

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 17, 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 (arrived at 5:40 pm)
Frank A. Gonzales (arrived at 5:15 pm)
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, Interim City Manager
Eileen C. Gomez, City Clerk
Sonia Carvalho, City Attorney
Bill Smith, Community Services Director
Amer Jakher, Public Works Director
Dr. David Kolk, Electric Utility Director

Council Members/Staff Absent

None.

City Attorney Sonia Carvalho read Closed Session titles A through E into the record.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases: 1 (Dispute with Lucky Oil Regarding Past Due Electric Charges)
- B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representatives: Marco Martinez, City Attorney
Unrepresented Employee: City Manager
- C. 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)
- D. 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

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code, Section 54956.9(d)(1)
Case Name: San Bernardino Valley Municipal Water District v. Larry Walker et al (and
Successor Agency to the Former Colton RDA)
Case No. Sacramento County Superior Court Case No. 34-2013-00149180

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Sarah S. Zamora adjourned the meeting to Closed Session at 5:04 p.m. and at 6:07 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 Sonia Carvalho announced that the City Council did meet in Closed Session and discussed Items A, C, D and E. Mrs. Carvalho then stated that Item B would be discussed after the open session portion of this meeting and that direction was given to legal counsel on the anticipated and existing litigation items.

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 17, 2013

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, 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
Eileen C. Gomez, City Clerk
Sonia Carvalho, City Attorney
Bonnie Johnson, Management Services Director
Aurelio De La Torre, City Treasurer
Stephen Compton, Interim City Manager
Bill Smith, Community Services Director
Amer Jakher, Public Works Director
Mark Tomich, Development Services Director
Dr. David Kolk, Electric Utilities Director
Tim McHargue, Fire Chief
Steve Ward, Police Chief

Council Members/Staff Absent

None.

INVOCATION

Jonathan Florez, First Assembly of God

FLAG SALUTE

Joe Mojica, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Colton Community Coalition for CHANGE – Upcoming Community Youth Forum by Berenice Villa

Mayor Zamora introduced Mirza Andrade-Martinez, Prevention Specialist for Central Valley Prevention Mental Health Systems. Mrs. Martinez then asked Berenice Villa, representing the Colton Community Coalition for CHANGE, to give her video presentation. Cinthya Cortez and Andres Villa also presented information regarding the Colton Community Coalition for CHANGE's upcoming community youth forum.

- Proclamation - City of Colton as a Purple Heart City

Major Russell Fritz of the Military Order of the Purple Heart, Robert E. Bush Chapter 2929, introduced the following recipients of Purple Heart Medals that were present: John Gordon received a Purple Heart Medal in Iraq in 2006; Vivian Ramsey received a Purple Heart Medal in Iraq in 2005; John Schmetzer received a Purple Heart Medal in Vietnam in 1968; and Major Russell Fritz received a Purple Heart Medal in 1962. Mayor Zamora read the Proclamation declaring Colton a Purple Heart City into the record asked her fellow Council Members to join her at the podium for the presentation.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 17, 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

None.

Mayor Zamora asked Electric Utility Director Dr. David Kolk to come to the podium to make his announcement. Dr. Kolk introduced his new staff member, Jessica Sutorus, Public Utilities Environmental Conservation Supervisor. Ms. Sutorus gave a brief overview of her current working projects.

CITY TREASURER'S REPORTS

- Receive and File City Treasurer's Report for July 2013.

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

MAYOR AND COUNCIL DISCUSSION ITEMS

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

PUBLIC COMMENT

Community member Dr. Luis Gonzalez addressed the Council during public comment.

Mayor Zamora read a Presidential Proclamation honoring the victims of the tragedy at the Washington Navy Yard into the record and asked for a moment of silence.

APPOINTMENTS

None.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CONSENT CALENDAR

Mayor Zamora presented Consent Calendar Item Nos. 1 through 7 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. Unanimous vote.

CM Bennett had a comment on Item No. 1 and asked the City Clerk to post the full warrant register on the City's website.

CM Navarro had comments and questions on Item No. 1. CM Navarro commented on Item No. 6 and recommended that Council consider establishing an ad hoc committee to meet with the City Attorney, City Manager and other City Officials with guidance from the League of California Cities regarding legislative items.

Mayor Zamora commented on Item Nos. 2 and 6.

CM Gonzales had questions on Item Nos. 3 and 6.

PUBLIC COMMENT

Mayor Zamora opened Public Comment on the Consent Calendar. The following community members addressed the Council:

Nathan Heyde, Attorney with Varner and Brandt for San Bernardino Valley Municipal Water District on Item No. 5; and Gary Grossich on Item No. 8.

