

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

April 5, 2016

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

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro (*appeared at 5:05 p.m.*), Jorin, Navarro, González, Bennett, MPT Suchil (*absent*), and Mayor DeLaRosa.

STAFF PRESENT

City Manager Smith, City Attorney Campos, and City Clerk Padilla.

PUBLIC COMMENT

None

CLOSED SESSION

City Attorney Campos announced the City Council would meet in Closed Session to Discuss Items A through D.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Largo Concrete, Inc., v. City of Colton, et al.
San Bernardino Superior Court, Case No. CIVDS 1400406
- B. CONFERENCE WITH LEGAL COUNSEL – EXPOSURE LITIGATION
Pursuant to Government Code Section 54956.9 (d)(2)(e)(1)
Number of potential cases; 1
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property APN: 0161-221-21
Negotiating Parties: Bill Smith, City Manager; Mark Tomich, Development Services Director; Arthur Morgan, Economic Development Manager; Carlos Campos, City Attorney
Under Negotiation: Price and Terms of Purchase
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957
Title: City Manager

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:02 p.m. and at 6:15 p.m., the meeting reconvened, with all members present as heretofore.

City Attorney Campos announced that the City Council met in Closed Session and discussed Items A through D; with direction given to staff and 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 MINUTES

April 5, 2016

Regular Meeting held on the above-given date at 6:16 p.m. in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

INVOCATION

City Clerk Carolina R. Padilla

FLAG SALUTE

Post Member Steve Ferrence, American Legion Post #155

CITY COUNCIL ROLL CALL

Council Members Present

Richard A. DeLaRosa, Mayor
David J. Toro
Summer Jorin
Frank J. Navarro
Dr. Luis S. González
Deirdre H. Bennett
Isaac T. Suchil, Mayor Pro Tem

Staff Present

William R. Smith, City Manager
Carlos Campos, City Attorney
Carolina R. Padilla, City Clerk

Council Members Absent

None

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Proclamation - National Library Week, April 10 – 16, 2016

Mayor DeLaRosa presented the Proclamation for National Library Week; accepted by Patricia A. Chavez, Library Board Member and Edward Pedroza, Library Manager.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF APRIL 5, 2016.

GIFT DISCLOSURES

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

CM Jorrin attended City County Conference in Lake Arrowhead, CA, on March 31st and April 1st; also in attendance CM González; and Mayor DeLaRosa; Conference sponsored by the League of California Cities; CM Jorrin shared topics included: crisis communication as a result of the December 2, 2015 tragedy; technology in government; retirement; public grants; and local and legislative issues; and what is ahead for our economy.

CM González shared topic included information on the Ontario International Airport; transfer of authority to the City of Ontario is on July 1, 2016.

Mayor DeLaRosa shared topics included discussion of projects that affect the entire Inland Empire and how we can best work together as cities and put our resources together; i.e. infrastructure projects; Cal Per's unstable Pension obligation.

MAYOR AND COUNCIL DISCUSSION ITEMS

APPOINTMENTS

- Appointments to the Budget Oversight Committee

City Manager Smith presented an update on the process of membership to the Budget Oversight Committee; at this time there are no applications submitted and recommended to Council to wait until approval of Measure D and seat the committee members at that time.

Consensus by Councilmembers present no objection to staff's recommendation.

With no objection by Council Mayor DeLaRosa brought forward Item 18 for discussion and action.

BUSINESS ITEM

- (18) Synthetic Marijuana Ordinance – Waive full reading and introduce by title only an ordinance of the City Council of the City of Colton adding a new Chapter 9.23 to Title 9 of the Colton Municipal Code regarding psychoactive herbal incense, psychoactive bath salts and other synthetic drugs, prohibiting the distribution and sale of certain intoxicating chemical compounds known as synthetic drugs. ORDINANCE NO. O-07-16.

Staff Presentation

City Attorney Campos presented item for discussion and action by Council; with request for approval of staff's recommendation.

Public Comment

The following community members spoke in support of the item: Juan Andres Villa; Ana Torres; and Paul Rasso.

Council Discussion

Discussion and discernment by Councilmembers present with clarification provided by staff.

Motion and Second by CM Bennett/CM Suchil to waive full reading, read by title only and introduce Ordinance No. O-07-06.

Vote: Unanimous

PUBLIC COMMENT

General

The following community members addressed the Council: Linda Trip; Ray Lopez; Liz Rasso; and Christine Irish-Ré

Consent Calendar

The following community members address the Council regarding Item7: Mr. F Saif; and Mr. P. Modi.

