

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

August 7, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:07 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
Frank A. Gonzales, Mayor Pro Tem
Susan M. Oliva (arrived at 5:17 p.m.)
Vincent Yzaguirre
Alex G. Perez
Deirdre H. Bennett

Staff Present

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

None.

PUBLIC COMMENT ON CLOSED SESSION

The following members of the public addressed the Council:

Gary Grossich

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A, B and C and do not anticipate any reportable action.

CLOSED SESSION

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: City of Colton v. Ernest Grossich

Case Number: San Bernardino County Superior Court Case No. CIVSS 701112

Case Name: Gary Grossich, Ernest Grossich, et al. v. City of Colton, Daryl Parrish, Kelly Chastain, Vincent Yzaguirre

Case Number: San Bernardino County Superior Court Case No. CIVDS 917057

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(c)

Number of potential cases: 1 (City of Grand Terrace - Sewer Agreement)

- (C) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code section 54957.6
Agency designated representatives: Rod Foster, City Manager
Employee organization: Executive Unit
PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code section 54957
Title: Fire Chief

Mayor Zamora adjourned the meeting to Closed Session at 5:10 p.m. and at 6:28 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Derleth reported that they did meet and did discuss on Items A and B with no reportable action and Item C resulted in Item No. 24 under Business Items on today's agenda.

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

August 7, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:06 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
Frank A. Gonzales, Mayor Pro Tem
Vincent Yzaguirre
Susan M. Oliva (
Deirdre H. Bennett
Alex G. Perez

Staff Present

Rod Foster, City Manager
Rahsaan Tilford, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

INVOCATION

Pastor Jonathan Florez, First Assembly of God

FLAG SALUTE

Thomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

None.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF AUGUST 7, 2012.

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.

AB 1234 ORAL REPORTS

None.

APPOINTMENTS

- Gary Mitchell - District 3 Historic Preservation Commissioner

Motion and second by Council Members Yzaguirre/Oliva, to appoint Gary Mitchell as District 3 Historic Preservation Commissioner. There was discussion and comments regarding the appointment and Council Members in opposition explained reasons for their vote.

PUBLIC COMMENT

The following community members addressed the Council:

Christine Irish-Ré

Mayor Zamora announced that Public Comment will be continued after further discussion on the appointment of Gary Mitchell to the Historic Preservation Commission. MPT Gonzales called for Point of Order and asked Gary Mitchell to approach the podium. Mr. Mitchell stated no comment and accepted the appointment.

Mayor Zamora restated the motion – Motion and second by Council Members Yzaguirre/Oliva, to appoint Gary Mitchell as District 3 Historic Preservation Commissioner. Motion carried with Council Members Toro, Bennett and MPT Gonzales voting no.

- Designate League Voting Delegate and Alternates

Motion and second by Council Members Oliva/Yzaguirre, to appoint CM Perez as the League of California Cities Voting Delegate, with Council Members Yzaguirre and Bennett as Alternates. Unanimous vote.

PUBLIC COMMENT (continued)

The following community members addressed the Council:

John Anaya, Ron Lawrence, Luis Gonzalez, Randy Wyatt, Alex Torres, Gary Grossich, Jose Olivar,

Council Member Oliva left the dais at 7:23 p.m.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY TREASURER'S REPORTS

None.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 19 for action by Council.

The following action was taken on the Consent Calendar:

CM Toro had questions on Item No. 10 and comments and Items Nos. 4, 15 and 17.

CM Bennett had questions on Item No. 16.

CM Yzaguirre had questions on Item Nos. 15 and 17.

MPT Gonzales had questions on Item No. 19.

Mayor Zamora announced that Public Comment be taken before discussion and vote.

PUBLIC COMMENT

The following community members addressed the Council:

Isaac Suchil (Item No. 2), Rick Shield (Item No. 13).