- (1) Warrants – Approved Payable Warrants #137190 to #137311, Dated 8/1/13, Totaling \$875,602.01; Payable Warrants #137312 to #137431, Dated 8/8/13, Totaling \$665,519.16; and a Payroll Disbursement listing for the period 8/17/13 to 8/30/13, totaling \$707,078.02, on File in the Finance Department.
- (2) Power Purchase Agreement with SCPPA – Approved the Power Sales Agreement (PSA) between the City of Colton and Southern California Public Power Authority (SCPPA) for up to 3MW of Renewable Energy from the First Solar Kingbird B Project, and Authorize the City Manager to Execute the Contract Documents.
- (3) Consulting Agreement with Diversified Energy Consultants, LLC. – Waived the Formal Bidding Requirement in Accordance with Colton Municipal Code 3.08.140(e) and Approve the First Amendment to the Professional Services Agreement with Diversified Energy Consultants, to Increase the Total Compensation from \$25,000 to \$60,000 for Project Management Services Related to the Agua Mansa Substation Project.
- (4) Successor Agency/Long-Range Property Management Plan – Approved and Adopted a Resolution Approving and Adopting a Long-Range Property Management Plan Prepared Pursuant to Health and Safety Code Section 34191.5, RESOLUTION NO. SAR-02-13.
- (5) Successor Agency/ROPS – Approved and Adopted a Resolution Approving and Adopting a Recognized Obligation Payment Schedule (ROPS) for the Period Covering January 1, 2014 through June 30, 2014, Pursuant to Health and Safety Code Section 34177(m), RESOLUTION NO. SAR-03-13.
- (6) FY 2014 Legislative Program – Approved the FY 2014 Legislative Program.
- (7) Minutes – Approved Minutes for the City Council Regular Meeting Held September 3, 2013, on File in the Office of the City Clerk.

PUBLIC HEARING

- (8) Code Amendment Relating to Temporary Promotional Signs and Political Signs (Chapter 18.50)

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING REGARDING AN ORDINANCE OF THE CITY OF COLTON TO AMEND TITLE 18, CHAPTER 18.50 OF THE COLTON MUNICIPAL CODE RELATING TO TEMPORARY PROMOTIONAL SIGNS AND POLITICAL SIGNS (FILE INDEX NO. DAP-001-082).

Mayor Zamora asked Development Services Director Mark Tomich to come forward to present his oral report on this item. Mr. Tomich answered questions from Council Members and provided a brief background on political signs.

Mayor Zamora asked City Attorney Carvalho to read the title of Ordinance No. O-04-13 into the record and opened the public hearing.

Motion and second by MPT Toro/Suchil, to approve the item as presented. MPT Toro asked Council Members to provide their input regarding this item. CM Navarro added that he supported the motion and recommended that the number of days political signs could be displayed prior to an election be changed from 30 to 45 days and that the total aggregate square footage allowed on a single parcel per candidate be changed from 32 square feet to 16 square feet. Also, no political promotional signs

shall be placed on a vacant or unimproved property without obtaining the owners written consent and filed with the City Clerk on a form provided in the candidate's notebook. Motion did not pass due to further discussion and lack of final vote.

CM Bennett asked City Attorney Carvalho to publicly provide the findings regarding political signs as stated in a memo from City Attorney Marco Martinez that was previously distributed to Council. Mrs. Carvalho stated that due to attorney-client privilege, she would need a motion to continue.

Motion and second by CM Bennett/Mayor Zamora, to continue to publicly provide the information in the memo from City Attorney Martinez regarding political signs. Unanimous vote.

City Attorney Carvalho provided the legal aspects of the proposed changes to the ordinance regarding political signs. There was discussion regarding political signs and City Attorney Carvalho answered questions from Council Members.

Mayor Zamora opened public comment on this item.

PUBLIC COMMENT

Dr. Luis Gonzalez and Gary Grossich.

Mayor Zamora closed public comment and announced

Council Members continued with comments and questions to City Attorney Carvalho regarding political signs. Development Services Director Mark Tomich answered questions and provided information as stated in the municipal code.

