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RESOLUTION NO. R-35-16

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A RESOLUTION OF THE OF THE CITY OF COLTON CITY COUNCIL DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVING MODIFY CONDITIONAL USE PERMIT (DAP-000-641) ALLOWING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187)

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WHEREAS, an application (File Index No. DAP 001-187) was filed with the City of Colton by Frank Shean, President of Valley Pallets, Inc., (hereinafter "Applicant") for Modification of Conditional Use Permit (DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution, and pallet storage use on property located in the M-1 / /SDA (Light Industrial / Sensitive Development Area) Zone on property measuring approximately 3.12 acres lease area of a larger site that measures 6.7 acres consisting of six parcels;

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WHEREAS, on May 17, 2016, the City Council of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

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WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), Section 15301 (Existing Facilities), the project is categorically exempt from CEQA because the project meets the criteria for existing facilities in size and location and would not result in significant environmental impacts.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

BE IT NOW THEREFORE RESOLVED AS FOLLOWS:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, and the findings made in this Resolution, the Planning Commission hereby finds that:

- a. *The provisions for vehicular parking and for vehicular and pedestrian circulation on the site, and onto adjacent public Right-of-Way will not create safety hazards; The proposed modification to conditional use permit for an approved pallet manufacturing, distribution and storage use will provide adequate circulation, parking, and landscaping for the site because of the number of employees and low numbers of visitors to the site, visitors arrive on occasion, the proposed 59 parking spaces are adequate number of off-street parking for the use. In addition, the adjacent right-of-way is adequate and provides direct access onto Lincoln Street, a paved street with sidewalk and landscaped street verge running the full length of the subject property and with the installation of*

1 five feet landscape planter with block wall also running the full length of the street
2 frontage and surrounding the perimeter of the site will create a safe and attractive street
3 frontage in the block and neighborhood.

4 b. *The bulk, location and height proposed will not be detrimental or injurious to other*
5 *Development in the neighborhood or will result in the loss of or damage to unique*
6 *natural or topographic features of the site that are important to the environmental*
7 *quality of life for the citizens of Colton, and the Development is feasible in a manner*
8 *that will avoid such detrimental or injurious results or such loss or damage;* if the
9 Variance requests are approved, the project will meet all the development requirements
10 of the M-1 Zone. The modifications to the project also includes a reduction in the
11 number of pallet storage areas from 16 to 12 pallet storage areas creating a more
12 balanced site for the existing pallet manufacturing, distribution and pallet storage use
13 and the proposed project will not create any significant environmental impacts affecting
14 the citizens of Colton in that the proposed project is located in an area that will not create
15 any significant impacts related to air quality, water quality, noise, or traffic. In addition,
16 continued compliance with all the conditions of approval for DAP-000-641 and replaced
17 with conditions of approval for this modification of conditional use permit is made to
18 make it clearer for the applicant and the property owner in complying with conditions
19 of approval.

20 c. *The provisions for on-site landscaping do provide adequate protection to neighboring*
21 *properties from detrimental features of the proposed development that could be avoided*
22 *by adequate landscaping;* in that the proposed project modification does include a
23 reduction of landscape coverage subject to Variance approval. The 0.005% landscape
24 coverage will cover a five foot front yard planter, planting in parking areas and around
25 existing office area which meets the intent of the landscape coverage requirement of the
26 Zoning Code.

27 d. *The provisions for exterior lighting are adequate for human safety and will not diminish*
28 *the value and/or usability of adjacent property;* The proposed project is required to meet
all lighting standards and requirements of the City of Colton for all proposed exterior
lighting. This project site is located within an industrial district and is not adjacent to
any residential use and is surrounded by railroad on the western boundary.

e. *The exterior design of the buildings and structures will not be injurious or detrimental*
to the environmental or historic features of the immediate neighborhood in which the
proposed development is located and will not cause irreparable damage to property in
the neighborhood, to the City and to its citizens; The proposed pallet manufacturing,
distribution and storage use will need to meet all the requirements of the Uniform
Building Code, Fire Code, and Zoning Code requirements prior to issuance to
occupancy, except as modified herein. The applicant has provided a "Site Management

1 *Plan*” and a condition of approval has been included requiring strict adherence with the
2 adopted conditions of approval including the “*Site Management Plan*.”

