

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

August 20, 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 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
Marco Martinez, City Attorney
Eileen C. Gomez, City Clerk
Bill Smith, Community Services Director

Council Members/Staff Absent

None.

City Attorney Marco Martinez read Closed Session titles A through C into the record.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
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(d)(4)
Number of Potential Cases: 1 (City of Grand Terrace – Sewer Agreement)
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property Address: 0163-086-05 (along M Street between 10th and 11th Street) and 0163-086-14 (256 South 10th Street)
Negotiating Parties: Stephen Compton, Amer Jakher
Under Negotiation: Price and Terms of Sales

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Sarah S. Zamora adjourned the meeting to Closed Session at 5:03 p.m. and at 6:05 p.m., the meeting reconvened, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

City Attorney Martinez announced that the City Council did meet in Closed Session and did not discuss Item A. Mr. Martinez reported that City Council did discuss Items B and 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

August 20, 2013

Open Session of the Regular Meeting was called to order on the above-given date at 6:05 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, 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
Marco Martinez, City Attorney
Eileen C. Gomez, City Clerk
Bill Smith, Community Services Director

Council Members/Staff Absent

None.

INVOCATION

Pastor Jonathan Florez, Colton First Assembly

FLAG SALUTE

Steve Ferrance, American Legion Post 155

Mayor Zamora announced for the public that there was a Special Council Meeting/Workshop prior to Open Session regarding the General Plan Amendment.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Doctor Dev. A. Ganandev, M.D., MBA., F.A.C.S., Chairman,
Department of Surgery, Arrowhead Regional Medical Center (ARMC)

Mayor Zamora announced that Dr. Dev was not available for this presentation and will reschedule for a future Council meeting.

- Recognition - Sponsors for the 126th Birthday Celebration

Mayor Zamora announced that the City of Colton's 126th Birthday Celebration was held on Saturday, July 13, 2013, at the Colton High School stadium. This event was attended by over 5,000 in the stands and even more in the surrounding area. There was entertainment, games, food, activities for the whole family and a spectacular fireworks display which was enjoyed by all in attendance. Mayor Zamora thanked all of the sponsors and contributors on behalf of the Council. She asked Council Members to assist with the presentations to the sponsors as follows:

- | | |
|-----------------------|---|
| ➤ Platinum - \$10,000 | Union Pacific Railroad – Lupe Valdez |
| ➤ Diamond - \$6,000 | Colton Disposal – Andre Griggs |
| ➤ Diamond - \$5,000 | Studio 33 Productions |
| ➤ Diamond - \$5,000 | BNSF Railway – Lena Kent |
| ➤ Gold - \$2,500 | Best, Best & Krieger – Marco Martinez |
| ➤ Gold - \$2,500 | Eagle Real Estate Company - Wyn Holmes & Randy Friend |
| ➤ Gold - \$2,500 | SA Recycling |
| ➤ Silver - \$1,000 | Arrowhead Regional Medical Center |
| ➤ Silver - \$1,000 | Ashley Furniture |
| ➤ Silver - \$1,000 | Bakers Burgers |
| ➤ Silver - \$1,000 | Leno's Rico Taco |
| ➤ Silver - \$1,000 | Pacific Rail Industries, Inc. – Chuck Siroonian |
| ➤ Silver - \$1,000 | Premier Medical Transportation |
| ➤ Silver - \$1,000 | Supervisor Josie Gonzales |

- Recognition - VolunTEENS

Mayor Zamora called Recreation Services Manager Deb Farrar to make the presentations to the Volunteens. Ms. Farrar gave an overview of the VolunTeen application process and announced that they volunteered 1913 hours collectively. They participated in various activities including distributing snacks, coordinating and working at the community centers, Concerts in the Park and Movies in the Park. In addition, they all worked many hours at the 126th Birthday Celebration.

The VolunTeens were all presented with Certificates of Appreciation and were thanked by the Council for their service as follows:

- Steven Alanis
- Johnathan Cardenas
- Anthony Cash
- Andrea Medina

- Richard Navarro
- Luis Olivares
- Brandie Ramos
- Amir Reddick
- Roberto Ramirez
- Sabryn Rodas
- Dana Rodriguez
- Francisco Zepeda

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF AUGUST 20, 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 announced that the full Council is now in compliance with their AB1234 requirement.

PUBLIC COMMENT

The following community members addressed the Council:

Carlos Hurtado of La Chiva Real Raspados, and Christine Irish-Ré.

APPOINTMENTS

None.

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 5 for action by Council.

The following action was taken on the Consent Calendar:

Motion and second by CM Suchil/Bennett, to approve the Consent Calendar as presented. Motion carried with the abstention from CM Bennett on Item No. 5.

CM Bennett had questions and comments on Item No. 1.

CM Navarro had questions and comments on Item No. 1.

CM Gonzales had questions and comments on Item No. 3.

CM Oliva had questions and comments on Item No. 1.

Mayor Zamora had questions and comments on Item No. 1.

CM Suchil had questions and comments on Item No. 1.

CM Bennett stated that she would be abstaining from Item No. 5 due to being absent from those meetings.

