

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

June 4, 2013

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:00 p.m., in the Council Chambers of City Hall, with Chief Deputy City Clerk Sabdi Sanchez opening the meeting and announcing Roll Call as follows:

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor (arrived at 5:05)
David J. Toro, MPT (arrived at 5:04)
Frank A. Gonzales (arrived at 5:10)
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, Interim City Manager
Bonnie Johnson, Management Services Director
Sonia Carvalho, City Attorney
Sabdi Sanchez, Chief Deputy City Clerk

Council Members/Staff Absent

Eileen C. Gomez, City Clerk

City Attorney Sonia Carvalho read Closed Session titles A through C for the record.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code, Section 54956.9(d)(1)
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(d)(1)
Case Name: Bingle v. City of Colton, et al
- C. 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

Mayor Zamora and Mayor Pro Tem Toro joined Police Chief Steve Ward at the podium to present Certificates of Recognition to the recipients of the 2012 Police Officers of the Year.

- Recognition - 2013 Athletes of the Year Award from Ken Hubbs Foundation –
Recipients: Marcilena Valenzuela
Richard Medina

Council Member Deirdre Bennett presented Certificates of Recognition to the recipients of the 2013 Athletes of the Year Awards from the Ken Hubbs Foundation.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF JUNE 4, 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.

AB 1234 ORAL REPORTS

Council Member Bennett reported that she attended the ICSC RECon 2013 in Las Vegas, with Mayor Zamora, MPT Toro, and Council Members Gonzales, Oliva and Suchil.

APPOINTMENTS

- District 5 – Code Enforcement & Housing Appeals Advisory Board (CEHAAB)
Appointment – Kirk Larson

Motion and second by CM Oliva/Suchil, to approve the appointment of Kirk Larson to the Code Enforcement & Housing Appeals Advisory Board (CEHAAB). Unanimous vote.

PUBLIC COMMENT

The following community members addressed the Council:

Josue Castillo, Representative for Assemblymember Brown; George Aguilar, Utilities Commissioner; Jose Olivar; Robert Wratchford; Ahmed Rodwan; Christine Irish-Ré; Eufemia Reyes; and Salah Haggar.

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

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

The following action was taken on the Consent Calendar:

CM Bennett had a comment on Item No. 3 after the vote, asking for a report on how the funds in the LLMD areas are distributed and the amount of staff time spent in those areas providing services.

CM Oliva abstained from the vote on Item No. 5 due to her relationship with Union Pacific Railroad.

CM Gonzales had a question on Item No. 4.

Motion and second by CM Suchil/Bennett, to approve Consent Calendar Item Nos. 1 through 10, as presented. Motion carried with the abstention by CM Oliva, as she recused herself from the vote on Item No. 5 due to her relationship with Union Pacific.

- (1) Warrants – Approved Payable Warrants #135296 to #135436, Dated 4/25/13, Totaling \$1,904,579.68; Payable Warrants #135437 to #135573, Dated 5/02/13, Totaling \$699,659.59; and Payroll Disbursement listing for the period 4/27/13 to 5/10/13, totaling \$601,992.36.
- (2) Notice of Completion for Mount Vernon Avenue and Valley Boulevard Traffic Signal Modification Project – Approved the Execution and Recordation of a Notice of Completion for Mount Vernon Avenue and Valley Boulevard Traffic Signal Modification Project No. STPLH 5065(011); Approved Change Order No. 1 in the Amount of \$6,500 to PTM General Engineering, Inc., for the Mount Vernon Avenue and Valley Boulevard Traffic Signal Modification.
- (3) Setting Public Hearing for LLMD District 1 - Approved and Adopted the Following Resolutions to Initiate Proceedings for the Annual Levy of Assessments for Landscape Lighting and Maintenance District 1 (LLMD) Fiscal Year 2013/14: Resolution Initiating Proceedings; Resolution Approving the Preliminary Engineer's Report; and, Resolution of Intention to Set the Public Hearing Date for June 18, 2013, RESOLUTION NOS. R-30-13, R-31-13, and R-32-13.
- (4) Setting Public Hearing for LLMD District 2 - Approved and Adopted the Following Resolutions to Initiate Proceedings for the Annual Levy of Assessments for Landscape Lighting and Maintenance District 2 (LLMD) Fiscal Year 2013/14: Resolution Initiating Proceedings; Resolution Approving the Preliminary Engineer's Report; and, Resolution of Intention to Set the Public Hearing Date for June 18, 2013, RESOLUTION NOS. R-33-13, R-34-13, and R-35-13.
- (5) Colton Quiet Zone - Approved the Revised Agreement for Construction and Maintenance of Safety Improvements Related to the Colton Quiet Zone Project between the City of Colton, San Bernardino Associated Governments (SANBAG), and Burlington Northern Santa Fe Rail Company; and Authorized the Mayor to Execute the Agreement with any Minor Non-substantive Changes as Recommended by the City Attorney; Approved Amendment No. 1 to the Cooperative Agreement for the Colton Quiet Zone Project

between the City of Colton and San Bernardino Associated Governments (SANBAG); Approved and Adopted a Resolution to Increase Expenditure Account #451-1103-6987-3890 by \$65,182, RESOLUTION NO. R-36-13.

