

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
CLOSED SESSION MINUTES

September 16, 2014

Closed Session Meeting was held on the above given date at 5:01 p.m., in the Council Chambers of City Hall, with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, CM Toro, Gonzales (appeared at 5:10 p.m.), Navarro, Oliva Bennett MPT Suchil (appeared at 5:10 p.m.), and Mayor Zamora.

STAFF PRESENT

ACM McHargue, CA Campos, and CC Padilla.

City Attorney Campos announced that the City Council would meet in Closed Session to Discuss items A, B, C, D, E, and F.

CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957(b)
Title: City Attorney

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1
(SANBAG – I-215/Mt. Vernon Interchange)

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Case Name: Thomas Earl Ross v. City of Colton
Case Number: San Bernardino County Superior Court Case No. CIVDS1306557

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Case Name: Victor Garcia v. City of Colton
Case Number: San Bernardino County Superior Court Case No. CIVDS1407527

- E. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Number of Potential Cases: 1

- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)

Case Name: Shari Sproal v. City of Colton.

Case Number: San Bernardino County Superior Court Case No. CIVDS 1301438

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Sarah S. Zamora adjourned the meeting to Closed Session at 5:04 p.m. and at 6:17 p.m., the meeting reconvened, with all members present as heretofore.

City Attorney Campos announced that the City Council did meet in Closed Session and discussed Items A, B, C, D, E, and F with direction to staff and No Reportable Action. Council will continue discussion of Item A after the adjournment of the Regular Council Meeting.

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 16, 2014

Regular Meeting held on the above-given date at 6:18 p.m. in the Council Chambers of City Hall, with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil, Mayor Pro Tem

Staff Present

Tim McHarque, Acting City Manager
Carlos Campos, City Attorney
Carolina R. Padilla, City Clerk

Council Members/Staff Absent

None.

INVOCATION

Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE

Bill Smith

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation – Business Focus – Siquios Restaurant

MPT Suchil assisted staff (*Art Morgan, Economic Development Manager and Chetay Catalano Executive Director, City of Colton Chamber of Commerce*) in presenting the Business Focus Certificate to the Business Owner, Hesiquio Gutierrez of Siquios Restaurant.

- Holmes Family Trust – helped regarding the City of Colton DOB

CM Toro recognized Holmes Family Trust Representative, Mr. Wyn Holmes, for their contribution on the success of Colton's Birthday Celebration on July 12, 2014.

- Proclamation – Purple Heart Day – September 17, 2014

Mayor Zamora presented a Proclamation for Purple Heart Day, September 17, 2014 and accepted by Service Officer Leonard Tavernetti. In acceptance of the Proclamation, Mr. Tavernetti announced that September 19, 2014 is National Prisoner of War and Missing In Action Day.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 16, 2014.

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. None disclosed.

AB 1234 ORAL REPORTS

Mayor Zamora asked the members present if there were any brief reports on meeting attended at the expense of the City. (*GC Section 53232.3(d)*).

Mayor Zamora and CM Oliva reported on their recent conference attendance at the 2014 Annual League (*of California Cities*) Conference in Los Angeles on September 3 through September 5, 2014.

APPOINTMENTS

None.

MAYOR AND COUNCIL DISCUSSION ITEMS

None.

PUBLIC COMMENT

The following community members addressed the Council:

Rich Randolph; Linda Tripp; Nertha Arroyo-Goodly; Steven Cade; John Anaya, Sr.; Gary Grossich; Ron Lawrence; and Cynthia De La Rosa.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

RECESS: 7:57 p.m.

RECONVENED: 8:01 P.M.

CITY TREASURER'S REPORTS

City Treasurer Aurelio De La Torre presented the report for July 2014 for Council consideration and with no objection report was received and filed.

CONSENT CALENDAR

With no protest from Council, Mayor Zamora brought forward for action Item 13 from the Consent Calendar and Item 16 Public Hearing Appeal – File Index No. DAP-001-166.