- (1) Warrants – Approved Payable Warrants #136721 to #136865, Dated 7/3/13, Totaling \$940,710.33; Payable Warrants #136866 to #137038, Dated 7/11/13, Totaling \$4,992,249.88; and a Payroll Disbursement Listing for the Period 7/20/13 to 8/2/13, Totaling \$667,533.84, on File in the Finance Department.
- (2) Laurel Grade Separation Project Contract Number C13100 – Approved the Execution of the Colton Electric Letter of Agreement for Utility Relocation on Laurel Street Grade Separation Project; San Bernardino Associated Government (SANBAG) Contract No. C13100, and Authorize the City Manager to Execute the Agreement with any Minor Changes, RESOLUTION R-66-13.
- (3) South Colton Drainage Improvement Project – Authorized the City Manager or his Designee to Execute the Federal Emergency Management Agency (FEMA) Grant Award Documents for the South Colton Drainage Improvement Project; Approve Execution of California Emergency Management Agency (Cal EMA); Approve and Adopt a Resolution that Establishes an Appropriation for the South Colton Drainage Improvement Project, RESOLUTION NO. R-67-13.
- (4) Purchase of Batteries and Charger from SAFT America – Ratified the Action of the City Manager and Waived the Formal Bidding Requirement, in Accordance with Colton Municipal Code 3.08.140(a) and Approved the Purchase of 125Vdc Nickel Cadmium Battery and Charger for the Electric Department from SAFT America, Inc., in the Estimated Amount Not-to-Exceed \$26,415.72.
- (5) Minutes – Approved Minutes for the City Council Special Meeting Held May 23, 2013; Minutes for the Special Meeting Held May 29, 2013; and Minutes for the Regular Meeting Held August 6, 2013, on File in the Office of the City Clerk.

PUBLIC HEARING

(6) Annual Weed Abatement Program – Annual Report of Costs

TIME AND PLACE FIXED TO CONSIDER ANY OBJECTIONS OR PROTESTS FROM PROPERTY OWNERS FOR WEED ABATEMENT SERVICES PERFORMED DURING THE 2013 ANNUAL WEED ABATEMENT PROGRAM AND TO CONSIDER IMPOSING A LIEN UPON THE PROPERTIES FOR PAYMENT; APPROVE AND ADOPT A RESOLUTION ADOPTING A STATEMENT OF EXPENSES FOR THE CITY'S WEED ABATEMENT PROGRAM.

Mayor Zamora read the title of Resolution No. R-68-13 into the record. City Clerk Gomez announced that the Affidavit of Publication is on file in the City Clerk's Office and no protests or objections were received.

Fire Marshal Alan Sork provided an oral report on this item and answered questions from Council Members.

Mayor Zamora opened the Public Hearing.

Mayor Zamora left the dais at this point in the meeting and was not present for the vote. MPT Toro continued to preside at the dais for this item.

PUBLIC COMMENT

None.

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

Motion and second by CM Oliva/Suchil, to move this item and approve staff recommendation. Motion carried with Mayor Zamora being absent.

CM Bennett announced that due to conflicts on Item No. 7, the General Plan, she asked to move Item No. 8 up to this point in the meeting. City Attorney Martinez provided a brief overview of the conflict of interest rule pertaining to voting on the General Plan when a Council Member has a property located within 500 feet from any subject areas. Mr. Martinez advised the three Council Members that have conflicts to abstain from voting on this item.

Mayor Zamora returned to the dais at 7:27 p.m.

BUSINESS ITEMS

(8) Renewal of Contractual Services Agreement with Colton Chamber of Commerce - Approved Renewal of a Contractual Services Agreement with the Colton Chamber of Commerce for Services Provided to the City of Colton for Fiscal Year 2013-14.

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

At 7:30 p.m., Mayor Zamora and Council Members Bennett and Navarro left the dais, with Mayor Pro Tem Toro presiding during the presentation of Item No. 7, General Plan Amendment.

City Attorney Martinez announced that staff received direction from Council at the previous meetings and the Public Hearing was closed on August 13, 2013. Development Director Mark Tomich continued to provide the background on this item and answered questions from Council.

(7) General Plan Amendment

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING CONTINUED FROM THE SPECIAL MEETINGS AND WORKSHOPS FROM JULY 16, 2013, AUGUST 6, 2013, AND AUGUST 13, 2013, GENERAL PLAN AMENDMENT: APPROVING RESOLUTIONS ADOPTING AN ENVIRONMENTAL IMPACT REPORT AND COMPREHENSIVE UPDATES TO THE LAND USE ELEMENT, HOUSING ELEMENT AND CIRCULATION (“MOBILITY”) ELEMENT OF THE GENERAL PLAN (FILE INDEX NO. DAP-001-101); RESOLUTION PROVIDING FOLLOW-UP DIRECTION TO STAFF.

City Attorney Martinez advised the Council to vote on each Resolution separately. The vote on each Resolution was as follows:

Resolution No. R-60-13: Motion and second by CM Suchil/Gonzales, to adopt Resolution No. R-60-13 and approve staff recommendation. Motion carried with Mayor Zamora and Council Members Bennett and Navarro abstaining from this item.

Resolution No. R-61-13: Motion and second by CM Suchil/MPT Toro, to adopt Resolution No. R-61-13, and approve staff recommendation. Motion carried with Mayor Zamora and Council Members Bennett and Navarro abstaining from this item.

Resolution No. R-69-13: Motion and second by CM Suchil/Oliva, to adopt Resolution No. R-69-13, and approve staff recommendation. Motion carried with Mayor Zamora and Council Members Bennett and Navarro abstaining from this item.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER’S REPORTS

Mayor Zamora and Council Member Navarro returned to the dais at 7:39 p.m. Council Member Bennett did not return to the dais.

Interim City Manager Compton provided a brief overview of his current working projects as outlined in the handout he provided to Council. There was discussion regarding the use of City facilities and the implementation of fees by the Colton Joint Unified School District.

ADJOURNMENT

At 7:47 p.m., Mayor Zamora adjourned the Regular Council meeting in memory of Donna Johnson and Liz Escalante.


Eileen C. Gomez, CMC
City Clerk