Motion and second by CM Yzaguirre/MPT Gonzales, to approve Consent Calendar Item Nos. 1 through 19. Motion carried with Council Member Oliva being absent.

- (1) Warrants – Approved of Payable Warrants #129557 to #129631, Dated 06/21/12, Totaling \$1,977,001.81; Payable Warrants #129632 to #129864, Dated 06/28/2012, Totaling \$1,654,728.34; Payable Warrants #129865 to #129970, Dated 07/05/2012, Totaling \$673,251.64; Payroll Disbursement Listing for the period of 06/23/2012 to 07/12/2012, Totaling \$858,433.68; and Payroll Disbursement Listing for the period of 07/07/2012 to 07/20/2012, Totaling \$672,545.57, on File in the Finance Department.
- (2) Award of a Three-Year Contract to Q Press Design Graphics for Mailing Services – Approved the Award of a Three-Year Contract to Q Press Design Graphics to provide design, printing and mailing services for the City of Colton Community Services Department Triannual Community Brochure, “Colton Chronicle” in the amount not-to-exceed \$33,733 per Fiscal Year.

- (3) Amend Budget and Approve Change Order No. 1 for City Hall Renovation Project – Approved and Adopted a Resolution of the City of Colton, amending the Fiscal Year-2011-2012 Capital Improvement Program to increase the budget for the City Hall Renovation Project in the amount of \$18,500; and Approve Change Order No. 1 in the amount of \$21,250 to Performance Construction and Painting.
- (4) Five-Year Contract for Lease of Twenty-Five Copy Machines at Various Locations – Approved and Adopted a Resolution of the City of Colton, to enter into a Five-Year Contract for the lease of twenty-five copy machines at various City locations with Canon Business Solutions, Inc. in an amount not-to-exceed \$65,000 annually. RESOLUTION NO. R-36-12.
- (5) Olive Place One-Way Street – Fairview Avenue to Bothwell Avenue – Approved and Adopted a Resolution of the City of Colton, authorizing restriction of traffic along Olive Place from Fairview Avenue to Bothwell Avenue one-way eastbound, RESOLUTION NO. R-44-12.
- (6) Fourth Amendment to the Annual Maintenance Agreement with West Coast Arborists – Approved the Fourth Amendment to the Annual Maintenance Agreement with West Coast Arborists for tree trimming services for the Electric Utility Department, to extend the term through October 31, 2012.
- (7) Maintenance Services Agreement with Tri County Pump – Approved to Amend the Maintenance Services Agreement for additional funds in the amount of \$55,000 and extend the contract through October 31, 2012, with Tri County Pump for the Emergency Pump installation on Well Number 17.
- (8) Contracts with The Altum Group and Hall & Foreman, Inc. to Complete Environmental and Zoning Documents for the West Valley Project Area – Awarded Contracts for Environmental Services to: 1) The Altum Group to Prepare an Environmental Assessment and Initial Study for the West Valley Habitat Conservation Plan; 2) The Altum Group to prepare a Recirculated Environmental Impact Report for the West Valley Specific Plan Amendment; and 3) Hall & Foreman, Inc. to revise and update the West Valley Specific Plan Amendment.
- (9) Award of Five-Year Contract to Clinical Laboratories, Inc. to provide Water Laboratory Sampling and Analysis Services – Award of contract for Water Laboratory Sampling and Analysis Services to the lowest responsive/responsible bidder, Clinical Laboratories, Inc., in an amount not-to-exceed \$247,106 for a five (5) year contract; authorize the City Manager to execute the Agreement.
- (10) All-Way Stop at San Bernardino Avenue and Wildrose Avenue – Approved and Adopted a Resolution of the City of Colton amending Resolution No. 2119, to include additional through streets and stop intersection along San Bernardino Avenue approaching Wildrose Avenue from the east and west, RESOLUTION NO. R-52-12.