ITEM 13 – Consent Calendar

Surplus Water Purchase Agreement - Approve the Surplus Water Purchase Agreement by and between the City of Colton and the County of San Bernardino, for a one-time purchase of up to 310 acre feet of surplus water by the County for up to \$46,500 to assist in its perchlorate cleanup efforts in the Rialto-Colton Basin.

City Attorney Danielle Sakai presented for Council an overview of recommended action and requested approval of staff's recommendation.

Motion and Second by MPT Suchil/CM Bennett to approve staff's recommendation. No Opposition. Unanimous Vote.

PUBLIC HEARING

(16) Appeal – File Index No. DAP-001-166

TIME AND PLACE FIXED TO CONSIDER AN APPEAL TO THE CITY COUNCIL REGARDING THE PLANNING COMMISSION'S DECISION TO APPROVE: A CONDITIONAL USE PERMIT (CUP) FOR THE USE OF AN EXISTING BUILDING AS A STORAGE WAREHOUSE FOR A STEALTH TELECOMMUNICATION TOWER INSTALLATION BUSINESS AND FENCE REVIEW FOR THE LEGALIZATION OF AN UNPERMITTED 6-FOOT HIGH FENCE CONSISTING OF CHAIN LINK MATERIAL WITH SCREENING MATERIAL, ON A 0.48-ACRE PROPERTY LOCATED AT 1201 S. LINCOLN STREET (APN 0254-0161-30) AND ZONED M-1, LIGHT INDUSTRIAL, AND WITHIN THE SENSITIVE DEVELOPMENT AREA (SDA) OVERLAY ZONE (FILE INDEX NO.: DAP-001-166).

Mayor announced the Public Hearing Open.

City Clerk Padilla stated that the Affidavit of Publication calling the Public Hearing was on file in the City Clerk's Office and announced that she did not receive any protest or objections.

Mark Tomich, Development Services Director, presented with use of a PowerPoint Presentation for Council consideration to the Appeal of the Planning Commission Decision.

PUBLIC COMMENT

None

Motion and Second by MPT Suchil/CM Navarro to close the Public Hearing with No Opposition. Unanimous Vote.

Applicant: Phim Masone of Permit Express and Manager Joel Rogan of Cell Tree, came forward to take questions and comments from Council.

Motion as outlined by City Attorney Campos: (1) Make condition #7 optional (*Within 18 months of this approval, the segments of the chain link fence installed without permits shall be removed and a wrought-iron fence with mesh screening may be installed after the appropriate approvals from the Development Services Department to install.*) and up to the applicants discretion; (2) adding an alternative route that would go from Fogg St. to La Cadena St.; and (3) the project and the building be ADA compliant when completed.

Motion and Second by MPT Suchil/CM Toro to approve and adopt Resolution No. R-94-14 with above stated conditions and to deny the appeal and uphold the Planning Commission's approval of the project.

Roll Call Vote: CM Toro, Navarro, Oliva, Bennett, MPT Suchil, and Mayor Zamora voting YES; CM Gonzales voting NO. Motion Carried.

CONSENT CALENDER (cont'd)

With no protest from Council, Mayor Zamora brought forward for action Item 4 from the Consent Calendar.

ITEM 4 – Consent Calendar

Animal Services Agreement with Riverside County – Authorize the execution of a Professional Services Agreement with the County of Riverside Department of Animal Services

CM Toro, presented with use of a PowerPoint Presentation for Council consideration to authorize execution of a Professional Services Agreement with the County of Riverside Department of Animal services. Robert Miller Director of Animal Services for Riverside County was available for any question/clarification. The presentation included alternative uses for re-investing of the yearly savings.