3 *f. The proposed Development will not impose an undue burden upon off-site public*
4 *services, including sewer, water and streets, which conclusion shall be based upon a*
5 *written report of the City Engineer; and there is no provision in the capital works*
6 *program of the City to correct the specific burden within a reasonable period after the*
7 *development will be completed.* The proposed modification to conditional use permit is
8 meant to clarify conditions of approval, organize responsibility and consequences for
9 not complying and provides updated language and conditions related to the
10 maintenance, operation and management operation of the pallet manufacturing,
11 distribution and pallet storage use, which will not be a burden on existing sewer, water,
12 electric, and street services. If conditions of approval are not met within a 90 days from
13 the date of conditional use permit approval, any and all entitlements related to the pallet
14 manufacturing, distribution and pallet storage use will be investigated and reviewed for
15 revocation of permits as allowed by the Zoning Code.

16 **SECTION 2.** The City Council of the City of Colton, in accordance with the California
17 Environmental Quality Act, has found that the project will not have a significant impact on the
18 environment and is Categorical Exempt from CEQA under Article 19, Section 15301, Class 1
19 (Existing Facilities) of the CEQA Guidelines. This section pertains to the proposed project which
20 does not rise to a level of significant environmental impact and will not be detrimental to the health
21 and welfare of the surrounding neighborhood.

22 **SECTION 3.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the
23 City Council hereby denies the Appeal and upholding the Planning Commission’s decision to
24 approve the Modify Conditional Use Permit (DAP-000-641), subject to the attached conditions of
25 approval (Exhibit “A”).

26 **SECTION 5.** This land use entitlement shall become null and void if not exercised within
27 one (1) year, unless conditioned herein, of this approval and the applicant has not been granted an
28 extension of time by the Planning Commission, pursuant to Section 18.58.070 of the Colton
Municipal Code.

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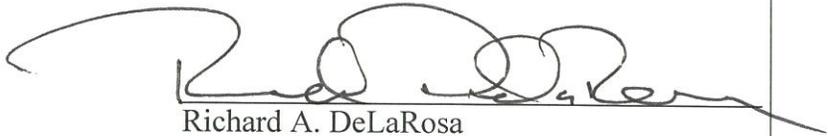
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SECTION 6. EFFECTIVE DATE. The Mayor shall sign this Resolution and the City Clerk shall attest hereto, and this Resolution shall take effect and be in force on the date of its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2016.



Richard A. DeLaRosa
Mayor

ATTEST:



Carolina R. Padilla
City Clerk

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EXHIBIT "A"
CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-309 (Appeal of File Index No. DAP-001-187).

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter

PLANNING DIVISION (909) 370-5079

2. This approval is for modification of conditional use permit (File Index No. DAP-000-641), as conditioned and modified herein, for the operation of a pallet manufacturing, distribution and pallet storage use as shown on plans stamped January 28, 2016 by the Development Services Department, except as modified herein.
3. These conditions shall replace conditions of approval contained in File Index No. DAP-000-641 for conditional use permit approved on January 26, 2007 for a pallet manufacturing, distribution and pallet storage use located at 1235 S. Lincoln Street.
4. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets
5. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to scheduling for Planning Commission meeting.
6. Any proposed signs shall conform to the Sign Code.
7. The Applicant for the pallet manufacturing, distribution and pallet storage use shall provide an entry gate constructed of wrought iron and shall include screening mesh to match the color of the gate materials. In addition, an eight foot high concrete block wall with decorative cap along the entire frontage and surrounding the perimeter of the site, subject to review and approval by the Development Services Director.
8. All pallets stored outdoors shall not exceed the maximum height of sixteen feet (16') and shall be limited to areas designed within the approved site plan. The designated areas shall also be striped to identify the storage areas and fire/circulation areas from being occupied. An explanation of allowing a maximum of 16 feet high pallet storage areas shall be included in the

1 Site Management Plan, subject to review and approval by the Fire Marshal and Development
2 Services Director.

3 9. As per Development Code Section 18.24.140, a trash container shall be provided within a
4 sufficient capacity to contain all refuse generated by the use. All outside trash and garbage
5 collection areas shall be enclosed or screened with a six foot (6') high wall with gates and shall
6 be located as to allow for convenient pickup and disposal. The design of the trash enclosure
7 shall follow the guidelines of City Specifications on trash enclosures.

