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 19, 2013

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:02 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 5:05 pm)
Frank A. Gonzales (arrived at 5:17 pm)
Frank J. Navarro
Susan M. Oliva
Isaac T. Suchil

Staff Present
Stephen P. Compton, City Manager
Eileen C. Gomez, City Clerk
William "Jim" Priest, City Attorney
Bill Smith, Community Services Director
Amer Jakher, Public Works Director
Dr. David Kolk, Electric Utility Director

Council Members/Staff Absent
Deirdre H. Bennett

City Attorney Jim Priest read Closed Session titles A and B 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 (City of Grand Terrace – Sewer Agreement)

B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Jessica Hurst, Finance Manager 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 Sarah S. Zamora adjourned the meeting to Closed Session at 5:03 p.m. and at 6:08 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 Priest announced that the City Council did meet in Closed Session and discussed Items A and B 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

November 19, 2013

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 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 (arrived at 5:05 pm)
Frank A. Gonzales (arrived at 5:17 pm)
Frank J. Navarro
Susan M. Oliva
Isaac T. Suchil

Staff Present
Stephen P. Compton, City Manager
Eileen C. Gomez, City Clerk
William "Jim" Priest, City Attorney
Aurelio De La Torre, City Treasurer
Jessica Hurst, Finance Manager
Amer Jakher, Public Works Director
Dr. David Kolk, Electric Utility Director
Steve Ward, Police Chief
Tim McHargue, Fire Chief
Bill Smith, Community Services Director
Mark Tomich, Development Services Director

Council Members/Staff Absent
Deirdre H. Bennett

INVOCATION
Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE
Girl Scouts, Troop 1624 – Presentation of Colors

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition - Laura Morales, former Executive Director for the Colton Chamber of Commerce, newly appointed Regional Public Affairs Manager for League of California Cities

Mayor Zamora presented a Certificate of Recognition on behalf of the Colton City Council to Laura Morales and congratulated her on her new appointment as the Regional Public Affairs Manager for the League of California Cities. Council Members Oliva, Suchil, Gonzales and Navarro, along with Mayor Pro Tem Toro, Mayor Zamora and City Clerk Gomez wished Laura all the best in her new position. Mrs. Morales introduced her family and her husband Ruben also thanked the community for their support.

Mayor Zamora presented a Certificate of Recognition on behalf of the Colton City Council to Council Member Gonzales and his wife Lee, congratulating them on the celebration of their 58th Wedding Anniversary.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF NOVEMBER 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.

AB 1234 ORAL REPORTS
None.

APPOINTMENTS
None.

PUBLIC COMMENT

The following community members addressed the Council:

Dr. Luis González, Laura Morales (with Chetay Catalano) from the Colton Chamber of Commerce, and John Anaya, Sr.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY TREASURER'S REPORTS

It was a consensus of the Council to receive and file the City Treasurer's report for September 2013, as presented by City Treasurer Aurelio De La Torre.

CONSENT CALENDAR

Mayor Zamora presented Consent Calendar Item Nos. 1 through 6 for action by Council.

The following action was taken on the Consent Calendar:

CM Gonzales had questions on Item Nos. 5 and 6.

Motion and second by CM Suchil/Oliva, to approve the Consent Calendar as presented. Motion carried with CM Bennett being absent.

(1) Minutes – Approved Minutes for the City Council Regular Meeting Held November 5, 2013, on File in the Office of the City Clerk.

(2) Warrants – Approved Payable Warrants #138165 to #138286, Dated 9/26/13, Totaling $4,453,642.91; Payable Warrants #138287 to #138389, Dated 10/3/13, Totaling $177,499.97; and a Payroll Disbursement Listing for the Period 10/12/13 to 10/25/13, Totaling $708,922.31, on file in the Finance Department.

(3) Acceptance of $2,510.33 Allocation from the Inland Counties Emergency Medical Agency - Approved and Adopted a Resolution Accepting an Allocation in the Amount of $2,510.33 from Inland Counties Emergency Medical Agency for the Purchase of Electronic Patient Care Reporting Hardware, and Amending the 2013-2014 Fiscal Year Budget, RESOLUTION NO. R-91-13.