PUBLIC COMMENT

Sharon Logan

Motion and Second by CM Toro/MPT Suchil to approve staff's recommendation; (1) from the Animal Control Budget to set aside monies from the expected savings in the amount of \$5,600.00 to cover two events related to a Mobile Spay and Neuter Program within the next year at a cost of \$2,800.00 for each event; (2) create an Ad Hoc Committee appointing CM Toro/CM Bennett/ MPT Suchil as members (3) with the following assignment to set priorities to include the Re Investments and City Revenue Generators as outline in the PowerPoint presentation with a listed item and cost recommendations to be returned to City Council for approval.

Vote: Unanimous Vote.

CONSENT CALENDER (cont'd)

Mayor Sarah S. Zamora presented Consent Calendar Item Nos. 1 through 15 for action by City Council.

Mayor Zamora requested addition to the Minutes, under Public Comment designate the title of the first speaker to read as follows: Gary Cohoe, Director of Project Development at San Bernardino Associated Governments. CM Oliva requested a correction to her name to read CM Oliva, Page 4.

Councilmembers present selected items for discussion and clarification by staff: CM Gonzales had questions on Item Nos. 3, 6, 7, 11, 12 and 15; MPT Suchil requested discussion on Item 11.

PUBLIC COMMENT

John Anaya, (*Item 15*) Sr; Robert Prieto (*Item 15*).

Motion and Second by MPT Suchil/CM Bennett to approve the Consent Calendar, with correction to the Minutes of September 2, 2014 as noted by Mayor Zamora and CM Oliva; except for Item Nos. 4 and 13 (*separate Vote*) and Item 15 (*pulled and return for next meeting*). MPT Suchil abstained on Item 11. No Opposition to the Motion, Unanimous Vote.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting held September 2, 2014 and Minutes for the Special Meeting held September 9, 2014; on file in the Office of the City Clerk.
- (2) Warrants – Approval of Payable Warrants #144246 to #144344, Dated 8/14/14, Totaling \$4,708,511.87; Payable Warrants #144345 to #144484, Dated 8/21/14, Totaling \$1,969,429.39; Payroll Disbursement Listing for the Period 7/19/14 to 8/1/14, Totaling \$778,870.21; and Payroll Disbursement Listing for the Period of 8/2/14 to 8/15/14, Totaling \$759,669.13, on file in the Finance Department.
- (3) Second Reading of Ordinance No. O-09-14 – An ordinance of the City of Colton prescribing Water Conservation rules and regulations and amending Title 13, by adding Chapter 13.28, ORDINANCE NO. O-09-14.
- (4) Animal Services Agreement with Riverside County – Authorize the execution of a Professional Services Agreement with the County of Riverside Department of Animal Services. SEPARATE VOTE.
- (5) 66kV Voltage Transformers – Awarded the bid for 66 kV voltage transformers for the West Substation project to ABB, c/o Pacific Utilities in the amount of \$72,964.80.
- (6) Target for Energy Storage Systems – Approved and Adopted a Resolution to determine that a target for the Colton Electric Department to procure energy storage systems is not appropriate due to lack of cost effective alternatives. RESOLUTION NO. R-87-14.
- (7) Interruptible Rate Program – Approved and Adopted a Resolution to establish an interruptible rate program to help the Colton Electric Department (CDC) meet the new flexible capacity requirements established by the California Independent System Operator. RESOLUTION NO. R-88-14.
- (8) Award of Bid for Various Transformers – Awarded the bid for various size transformers for the Electric Utility Department as follows: Items 1 and 2, to ERMCO, c/o McAvoy & Markham Engineering Sales, Inc., in the amount of \$28,509.84; Items 3 and 4, to Howard Industries c/o Young & Co., in the amount of \$73,684.08, and Items 5 through 8, to One Source Supply Solutions in the amount of \$121,197.60.
- (9) Customer Service Policy Update - Electric and Water Rules and Rate Schedules – Approved and Adopted a Resolution to update and replace the Electric and Water Rules and Rate Schedules in the Customer Service Policy, RESOLUTION NO. R-89-14.
- (10) Quitclaim Deed for Electrical Easement located at 2036 W. Valley Blvd. – Approved the quitclaim deed to transfer an existing easement over to the existing owners, Bimbo Bakeries USA, Inc.
- (11) Purchase of Tax Default Property – Authorized the purchase of tax default property parcel, APN 0163-362-12, for use as part of a regional park facility; and approved a resolution to amend FY 2014-15 budget in the amount of \$125,000, RESOLUTION NO. R-91-14.
- (12) Measure I Five Year Plan Budget Appropriation/Capital Project Needs Analysis – (1) Approved Resolution No. R-91-14 reaffirming and adopting Fiscal Year 2014-2015 Measure I Five-Year Capital