8 10. As per Development Code Section 18.38.070 C. the height of screening for all storage areas or
9 industrial operations shall be eight (8') feet for all zones, that the applicant shall install a
10 minimum eight (8') feet high block wall along the rear and side yard areas of the perimeter of
11 the site, subject to review and approval by the Development Services Department.

12 11. The Applicant, tenants and/or Property Owner shall, at all times, operate and maintain the
13 property (1231, 1233 and 1235 Lincoln Street), including but not limited to fences, lighting,
14 landscaping, paving and street sidewalk landscaped areas so as not to constitute a nuisance in
15 the community.

16 12. All parking provided shall meet the requirements of Chapter 18.36 of the Colton Zoning Code.
17 The applicant shall provide 59 parking spaces including disabled parking requirements for 1235
18 Lincoln Street, subject to review and approval of the Development Services Director. The
19 property owner and/or tenant shall be responsible to maintain 31 parking spaces including
20 disabled parking spaces for 1233 Lincoln Street and 62 parking spaces for 1231 Lincoln Street
21 (note: that there are only 29 current parking spaces in the vicinity of 1231 Lincoln Street.
22 Therefore, additional parking will need to be designed to comply with the minimum parking
23 code requirement for U.S. Rubber Company).

24 13. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical
25 equipment installed by the developer shall be inconspicuously located and screened, as
26 approved by the Development Services Director. Location of this equipment shall be clearly
27 noted on landscape construction documents.

28 14. Electrical and other service facilities shall be located within an interior electrical room or
approved comparable location. All electrical service facilities shall be totally screened from
public view, as approved by the Planning Division.

15. The Applicant and/or Property Owner shall comply with all requirements of all reviewing
agencies and shall comply with all applicable local, state, and federal rules, laws, and
regulations.

16. The Applicant shall obtain approval of a Business Occupancy Permit (BOP) within 60 days of
this approval. The hours of operation for the pallet use shall be from 5:00 a.m. to 12:30 a.m. –
Monday through Friday and 7:00 a.m. to 12:00 pm on Saturday. Closed Sunday except for
office hours may be kept to operate the administrative portion of the Pallet Use.

17. Once the BOP is approved the Applicant shall pay for a business license fees dating back to
February 1, 2007, including any penalties, to the City Business License Officer within 10 days
of the BOP approval or Temporary BOP Approval.

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2 18. The Applicant shall provide a status report to the Development Services Director on the status
3 of compliance with all conditions of approval 45 days from the date of approval.
4 Noncompliance with this condition may initiate investigation and discussion for revocation of
5 this conditional use permit and variance approvals by City Staff.

6 19. All Applicant shall comply with all Fire Code requirements including maintaining and keeping
7 fire access roads and separation requirements/setbacks free of debri, pallets,
8 trucks/autos/trailers and any other obstruction of any fire access roads, separation distance
9 requirements at all times. Noncompliance with this requirement is subject to investigation and
10 review by the Fire and Development Services Department for possible discussion and dialogue
11 with the Planning Commission for revocation of conditional use permit and variance approvals
12 to allow a pallet manufacturing, distribution and pallet storage use at 1235 Lincoln Street.

13 20. There shall be a review of conditions of approval and a Special Inspection within 90 days
14 following this approval by the Building, Planning and Fire Department.

15 CODE ENFORCEMENT

16 21. Comply with the requirements of the City of Colton **Code Enforcement/Police**, including the
17 following:

18 a. Landscaping: Property manager or tenant will maintain all approved landscaping in
19 good condition, including but not limited to adequate irrigation, mowing of grass, and
20 replacing dead trees and shrubs. Above ground landscaping controls or backflow valves
21 will be secured in a locked metal cage to prevent theft or vandalism.

22 b. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or
23 furnishings at or adjacent to the location that encourage loitering and nuisance
24 behavior.