MPT Toro amended his original motion, seconded by CM Bennett, restating his proposed changes to include Council recommendations, amending the proposed ordinance regarding political signs as restated by City Attorney Carvalho. The vote was unanimous with the final changes to the ordinance as follows:

SECTION 2. Section 18.50.030 - Definitions of Title 18 of the Colton Municipal Code, the definition for "temporary promotional sign" is hereby amended to read as follows (new text is shown in *bold italics* and deleted text is shown in ~~strike through~~):

"Temporary promotional sign" means any *portable sign*, commercial flag, pennant, streamer, banner, bunting material or other similar non-permanent sign made of non-metallic paper, cloth, canvas, light-weight fabric or other non-rigid material, with or without frames, whether displayed freestanding, wall-mounted, pole-mounted, window-mounted or painted, or any other method of attachment, that is displayed for a limited period of time less than one year and intended to attract attention to the business or use conducted on the site. Temporary promotional signs shall not be used in lieu of permanent signage."

SECTION 3. Section 18.50.110 of Title 18 of the Colton Municipal Code is hereby amended and replaced in its entirety to read as follows (new text is shown in *bold italics*):

“18.50.110 - Allowed temporary promotional on-premise sign standards

This section describes standards for temporary promotional on-premise signs. These signs require the issuance of a temporary sign permit as described in Section 18.50.040. The development standards for temporary signs are listed in Table 18.50-3. The following general rules/standards apply to all temporary promotional signs:

A. Time Duration. Display periods for temporary promotional signs shall be limited to a maximum of sixty (60) days, continuous or non-continuous, within a 180-day period not to exceed a total of 120 days within a 360-day period.

B. Illumination. No temporary promotional signs may be illuminated by lighting exclusively designed for the temporary promotional sign.

C. Encroachment. Temporary promotional signs shall not encroach on or above the public right-of-way or be attached to utility poles, traffic signal, utility cabinets and street sign posts, *except where all of the following criteria are met: a) the business is located in a building built at property line with no setback to the public right-of-way, b) the business obtains an encroachment permit from the Public Works Department, and c) the sign conforms to the display specifications of in Section 18.50.110.F.*

D. Obstruction. Temporary promotional signs shall not obstruct required paths, driveways, crosswalks, walkways for pedestrians and vehicles and views of vehicular traffic, including sight distances for vehicular traffic at corners.

E. Maintenance. Temporary promotional signs shall be maintained in good condition and free of tattering or tearing.

F. Display Specifications. All temporary promotional signs shall conform to the following standards:

- 1. Maximum of one of the following signs: wall banner (maximum 312 square feet), commercial flag (maximum 10 feet high), or portable/A-frame (maximum 6 square feet sign face; maximum two faces; height between 3 and 4 feet above grade).*
- 2. Maximum of one promotional sign per business storefront.*
- 3. Sign may be displayed only during normal hours of the business.*
- 4. Signs shall be removed (placed indoors) when the business ceases operation for that day.*
- 5. Sign shall not detract from the appearance of the building and/or site as determined by the Director.*
- 6. No illumination (lighting) exclusively designed for the sign is permitted.*
- 7. Sign shall be removed or replaced if tattered, torn, damaged, or otherwise not in good condition.*

8. *Sign shall be kept clean and clear of graffiti.*
9. *No attachment to the sign, including balloons, streamers, lights, or other attention-getting devices.*
10. *Portable Sign Standards:*
 - a) *Signs shall leave at least four feet for pedestrian access.*
 - b) *Signs shall not impede the sight distance of vehicular traffic.*
 - c) *Signs shall consist of durable materials (metal, wood, plastic) and the use of paper or cardboard is not allowed except as changeable copy within and safely fastened to a framed area made of durable rigid materials. Signs shall be professionally made or have the appearance of a professionally made sign. Signs with wheels shall be fixed (locked) in position.*
 - d) *Sign shall contain the name and phone number of the business and owner of the sign in order (not required on the sign face, but somewhere on the sign structure).*

BUSINESS ITEMS

None.

CITY COUNCIL DISCUSSION ITEMS

None.

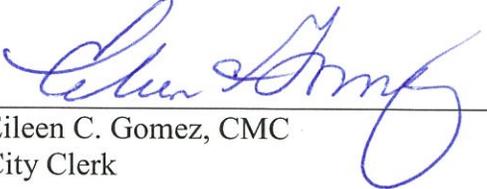
CITY MANAGER'S REPORTS

Interim City Manager Compton provided a brief summary of his City Manager's report.

ADJOURNMENT

At 8:30 p.m., Mayor Zamora adjourned the Regular Council meeting to closed session.

At 9:38 p.m., Mayor Zamora adjourned the Regular Council meeting. City Attorney Carvalho stated that all members were present and there was no reportable action.



Eileen C. Gomez, CMC
City Clerk