At 7:36 p.m. CM Bennett left the dais for the balance of the meeting.

CONSENT CALENDAR

Mayor DeLaRosa presented the Consent Calendar Items 1 through 14.

Councilmembers present selected items for discussion and clarification by staff: CM Suchil/CM Jorin Item 6; CM Suchil/CM Navarro, Item 7; and CM Suchil, Item 8 and Item 10.

Motion and Second by CM González/Mayor DeLaRosa to approve the Consent Calendar Items 1 through 14.

Vote: Motion carried with CM Suchil voting NO on Item 8; Mayor DeLaRosa abstains on Item 5; and CM Bennett absent.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held March 15, 2016 on File in the Office of the City Clerk.
- (2) Warrants – Approve U.S. Bank vouchers dated 02/24/16 totaling \$22,720.74; voucher numbers 154720 to 154839 dated 03/10/2016 and totaling \$1,330,013.86; voucher numbers 154840 to 155012 dated 03/17/2016 and totaling \$2,133,534.21, less voided checks totaling \$1,580.11; and a payroll disbursement listing for the period 02/27/2016 to 03/11/2016 and totaling \$737,777.57, on file in the Finance Department.
- (3) Biennial Review of Conflict of Interest Code – Direct the review of the City’s Conflict of Interest Code and the filing of a biennial notice with the City Clerk regarding such review, as required by the Political Reform Act.
- (4) Second Reading of Ordinance No. O-05-16 – Waive Full Reading and Pass Second Reading of an Ordinance of the City Council of the City of Colton amending section 18.58.060F (Public Notice Requirements) of Title 18 of the Colton Municipal Code (File Index No. DAP-001-287), ORDINANCE NO. O-05-16.
- (5) Second Reading of Ordinance No. O-06-16 – Waive Full Reading and Pass Second Reading of an Ordinance amending Municipal Code Chapter 6.16 by adding section 6.16.300, adopting a commercial organic waste recycling program pursuant to AB 1826, ORDINANCE NO. O-06-16.
- (6) First Amendment to the Professional Services Agreement with Leidos Engineering, LLC – Authorize the City manager to execute the First Amendment to the Professional Services Agreement with Leidos Engineering, LLC, to increase the amount for electrical engineering services by \$85,000 for a total not-to-exceed \$109,000.
- (7) Centerpoint Car Wash C.U.P. Review – Direct the Development Services Director to process a Minor Modification to the CUP to modify Condition No. 4 to require City Council review of the CUP one year after the start of beer & wine sales, instead of one year after the date of CUP approval.

- (8) Colton Utility Authority / Amending the Professional Services Agreement with NBS – Authorize to amend the Professional Services Agreement with NBS for the fourth time to prepare the additional Water Rate/Financial Plan Analysis in amount not to exceed \$23,735.
- (9) SCADA System Upgrade – Waive the formal bidding process and approve the contract for the SCADA Upgrade Project to Schweitzer Engineering Laboratories, Inc. (SEL) in the total amount of \$131,000, in accordance with Colton Municipal Code 3.08.140(b), and authorize the City Manager to execute the Professional Services Agreement.
- (10) FY 15-16 Asphalt Paving Project – Approve the cooperative agreement the City of Colton and the City of San Bernardino for asphalt paving of Hunts Lane and Johnston Street; Approve an increase to the City Manager’s authorization for change orders to the Hardy & Harper, Inc. construction contract for the Fiscal Year 2015-16 Asphalt Paving Project from 10% to up to 20%; Approve and Adopt resolution to amend the Fiscal Year 2015-16 Capital Improvement budget to increase both revenues and expenditures by \$131,982.71 RESOLUTION NO. R-25-16.
- (11) Reservation of West Valley Habitat – Approve and adopt a Resolution to expand the number of parcels benefiting from the reservation of 11.69 acres of habitat conservation credits toward satisfaction of the West Valley Habitat Conservation Plan (WVHCP) habitat conservation requirements. RESOLUTION NO. R-24-16.
- (12) Colton Fire Association Side Letter - Approve a Side Letter Agreement to the expired contract with the Colton Firefighters Association (CFA).
- (13) Personnel/City Council – Authorize appointment of an Administrative Assistant Position and Office Specialist II in the City Council Office.
- (14) Professional Services Contract with Integrated Consulting Group – Authorize the City Manager to execute the Professional Services Agreement with Integrated Consulting Group (ICG), in the amount not to exceed \$96,000 to provide environmental studies for the next phase of the feasibility study for the Colton Sports complex project.