25 c. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which
26 they have control, including all signs and accessory buildings and structures, shall be
27 maintained free of litter and graffiti at all times. The owner or operator shall provide for
28 daily removal of trash, litter and debris from the premises and on all abutting sidewalks
and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within
forty-eight (48) hours upon notification with a color-matching paint. The expectation
for graffiti cover up is an appearance that the graffiti never existed.

d. The applicant shall grant "right of access" by the city or agent to remove graffiti.

e. Exterior Lighting: All lightning will be maintained in good working order. All lighting
shall be shown on the required plot plans. Lighting level will be a minimum foot candles
as required by ordinance. The placement of the lighting fixtures shall be such that the
angle of projected light does not interfere or hinder the vision of police officers or
security personnel patrolling the areas. All lighting will be properly shielded so as to
not trespass or disturb neighboring residences, adjacent businesses, or persons while
driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable,
property management will have the lighting repaired within 72 hours.

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- f. Storage: Parking and trash areas will not be used for storage of hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles. Property manager or tenant shall promptly abate hazardous materials or inoperable vehicles. General exterior storage areas will be screened from public view.
 - g. Emergency Access: The business must be equipped with a Knox device to facilitate emergency access.
 - h. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to code for additional signage permitting and requirements.
 - i. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.
 - j. Special Events: Per Colton Municipal Code section 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.
 - k. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape and grass areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.
 - l. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.
 - m. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditional Use Permit conditions, patrolling, investigating crimes, and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

1 **BUILDING**

- 2 21. The above project shall comply with the current California Codes (CBC, CEC, CMC and the
3 CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall
4 be submitted to the Building & Safety Division as a separate submittal. The 2013 edition of the
5 California Codes will become effective for all permit applications submitted after January 1,
6 2014.
- 7 22. The applicant shall provide required trash enclosures for the project site, subject to review and
8 approval by the City's Building Official.
- 9 23. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification.
10 Plans will include "as built" plans, revisions and changes. The CD will also include Title 24
11 energy calculations, structural calculations and all other pertinent information. It will be the
12 responsibility of the developer and or the building or property owner(s) to bear all costs required
13 for this process. The CD will be presented to the Building & Safety Division for review prior
14 to final inspection and building occupancy. The CD will become the property of the Colton
15 Building & Safety Division at that time. In addition, a site plan showing the path of travel from
16 public right of way and building to building access with elevations will be required.

11 **ELECTRIC DEPARTMENT**

12 24. General Conditions and Requirements:

- 13 a. It has been determined that the project is within the City of Colton. The City of Colton
14 will provide service to this project. The developer shall meet all City of Colton Electric
15 Utility service requirements and pay all applicable fees.
- 16 b. The project developer/applicant shall comply with all customer service policies of the
17 City of Colton Electric Utility Department. The developer shall provide the Electric
18 Utility with all information necessary to determine the project's electric service
19 requirements; and if necessary and at their own expense, install all conduit and vault
20 systems associated with underground primary/service line extensions and street-lighting
as per the Electric Utility's approved design. The developer shall pay all charges
associated with the Electric Utility's cost to construct underground and overhead line
extensions and street-lighting.

21 25. Conditions and requirements specific to the project:

- 22 a. The project developer/applicant is required to attach load calculations during the plan
23 check process.

24 **FIRE DEPARTMENT**

24 **Site Plan**

- 25 26. Provide detail plans on propane storage on plans. Include location dimensions, vehicle
26 protection details, and quantities, subject to review and approval by the Development Services
Director and Fire Marshal.
- 27 27. Provide the adjusted dimensions of the delineated pallet stacking located adjacent to the
28 propane storage, subject to review and approval by the Fire Marshal.

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2 28. South Gate – Provide a minimum clear width of 26 feet.

3 29. Indicate location of the on-site private fire hydrant. Include details on vehicle protection,
subject to review and approval by the Fire Marshal.

4 30. Indicate on plans the location of the proposed truck parking and staging areas, subject to review
5 and approval by the Fire Marshal and Development Services Director.

6 **Site Management Plan**

7 31. Reference Item #4 – Provide details on site maintenance details, subject to review and approval
by the Fire Marshal and Development Services Director. All new owners shall adhere to the
8 Site Management Plan and hold a meeting introducing themselves to the Development Services
and Fire Department when processing new Business Occupancy.