(4) "Avoid the 25" Memorandum of Understanding - Accepted the FY 2013/2014 "Avoid the 25" Memorandum of Understanding (MOU) between the City of Ontario Police Department and the City of Colton Police Department.

(5) Renewable Portfolio Standard (RPS) Policy - Approved and Adopted a Resolution to Amend the City's Compliance and Enforcement Program (Programs) in its Renewable Portfolio Standard (RPS) Policy to be in Compliance with Senate Bill X1 2 (SB X1 2) and the California Energy Commission's Interpretation of SB X1 2 as Demonstrated by Its Renewable Portfolio Standards Reporting Requirements for Locally Owned Public Utilities, RESOLUTION NO. R-90-13.

(6) CHA/Rancho Mediterrania Assessment District - Approved the Implementation Plan to Retire Rancho Mediterrania Assessment District RAD 00-1 and the Disposition of the Remaining 29 Lots owned by the Colton Housing Authority.

PUBLIC HEARING

(7) Iron Horse Hills Development Agreement

TIME AND PLACE FIXED TO CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING THE IRON HORSE DEVELOPMENT AGREEMENT AMENDMENT NO. 1 FOR PROPERTY GENERALLY LOCATED EAST OF BARTON ROAD AND SOUTH OF HILLTOP DRIVE, WITHIN THE RECHE CANYON SPECIFIC PLAN (FILE INDEX NO.: DAP-001-112). *Environmental Determination: An EIR was previously certified, SCH #2005041028, on August 8, 2006 by resolution number R-06-06 that addresses all of the environmental impacts of the project as set forth in the DA. Because Amendment No. 1 does not alter the scope of the project in any way, it does not create any new direct or indirect environmental impact beyond what was already addressed in the EIR. Therefore, no further environmental analysis is required for this action.*

Mayor Zamora read the title into the record. City Clerk Gomez announced that the affidavit of publication is on file in the City Clerk's Office no protests were received.

Senior Planner Mario Suarez provided a PowerPoint presentation and summarized the appeal points as follows:

PROPOSAL

AMG –Reche, LLC is requesting an amendment to the Iron Horse Hills Development Agreement to:

- Allow the City to construct 4-million gallon reservoir and Developer to construct booster station
- Clarification of contribution payments, developer fee credits & dedications;
- Request to extend term of the original development agreement by 5 years from the date of this ordinance approval
- Developer name change from Colton Land Investment, LLC to AMG-Reche, LLC
- Proposed Reservoir & Booster Station Locations

KEY AREAS CLARIFIED

- Section 1.1.11 – 1.1.15 – Minor changes to definitions clarifying existing approvals, development impact fees, etc.

- Section 2.3 – Change the proposed 10 year initial term with a 5-year extension to January 2019
  - Planning Commission did not recommend five year extension
  - Requested staff analyze and compare Development Impact Fees to see what the City would receive in revenue if the fees were no longer frozen
- Section 2.5 – Clarifies the references to the DA Ordinance for termination procedure; and
- Section 4.5 – Clarifies that the development impact fees are frozen at the rates when the DA was originally approved, which was 1/15/08, not 12/18/07

RECOMMENDATION

1. Approve Amendment No. 1 as Proposed – Notwithstanding the Planning Commission's recommendation, approve the Amendment No. 1 with the five year extension plus consideration for five additional years subject to future code amendment as originally requested by AMG Reche, LLC in order to allow the City to build a water reservoir as proposed and allow additional time for the developer to build the proposed single family residential development project

2. Do Not Approve Amendment No. 1 - Hereby stopping City construction plan to build a new 4 million gallon reservoir which would provide an urgent need for water supply to the surrounding community and proposed single family development project

3. Provide alternative direction to staff and/or the Applicant

Council Members addressed staff with questions regarding this project. Senior Planner Suarez continued to provide information regarding the Iron Horse project as shown in the PowerPoint presentation. Mr. Suarez clarified the changes that will be made to the information provided in the staff report and explained staff's recommendation. Public Works Director Amer Jakher provided information on the status of the proposed reservoir and booster station timelines. City Attorney Jim Priest explained that this presentation was informational and this ordinance will be brought back to Council for a second reading.

Mayor Zamora opened the Public Hearing.

PUBLIC COMMENT

Mayor Zamora opened Public Comment on this item with the following community members addressing the Council.

