Attorney to further review and refine the preliminary options for reducing the Rancho Med assessments.

Motion and second by CM Navarro/Suchil, to approve staff’s recommendation that the City Council review the information provided and direct staff and the City Attorney to further review and refine the preliminary options for reducing the Rancho Med assessments. Unanimous vote.

CITY MANAGER’S REPORTS

Interim City Manager Compton informed the Council that he will be going on field trips with various department directors and will be a guest speaker with Colton Rotary. He also indicated that he will report out on the recruitment of the permanent City Manager and that he will be working with Bob Murray & Associates.

ADJOURNMENT

At 8:53 p.m., there was a motion and second by CM Navarro/Bennett, to adjourn the Regular meeting.


Eileen C. Gomez, CMC
City Clerk