CITY TREASURER’S REPORTS

- Receive and File City Treasurer’s Report for January 2016.

City Treasurer Aurelio De La Torre presented the report for January 2016 for Council consideration and with no objection report was received and filed.

At 8:06 p.m. Mayor DeLaRosa left the dais due to a prior commitment/excused.

Mayor Pro Tem Suchil presided over the balance of the Council Meeting.

PUBLIC HEARING

With no objection by Council Mayor Pro Tem Suchil brought forward Item 16 for discussion and action.

- (16) Water Rates and Rate Study

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO WAIVE FULL READING,
READ BY TITLE ONLY AND INTRODUCE ORDINANCE NO. O-08-16, ESTABLISHING THE

WATER RATE STUDY FOR FY 2016-2017 TO FY 2020-2021 AND APPROVE THE WATER RATE STUDY; TO READ AS FOLLOWS: AN ORDINANCE OF THE CITY OF COLTON, CALIFORNIA ADOPTING RATE INCREASES TO CITY OF COLTON WATER SERVICE CHARGES.

Mayor Pro Tem Suchil announced the Public Hearing open.

City Clerk Padilla submitted the Affidavit of Publication calling the Public Hearing (*on file in the City Clerk's Office*) and there were five reports of protests.

Staff Presentation

David Kolk, Utilities Director, presented for Council discussion and requested approval of staff's recommendation; Director Kolk included an explanation of the Agenda Report and a PowerPoint presentation: 'Request for Water Rate Increase'.

PUBLIC COMMENT

The following community members spoke against approval of the item: Lorraine Bright; and James Dickinson.

Motion and Second by CM Navarro/CM González to close the Public Hearing.

Vote: Motion carried with CM Bennett and Mayor DeLaRosa absent.

Council Discussion

Discussion and discernment by Councilmembers present with clarification provided by staff.

Motion and Second by CM Navarro/CM González waive full reading, read by title only and introduce Ordinance No. O-08-16.

Vote: Motion carried with CM Suchil voting NO; CM Bennett and Mayor DeLaRosa absent.

(15) Weed Abatement Program

TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO DISCUSS THE CITY'S WEED ABATEMENT PROGRAM.

Mayor Pro Tem Suchil announced the Public Hearing open.

City Clerk Padilla submitted the Affidavit of Publication calling the Public Hearing (*on file in the City Clerk's Office*) and there were five reports of protests.

Staff Presentation

Alan Sork, Fire Marshall, presented this item for consideration; the need to conduct a Public Hearing for those property owners who wish to protest the abatement of weeds on their property; thus giving the Fire Chief or his designee to abate the stated nuisance by having the weeds, rubbish, refuse or dirt removed.

PUBLIC COMMENT

The following community members addressed the Council: Lorraine Bright.

Motion and Second by CM Navarro/CM Jorin to close the Public Hearing.

Vote: Motion carried with CM Bennett and Mayor DeLaRosa absent.

BUSINESS ITEMS

- (17) Street Sweeping Services – 1) Award a maintenance agreement for street sweeping services to R.F. Dickson Company Inc. for Fiscal Year 2016-17 at an annual amount not to exceed \$205,360.20; 2) Award R.F. Dickson Inc., the right to purchase the city owned street sweeper for \$165,000; 3) Authorize the City Manager to execute the City standard maintenance agreement with any non- substantive revisions approved by the City Attorney, and; 4) Authorize the City Manager to extend the agreement on an annual basis for up to four, one-year terms.

No staff presentation requested by Council.

Council Discussion

Discussion and discernment by Councilmembers present with clarification provided by staff.

Motion and Second by CM Navarro/CM Jorrin to approve staff's recommendation.

Vote: Motion carried with YES by CM Toro/CM Jorrin/CM Navarro; NO by CM González; CM Bennett and Mayor DeLaRosa absent.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

None

CITY MANAGER'S REPORTS

City Manager Smith announced for the March 15, 2016 Council Meeting staff will bring forward recommendations to disband inactive Commission's.

ADJOURNMENT

At 9:10 p.m. Mayor Pro Tem Suchil adjourned the Regular Council Meeting.



Carolina R. Padilla
City Clerk