Jason Lee, Iron Horse Development and John Anaya, Sr.

Council Members continued with discussion regarding this project.

Mayor Zamora closed the public hearing.

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

(8) Appeal – Largo Concrete

TIME AND PLACE FIXED TO CONSIDER THE CONTINUED APPEAL FROM OCTOBER 15, 2013, AN APPEAL TO THE CITY COUNCIL REGARDING THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT (FILE INDEX NO: DAP-001-099, APPLICANT: LARGO CONCRETE) FOR THE OPERATION OF A CONCRETE CONTRACTORS' STORAGE YARD ON AN EXISTING 7.6-ACRE DEVELOPED SITE IN THE M1/SDA – LIGHT INDUSTRIAL ZONE AND SENSITIVE DEVELOPMENT AREA OVERLAY ZONE.
Environmental Determination: Pursuant to the Guidelines for the California Environmental Quality Act (CEQA), the denial of a proposed project is exempt from the requirements of CEQA as per State CEQA Guidelines sections 15061(b)(4) and 15270.

Mayor Zamora read the title into the record. City Clerk Gomez announced that the affidavit of publication is on file in the City Clerk's Office no protests were received since the public hearing held on October 15, 2013.

Development Services Director Mark Tomich provided a PowerPoint presentation and summarized the appeal points as follows:

BACKGROUND

- July 23, 2013, Planning Commission (PC) review and considered the CUP for Contractors' Storage Yard.
    - PC did not accept staff recommendation.
    - Continued for two weeks to allow staff time to prepare a resolution for denial.
- August 13, 2013, the PC denied pursuant to Resolution No. R-15-13.
- August 22, 2013, Applicant filed Appeal.
- October 15, 2013, City Council heard the Appeal continued it to November 19, 2013 to:
    - Revise conditions of approval,
    - Meet with Largo Ad Hoc Committee, and
    - Hold neighborhood meeting (hear concerns of residents)
- October 21, 2013, staff met with Largo representatives
- October 22, 2013, staff met with Largo Ad Hoc Committee & Two Neighborhood representatives & Largo representatives
    - Received The Largo Ad Hoc Committee modified and added conditions pertaining to:
    - Hours of operation Semi Truck trips hours
    - Vehicles idling limits Parking on Congress St.
    - Left turn on to Congress Street
    - Third party storage Back up alarms for vehicles, trucks & equipment
- October 29, 2013, staff held Neighborhood Meeting at Luque Center.
    - Some of the major concerns expressed at the meeting include:
        - Gardening equipment noise;
        - Truck traffic generated by the project;
        - Emissions, traffic and safety of children in the neighborhood;
        - Rezone the M-1 to Residential zone;
        - Consider a moratorium to allow staff to study the various issues voiced at meeting;
        - For the past 28 years, the Wilson neighborhood issues have not been addressed;

- Request for an Environmental Impact Report be prepared for the project; and
- One neighbor spoke in favor of the project.

ALTERNATIVE RECOMMENDATIONS

1) Approve the Appeal and the Project – Subject to the environmental determination, the City Council may wish to approve the project, sustain the Applicant's appeal and overturn the Planning Commission's decision, with appropriate conditions.

2) Continue the Hearing to December 17, 2013 – Should the City Council wish to have further environmental analysis conducted on the Project, continue the public hearing to December 17, 2013 and direct staff to prepare an Initial Study to determine if there are any substantial environmental impacts to the Project, property and surrounding neighborhood that may warrant mitigation. Upon completion of the Initial Study process, the Council may consider the Project once again.

3) Do Not Approve the Appeal: Uphold the Planning Commission's Denial of an application for a Conditional Use Permit.

4) Provide alternative direction to staff and/or the Applicant.

M-1 / SDA (Sensitive Development Overlay)

- 7.6 Acres / Adjacent to SFR Neighborhood
- Access from Congress Street
- Main office building 6,000 sq.ft.
- Two Canopy Structures 60'x150'
- Paved Site / Concrete Loading Dock
- Parking at front of site
- Landscaping in parking lot
- Perimeter fencing & 3-Fire Hydrants
- Currently Vacant
- Storage of Aluminum, Wood and Steel Frames
- 7 – Full-Time Employees
- 1-2 Forklifts
- Reach Machine
- Warehouse Lifts
- 2-3 flatbed trucks (20-40')
- Occasionally Semi-Truck
- Security Cameras/New Landscaping
- 20 Ft. Setback Buffer; no storage area
- Storage of Aluminum, Wood, and Steel Frames

Council Member Gonzales made a motion to approve the item after discussion. Motion failed due to lack of a second.