- (11) Well 30 Construction Project Contract to Zusser Company – Approved a Contract to Zusser Company, as the lowest responsive and responsible bidder, for the Well 30 Improvement Project in an amount not-to-exceed \$1,293,500.
- (12) Renewal of Maintenance Agreement with Republic Intelligent Transportation Services, Inc. for Traffic Signal Maintenance – Approved an agreement for traffic signal maintenance and emergency traffic signal maintenance to Republic Intelligent Transportation Services, Inc, for Fiscal Year 2012-2013, at an annual amount not-to-exceed \$93,392.88; authorize the City Manager to execute the City’s standard maintenance agreement on behalf of the City with any non-substantive revisions approved by the City Attorney.
- (13) Purchase of Emission Allowances, Renewable Energy Credits and Congestion Revenue Rights – Approved and Adopted a Resolution of the City of Colton, designating the Electric Utility Director as the Designated Representative for the City of Colton Electric Department to the California Air Resource Board, for matters related to Green House Gas Reduction Programs; to Authorize the Electric Utility Director to make certain purchases and take other actions under the California Air Resources Board (CARB) Programs; to Authorize the Electric Utility Director to purchase Congestion Revenue Rights (CRR) in the California Independent System Operator’s Annual CRR Auction; and to Authorize the Electric Utility Director to Purchase Renewable Energy Credits (REC), RESOLUTION NO. R-48-12.
- (14) Program Supplement Agreement with Caltrans for the La Cadena Bridge Replacement Project – Adopted a Resolution of the City of Colton, approving the Program Supplement Agreement No. 013-N to the Administering Agency-State Master Agreement No. 5065R for the La Cadena Drive over the Santa Ana River Bridge Replacement Project; and Adopt a Resolution of the City of Colton Amending Capital Improvement Program (CIP) budget for FY 2012/13 in the amount of \$2,775,000 for the La Cadena Drive over Santa Ana River Bridge Replacement Project (Bridge No. 54C-0077, Project No. BRLS 5065-014), RESOLUTION NOS. R-49-12 AND R-50-12.
- (15) Chavez Park Playground Equipment Replacement Project – Awarded a Construction Contract to Play Smart Surfacing, Inc. in the amount of \$30,474 for the Chavez Park Playground Equipment Replacement Project.
- (16) Article III Reimbursement for the Santa Ana River Trail Staging Area Project and the Washington Street Bus Turnout Project - Authorized reimbursement from San Bernardino Associated Governments (SANBAG) for Article III Funds for the Santa Ana River Trail Staging Area Project (SART) and the Washington Street Bus Turnout Project, in the amount of \$488,819.
- (17) Staffing for Adequate Fire and Emergency Response (SAFER) Grant – Approved and Adopted a Resolution of the City of Colton, approving the submission of the application for the FY 2012 two-year Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fill nine firefighter positions, RESOLUTION NO. R-47-12.

- (18) Household Hazardous Waste Services Agreement with County of San Bernardino – Approved a five-year renewal agreement between the City of Colton and the County of San Bernardino for Household Hazardous Waste Services.
- (19) Notice of Completion for Washington Street Bus Turnout – Main and Iowa Intersection – Approved the execution and recordation of a Notice of Completion for the Washington Street Bus Turnout Project; and approve the execution and recordation of a Notice of Completion for the Main and Iowa Intersection Improvement Project.

PUBLIC HEARING

- (20) Basic Fee for Storm Water Services and Storm Water Management User Fee Public Hearing.

TIME AND PLACE FIXED TO CONSIDER APPROVAL OF A RESOLUTION TO APPROVE THE BASIC FEE FOR STORM WATER SERVICES AND THE STORM WATER MANAGEMENT USER FEE, AS PROVIDED FOR IN CHAPTER 14.01 OF THE COLTON MUNICIPAL CODE.

Consider: Approved and Adopted RESOLUTION NO. R-51-12.

Mayor Zamora opened the Public Hearing and the City Clerk announced that no protests or objections were received.

