

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

December 17, 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 Pro Tempore David Toro presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

David J. Toro, Mayor Pro Tem
Frank Navarro
Deirdre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, City Manager
Eileen C. Gomez, City Clerk
Cristina Talley, City Attorney
Bill Smith, Community Services Director
Amer Jakher, Public Works Director
Steve Ward, Police Chief

Council Members/Staff Absent

Mayor Sarah S. Zamora
Frank A. Gonzales
Susan Oliva

City Attorney Cristina Talley read Closed Session titles A, B, C and D 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 Representatives: Ted Cooper, Human Resources Manager; Steve Ward, Police Chief; Bill Smith, Community Services Director
Employee Organizations: SBPEA General Unit, IBEW Electric, IBEW Water/Wastewater

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to California Government Code, Section 54956.8
Property Address: 1600 West Valley Boulevard
APN No. 0163-362-12 and APN No. 0163-362-26
Negotiating Parties: Stephen Compton, Art Morgan
Under Negotiation: Price and Terms of Sale

- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to California Government Code, Section 54956.9(d)(2)
1 Potential Case

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Pro Tem David Toro convened the meeting to Closed Session at 5:03 p.m. and at 6:48 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 Cristina Talley announced that the City Council did meet in Closed Session and discussed Items A, B, and D 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

December 17, 2013

Open Session of the Regular Meeting was called to order on the above-given date at 6:48 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
Deidre H. Bennett
Isaac T. Suchil

Staff Present

Stephen P. Compton, City Manager
Eileen C. Gomez, City Clerk
Cristina Talley, City Attorney
Aurelio De La Torre, City Treasurer
Misty Cheng, Interim Finance Director
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

Susan M. Oliva

INVOCATION

Pastor Jonathan Florez, Colton First Assembly

FLAG SALUTE

Louie Barrera and Steve Ferrance, American Legion Post 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Proclamation - Union Pacific Railroad – Lupe C. Valdez, Public Affairs Director and Union Pacific Representatives

Mayor announced that this item would be continued to the January 21, 2014 Council Meeting.

- Presentation - Business Focus - D&B Auto

Council Member Frank Navarro read and presented the “You Make a Difference” certificate for D&B Automotive. Chetay Cantalano, Interim Executive Director for the Chamber of Commerce acknowledged the business on behalf of the Chamber of Commerce.

- Recognition - Isaiah Cisneros, Colton High School Student

Mayor Pro Tem David Toro read and presented the Certificate of Recognition to Colton High School student, Isaiah Cisneros for outstanding, academic and athletic achievement.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF DECEMBER 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 AND COUNCIL ORAL REPORTS AND COMMENTS

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

APPOINTMENTS

None.

PUBLIC COMMENT

The following community members addressed the Council:

Cecilia Castorena Limon, Christine Irish-Ré and Dr. Luis González

CITY TREASURER’S REPORTS

- Receive and File City Treasurer’s Report for October 2013.

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

CONSENT CALENDAR

Mayor Zamora presented Consent Calendar Item Nos. 1 through 12 for action by Council.

The following action was taken on the Consent Calendar:

CM Gonzales had questions on Item No. 5 and No. 11; CM Bennett had questions on Item No. 5; Mayor Zamora had questions on Item No. 8.

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

- (1) Minutes – Approved the Minutes for the City Council Regular Meeting Held December 3, 2013, on File in the Office of the City Clerk.
- (2) Warrants – Approved the Payable Warrants #138604 to #138742, Dated 10/24/13, Totaling \$1,476,527.51; Payable Warrants #138743 to #138877, Dated 10/31/13, Totaling \$1,651,045.61; Warrants #138878 to 138994, Dated 11/7/13, Totaling \$1,604,892.71; and a Payroll Disbursement Listing for the Period 11/23/13 to 12/6/13, Totaling \$704,310.75, on file in the Finance Department.
- (3) CHA/Reassessment District Bonds – Approved the Joint Council Resolution / Authority Resolution to Retire the Rancho Mediterranean Mobile Home Park Estates’ (‘Rancho Med’) Reassessment District Bonds (‘RAD 00-1’) in the Principal Amount of \$135,000; and Create a Budget Appropriation of Fiscal Year 2013-14 Funds for the Authority, RESOLUTION NO. R-93-13 AND RESOLUTION NO. CHA-05-13.
- (4) Reimbursement Leasing Financing – Approved and Adopted a Resolution Declaring Its Intent to Use up to \$2,000,000 of a Tax-Exempt Financing to Reimburse Itself for Expected Expenditures, RESOLUTION NO. R-94-13.
- (5) Approve Job Description and Salary Range (Electric) - Approved and Adopted Resolution No. R-96-13, Establishing Job Description for the Following Position: Electric Utility Integrated Resource Coordinator and Approve Salary Range for such Position, RESOLUTION NO. R-96-13.
- (6) Notice of Completion – Approved the Execution and Recordation of a Notice of Completion for the Well Pumping Plant 30 at Fogg Street; Approved Change Order No. 3 in the Amount of \$46,200 for the Well Pumping Plant 30 at Fogg Street Project.
- (7) Notice of Completion – Approved the Execution and Recordation of Notice of Completion for 11th Street Sewer Main Rehabilitation Project.
- (8) Professional Services Agreement with NBS Inc. - Awarded the Professional Services Agreement to NBS Inc., as the Most Qualified Consultants to Provide the Sewer Rate Study for the City of Colton and the City of Grand Terrace in the Amount Not-to-Exceed \$40,665; and Approved Resolution to Establish an Appropriation for the Funding of Sewer Rate Study Project, RESOLUTION NO. R-98-13.