9 **Other Fire Conditions**

10 32. Maintain all wood pallet storage operations in accordance with the City’s Municipal Code
Section 15.16 which adopts and amends the 2012 Edition of the International Fire Code and the
11 2013 Edition of the California Fire Code.

12 33. Maintain pallet storage height to a maximum of 16 feet. CMC 15.16.310

13 34. Maintain pallet storage pile width to a maximum of 20 feet and 70 feet in length. CMC
14 15.16.310

15 35. Maintain a minimum of 20 foot separation between pallet piles and a minimum 26 foot
separation from all property lines or exposures. CMC 15.16.310

16 36. Provide and maintain fire department access roads throughout. Fire access roads shall be a
17 minimum of 26 feet in width and shall be maintained within 150 feet of all pallet storage areas
18 and structures.

19 37. Junk wood shall be removed from the site, subject to review and approval by the Fire Marshal
within 10 days of written or verbal notice. If compliance is not met, investigation and review
20 of the approved Conditional Use Permit and Variance shall be subject to revocation procedures
21 of the Zoning Code.

22 38. Maintain a minimum 30 foot clearance on all sides on the onsite fire hydrant.

23 39. LPG Storage – All LPG storage shall be stored a minimum of 10 feet from any pallet storage
and shall be protected from vehicular impact (protection posts).

24 40. A Fire Code Operational Permit is required to store, handle, repair or manufacture pallets.
25 Make application for the required Fire Permit. The Fire Permit may be issued upon compliance
26 with all fire code related violations.

1 **PUBLIC WORKS**

2 41. **IMPROVEMENTS – 1231 through 1235 Lincoln Street**

- 3 a) All parkway and unpaved areas within the public right-of-way fronting the project shall be
4 landscaped and maintained, and an automatic sprinkler system installed.
- 5 b) Install street trees (based on 1 parkway tree per 50 feet of property frontage) and provide
6 landscaping in public right of way.
- 7 c) Dedicate sufficient Right of Way to provide for (30') half width along Lincoln Street.

8 42. **ADDITIONAL PUBLIC WORKS REQUIREMENTS**

- 9 a) The Owner and Contractor are responsible for complying with National Pollutant Discharge
10 Elimination System Ordinance, during and after construction.
- 11 b) All storm waters originating from the development should be draining to the street. No
12 contaminated water shall be allowed to discharge on sidewalks, gutters, storm drains,
13 parkways and driveways.
- 14 c) The City Engineer may require other information deemed necessary.
- 15 d) Place City Standards grading and drainage notes, includes NPDES requirements on grading
16 plan.
- 17 e) If Utilities are installed that would require trenching within existing street pavement,
18 resurfacing or slurry seal of the affected area may be required, as determined by the City
19 Engineer.
- 20 f) The property is located on a Zone AE that is a special Flood Hazard Area subject to
21 inundation by the 1% annual chance flood event. The applicant shall comply with all
22 (FEMA) Federal Emergency Management Agency requirements.
- 23 g) Owner/Contractor shall comply with these requirements and City Engineer's directions
24 during any course of construction.

25 43. The applicant shall not store any pallets around the manufacturing building and keep areas clear
26 around the manufacturing building of the site. Include this specific condition in the site
27 management plan submitted to the Fire Department. Storage of pallets and not keeping these
28 areas clear is subject to violation of CUP and subject to investigation, notice of violation, and/or
code compliance fees as permitted by the Colton Municipal Code.

44. The applicant must install a dust collection system for the pallet manufacturing building, subject
to review and approval process of the Building Division.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby
6 certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-35-16**,
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at its
8 Regular Meeting of said City Council held on the **17th day of May, 2016**, and that it was
9 adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, Navarro, González, Bennett,
11 Suchil and Mayor DeLaRosa
12 NOES: COUNCILMEMBER None
13 ABSTAIN: COUNCILMEMBER None
14 ABSENT: COUNCILMEMBER None
15

16 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal
17 of the City of Colton, California, this _____ day of _____, 20__.

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21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
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