Improvement Program and Expenditure Strategy Plan; (2) Approve Resolution No. R-92-14 approving submittal of the Fiscal Year 2015-2016 -2019/2020 Five-Year Capital Projects Needs Analysis to the San Bernardino Associated Governments, as required by the Measure I Strategic Plan; (3) Approve and Adopt a Resolution amending the Capital Improvement Program to authorize increase in appropriations to include FY 2013-14 Measure I carry over projects. RESOLUTION NOS. R-92-14, R-93-14 AND R-95-14.

- (13) Surplus Water Purchase Agreement - Approve the Surplus Water Purchase Agreement by and between the City of Colton and the County of San Bernardino, for a one-time purchase of up to 310 acre feet of surplus water by the County for up to \$46,500 to assist in its perchlorate cleanup efforts in the Rialto-Colton Basin. SEPARATE VOTE.
- (14) Approval of revised job description and salary range for the Executive Assistant to Council/Office Manager - Approved the revised job description and salary range for the existing position of Executive Assistant to Council/Office Manager; reallocate position of Executive Assistant to Council/Office Manager to Executive Administrator to Mayor and Council.
- (15) Political Campaign Activity - Approved and adopted a resolution relating to the use of City facilities and resources for political campaign activity, RESOLUTION NO. R-96-14. PULLED TO RETURN FOR THE NEXT COUNCIL MEETING with direction from Council to staff/legal counsel to revise/update the policy to include the concerns as outlined during the discussion of this item. With no objection from Councilmembers present, Mayor Zamora concurred with CM Bennett to give direction to staff that since we are actively looking at the use of City facilities and resources for political campaign activity no applications be processed dealing with campaigning until this issue is resolved.

BUSINESS ITEMS

- (16) Update on I-10 Freeway/Pepper Avenue Interchange Project.
Mayor Zamora with no opposition by Councilmembers present the item was pulled; to be continued to the next regular meeting.
- (17) Response to Investigation Findings Report.
Mayor Zamora with no opposition by Councilmembers present the item was pulled; to be continued to the next regular meeting. Direction to City Attorney Campos with no opposition by Mayor Zamora the request of CM Gonzales that the memorandum regarding this item from BB&K be a matter of public record, no opposition from legal counsel. In addition CM Gonzales asked for legal opinion if legal cost for this investigation can be paid by the proponents of this investigation;

CITY MANAGER'S REPORTS

None

Mayor Zamora announced the business of the Regular Meeting of the City Council had been concluded and asked City Attorney Campos to take the Council into Closed Session.

City Attorney Campos read Closed Session Item A into the record.

CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

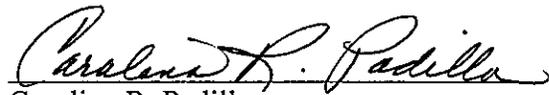
Pursuant to Government Code section 54957(b)
Title: City Attorney

Mayor Sarah S. Zamora adjourned the meeting to Closed Session at 11:09 p.m. and at 11:28 p.m., the meeting reconvened, with all members present as heretofore.

Attorney Campos read out of Closed Session that the City Council did meet in Closed Session and discussed Item A with direction to staff and No Reportable Action.

ADJOURNMENT

At 11:29 p.m., Mayor Zamora adjourned the Regular Council meeting.



Carolina R. Padilla
City Clerk