Public Works Director Amer Jakher presented this item and explained the need for this fee which includes street maintenance and staff.

Motion and second by MPT Gonzales/CM Perez, to close public hearing. Motion carried with CM Oliva being absent.

Motion and second by MPT Gonzales/CM Perez, to approve staff recommendation and adopt Resolution No. R-51-12. Motion carried with CM Oliva being absent.

- (21) Landscape Lighting and Maintenance District No.1

TIME AND PLACE FIXED TO CONSIDER APPROVAL OF RESOLUTIONS TO APPROVE THE FINAL ENGINEER'S REPORT AND APPROVE THE ORDER OF THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2012/2013; AWARD A MAINTENANCE SERVICE AGREEMENT TO RP LANDSCAPE FOR LANDSCAPE LIGHTING AND MAINTENANCE DISTRICT (LLMD) NO. 1 FOR LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$75,000.

Consider: Approved and Adopted RESOLUTION NOS. R-39-12 AND R-40-12.

Mayor Zamora opened the Public Hearing and the City Clerk announced that no protests or objections were received.

The following members of the public addressed the Council on this item: Rick Shield.

Public Works Director Amer Jakher presented this item and provided information regarding LLMD 1.

Motion and second by CM Yzaguirre/CM Toro, to approve staff recommendation and adopt Resolution Nos. R-39-12 and R-40-12. Motion carried with CM Oliva being absent.

(22) Landscape Lighting and Maintenance District No. 2

TIME AND PLACE FIXED TO CONSIDER APPROVAL OF RESOLUTIONS TO APPROVE THE FINAL ENGINEER'S REPORT AND APPROVE THE ORDER OF THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2012/2013; AWARD A MAINTENANCE SERVICE AGREEMENT TO RP LANDSCAPE FOR LANDSCAPE LIGHTING AND MAINTENANCE DISTRICT (LLMD) NO. 2 FOR LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$75,000.

Consider: Approve and Adopt RESOLUTION NOS. R-41-12 AND R-42-12.

Mayor Zamora opened the Public Hearing and the City Clerk announced that no protests or objections were received.

The following members of the public addressed the Council on this item: Jose Olivar.

Public Works Director Amer Jakher presented this item and provided information regarding LLMD 2.

Motion and second by CM Yzaguirre/CM Perez, to approve staff recommendation and adopt Resolution Nos. R-41-12 and R-42-12. Motion carried with CM Oliva being absent.

BUSINESS ITEMS

(23) Increase to Staffing Levels in Streets and Parks Division – Authorization to include full-time street maintenance workers and up to five (5) part-time general laborers to the Streets and Parks Division within the Public Works Department.

Public Works Director Amer Jakher presented this item and provided information regarding staffing and their scope of duties.

Motion and second by CM Bennett/CM Yzaguirre, to approve the increase to staffing levels in Streets and Parks Division. Motion carried with CM Oliva being absent.

- (24) Fire Chief Agreement - Approve Amended Resolution Governing Compensation and benefits of Non-Represented Executive Group Employees and authorize an update to the Comprehensive Salary Table regarding the position of Fire Chief.

City Manager Foster presented this item and provided information regarding the Fire Chief position and the compensation package. City Attorney Derleth also provided information and announced that the staff report distributed to them at the dais was identical to the information discussed in closed session.

Motion and second by CM Toro/CM Yzaguirre, to approve staff recommendations to include the amended Resolution governing compensation and benefits regarding the position of Fire Chief. Motion carried with CM Oliva being absent.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

City Manager Foster thanked Council and staff for their work in moving the agenda forward.

ADJOURNMENT

At 9:13 p.m., Mayor Zamora closed the meeting in memory of CM Oliva's babysitter Inez H. Lopez, Hope Aldama and Stan Paxton, owner of Squire's Lumber.



Eileen C. Gomez, CMC
City Clerk