- (6) Second Amendment to Criterion Automation Professional Services Agreement -- Approved Second Amendment to the Professional Services Agreement with Criterion Automation in an Additional Amount Not-to-Exceed \$80,000 for the ongoing Water and Wastewater Supervisory Control and Data Acquisition (SCADA) System Maintenance, Retrofit, Upgrade Services and Vandalism to Facilities with the Total Contracts Aggregate Amount Not-to-Exceed \$130,000.
- (7) JAG Grant - Approved and Adopted a Resolution to Modify the Bureau of Justice Assistance, for the 2009 Byrne Memorial Justice Assistance Grant (JAG) and in the Amount of \$31,353 for the Purchase of an On-line Reporting System, RESOLUTION NO. R-37-13.
- (8) Amend TRI County Pump Company Professional Services Contract – Declared that the Failure of Well Plant No. 28 is an Emergency Repair and Amend the Maintenance Services Agreement, to TRI County Pump Company in an Amount Not-to-Exceed \$137,128.60 for Repair Work on Well Plant No. 28.
- (9) Award of Contract to RDO Agriculture Equipment Company - Awarded a Contract to RDO Agriculture Equipment Company for the Purchase and Delivery of One New Compact Utility Tractor in the Amount of \$52,712.89.
- (10) Laurel Street Grade Separation Project – Amendment No. 1 - Approved the Revised Caltrans Project Programming Request for the Amendment No. 1 to the Trade Corridors Improvement Fund (TCIF) Baseline Agreement for the Laurel Street Grade Separation Project.

PUBLIC HEARING

- (11) Amendment to Title 18, Chapter 18.28 – File Index No. DAP-001-094 (Automobile Related Uses)

TIME AND PLACE FIXED TO CONSIDER AN ORDINANCE TO AMEND CHAPTER 18.28 OF TITLE 18 OF THE COLTON MUNICIPAL CODE PERTAINING TO AUTOMOBILE-RELATED USES IN THE M-2 HEAVY INDUSTRIAL ZONE (FILE INDEX NO. DAP-001-094).

Mayor announces the Public Hearing Open.

City Clerk submits the Affidavit of Publication and reports on protests or objections thereto.

Mayor Zamora read the title of Ordinance No. O-02-13 for the record. Chief Deputy City Clerk Sanchez announced that the Affidavit of Publication was on file in the City Clerk's Office and no protests or objections were received.

Development Services Director Mark Tomich provided an oral report on this item and answered questions by Council Members.

Motion and second by CM Bennett/CM Suchil, to close the public hearing. Unanimous vote.

Motion and second by CM Bennett/Suchil, to move the item forward and approve staff recommendation. Unanimous vote.

(12) Appeal – File Index No. DAP-001-059- (United Packing)

TIME AND PLACE FIXED TO CONSIDER AN APPEAL OF FILE INDEX NO. DAP-001-059 A REQUEST TO CONSTRUCT A 17,017 SQUARE FOOT INDUSTRIAL BUILDING AND RELATED SITE IMPROVEMENTS ON PROPERTY LOCATED AT 1603 E. STEEL ROAD, COLTON, CA 92324.

Mayor announces the Public Hearing Open.

City Clerk submits the Affidavit of Publication and reports on protests or objections thereto.

Mayor Zamora read the title into the record. Chief Deputy City Clerk Sanchez announced that the Affidavit of Publication was on file in the City Clerk’s Office and no protests or objections were received.

Interim City Manager Stephen Compton provided an oral report and read a memorandum included in the agenda packet. Mr. Compton also answered questions from Council Members.

PUBLIC COMMENT

The following member of the public addressed the Council on this item:

Arlan White; Jose Olivar; Tom Hamic, Applicant; and John Anaya, Sr.

Motion and second by Mayor Zamora/MPT Toro, to close the public hearing. Unanimous vote.

The final motion on this item was as follows: Motion and second by CM Bennett/Oliva, to uphold the Planning Commission’s decision to construct a 176,017 square foot industrial building to accommodate related site improvements including paving, fencing, and landscaping on property located at 1603 E. Steel Road, Colton, CA 92324 (“Project”). Unanimous vote.

BUSINESS ITEMS

- (13) Electric Rate Reduction - Approved a Temporary Electric Rate Reduction of \$1,800,000 Allocated between Residential, Commercial and Some Industrial Customers Effective July 1, 2013, and Approve a Resolution Repealing Resolution No. R-32-11, Amending Existing Electric Rates and Charges, Creating a New Electric Rate Structure, RESOLUTION NO. R-39-13.

Utilities Director David Kolk presented this item and answered questions from Council Members.

Motion and second by CM Bennett/MPT Toro, to move the item forward and approve staff recommendation, Option #2. Motion carried with CM Navarro voting no.

Motion and second by CM Bennett/Oliva, to continue Item Nos. 14 and 15 to the June 18, 2013 Council meeting. Unanimous vote.

COUNCIL WORKSHOP Presentations

- (14) Disposition of the Design Review Committee - Discussed the Future Disposition of the Design Review Committee; A Report on the History of Creating the Design Review Committee, its Purpose and Function, and the Feasibility of Eliminating it.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

- (15) ICSC RECon 2013 Report/AB 1234 (GC Section 53232.3(d)).

ADJOURNMENT

At 11:28 p.m., Mayor Zamora adjourned the Regular meeting in memory of fallen officers.



Eileen C. Gomez, CMC
City Clerk