- (9) Southern California Gas Company Contract – Approved the Master Services Contract, Schedule A, Intrastate Transmission Service Contract with Southern California Gas Company (SoCal), for the Delivery of Natural Gas to the Agua Mansa Power Plant, and to Authorize the Electric Utility Executive Director to Execute the Contract.
- (10) Notice of Completion – Approved the Execution and Recordation of Notice of Completion for Bostick Ave., and La Cadena Drive Street Improvement Project and Approve Change Order No. 1 in the Amount of \$5,760. *Environmental Impact: The Bostick Avenue and La Cadena Drive Street Improvement Project was determined Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301(c).*
- (11) Approve Job Descriptions and Salary Ranges (Public Works) - Approved and Adopted Resolution No. R-95-13, Establishing Job Descriptions for the Following Positions: Public Works Water/Wastewater Superintendent, Public Works Engineering Superintendent, and Public Works Water/Wastewater Administrative Manager; and Approved Salary Ranges for such Positions, RESOLUTION NO. R-95-13.
- (12) Legislative Affairs Committee - Approved the Establishment of the Legislative Affairs Committee as a Standing “Brown Act” Committee, Reconstituting and Renaming the Political Reform Committee, in order to Advance the City’s legislative Agenda.

PUBLIC HEARING

- (13) 2013 California Building Standards Code

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING, RE-ADOPTING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON 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. *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.*

Mayor Zamora read the title of Ordinance No. O-06-13 into the record.

Motion and second by CM Suchil/Navarro, to open the Public Hearing.

City Clerk Gomez announced that the affidavit of publication is on file in the City Clerk’s Office and no protests were received.

Motion and second by CM Suchil/Navarro, to close the Public Hearing.

Motion and second by CM Bennett/Navarro, to move this item and approve staff’s recommendation. Motion carried with CM Oliva being absent.

PUBLIC COMMENT

None.

BUSINESS ITEMS

- (14) Waive Further Reading, Read by Title Only and Approve the Proposed Interim Urgency Ordinance of the City Council of the City of Colton in Accordance with Government Code Section 65858, Establishing a 45-Day Moratorium on the Establishment of Wooden Pallet or Product Manufacturing Operations and Wood Storage Yards, Pending Study and Adoption of Regulatory and Zoning Standards. *Environmental Determination: No impact. It can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment.* URGENCY ORDINANCE NO. O-08-13.

Mayor deferred the item to City Attorney Cristina Talley.

City Attorney Talley stated that the interim urgency ordinance requires a 4/5 vote of the entire Council; therefore, the ordinance would need a vote of six members of Council to pass.

Motion/Second by CM Bennett/CM Suchil to move this item.

CM Gonzales asked why the urgency of this ordinance. Development Services Director Mark Tomich responded that the city has an illegally operating yard that received a conditional use permit and an occupancy permit and has been a nuisance and fire hazard and wants to prevent the issuance of permits for these without proper review by the city and that the current ordinances do not have the proper standards to address the impacts of pallet yards including stacking height and fire hazards.

City Attorney Talley stated that the interim ordinance would apply to future businesses and would not have any effect on the existing businesses.

Chief Ward responded to questions from Council.

CM Bennett asked to withdraw her initial motion and asked to continue this item to another meeting so CM Oliva would be given the opportunity to participate.

CM David Toro commented on the item.

CM Suchil rescinded his motion to move this item.

PUBLIC COMMENT

The following community members addressed the Council:

Gary Grossich

It was a consensus of the Council to continue the item to the next regular Council meeting of January 21, 2014.

CITY MANAGER'S REPORTS

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

ADJOURNMENT

At 9:16 p.m., Mayor Zamora adjourned the Regular Council meeting to closed session.

At 9:42 p.m., Mayor Zamora adjourned the Regular Council meeting. City Attorney Talley stated that all members were present and there was no reportable action.

A handwritten signature in cursive script, appearing to read "Eileen C. Gomez", written over a horizontal line.

Eileen C. Gomez, CMC
City Clerk