Mayor Zamora opened the Public Hearing.

PUBLIC COMMENT

Mayor Zamora opened Public Comment on this item with the following community members addressing the Council.

John Anaya, Sr., Dr. Luis González, Andreas Weaver, Dr. Arek Balci, Andres Soto, Bill Ihrke, Ken Long, Danny Morales, Rachel Warner, Amador Roman, Gary Grossich, Maria Cambray, and Cindy Carrion.

At 8:35 p.m., Mayor Zamora adjourned the regular meeting for a brief recess and at 8:54 p.m., the meeting reconvened with all members present as heretofore.

Council Members continued with discussion regarding this project. City Attorney Priest provided clarification to the Council on the recommended motion as stated on the staff report.

Mayor Zamora closed the public hearing.

Motion and second by CM Gonzales/Mayor Zamora, that we approve the appeal and move the item.

Roll Call vote was as follows: Ayes – CM Gonzales, Mayor Zamora; Noes – CM Navarro, CM Suchil and MPT Toro, with CM Oliva undecided. City Attorney Priest advised Council Members present that they could withdraw the motion and make a new motion to continue the item to a later date so the full Council could vote and also provided other alternative motions.

CM Gonzales and Mayor Zamora withdrew their motion and second.

Motion and second by MPT Toro/CM Suchil, to deny the appeal. Roll Call vote was as follows: Ayes – MPT Toro, CM Navarro, CM Suchil; Noes – CM Gonzales, Mayor Zamora and CM Oliva. Motion failed due to lack of a majority vote.

Motion and second by CM Gonzales/Mayor Zamora, to continue the item to the December 3, 2013 Council meeting. Ayes – CM Gonzales, Mayor Zamora and CM Oliva; Noes – MPT Toro, CM Navarro and CM Suchil. Motion failed due to lack of a majority vote.

Mayor Zamora allowed Bill Ihrke, Attorney for Largo Concrete, to approach the podium to provide another alternative action. Mr. Ihrke asked that the Council consider bringing back this item at a later date as a new Council item.

BUSINESS ITEMS

(9) Virtual Queuing System for Customer Service and Low Income Assistance Desk - Authorize the Purchase of a Virtual Queuing System for Customer Service Operations in the Amount of $23,348.71 to Lavi Industries with an Annual Maintenance Agreement for $1,952.01 and a $3,600 Annual Fee for the Texting Option.

Jessica Sutorus, Environmental and Conservation Supervisor, provided a brief PowerPoint presentation.

Motion and second by CM Navarro/Oliva, to move this item and approve staff's recommendation. Motion carried with CM Bennett being absent. Electric Utility Director Dr. Kolk clarified a correction on the agreement in the dollar amount as written.

(10) 2013 California Building Standards Code – Waived Full Reading and Introduced by Title Only for First Reading, an Ordinance Amending Sections 15.04.010, 15.04.020, 15.04.090, and Chapter 15.16 of the Colton Municipal Code by Adopting by Reference the 2013 Editions of the California Building Standards Code and Related Model Building Codes with Appendices and Amendments Thereto, and Setting a Public Hearing for December 3, 2013 to Adopt the Ordinance, ORDINANCE NO. O-06-13. *Environmental Determination/CEQA - This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.*

Motion and second by CM Suchil/Navarro, to move the item and approve staff's recommendation. Motion carried with CM Bennett being absent.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

(11) Discussion Regarding Council Meeting of January 7, 2014.

City Manager Compton provided a brief explanation of his current working projects and stated that the discussion of the January 7, 2014 meeting will be on the December 3, 2013 agenda.

ADJOURNMENT

Motion and second to adjourn by CM Navarro/CM Suchil. At 10:10 p.m., Mayor Zamora adjourned the Regular Council meeting.

Eileen C. Gomez, CMC
City Clerk