

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 21, 2012

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 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
Vincent Yzaguirre
Alex G. Perez

Staff Present

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

Council Members/Staff Absent

Deirdre H. Bennett
Aurelio De La Torre, City Treasurer

PUBLIC COMMENT ON CLOSED SESSION

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A, B and C and was pleased to announce that we do anticipate reportable action.

CLOSED SESSION

- (A) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9(a)
Case Name: IBEW v. City of Colton (PERB Administrative Claim)
Case Number: LA-CE-741-M
- (B) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
Employee Organizations: IBEW Electric, IBEW Water/Wastewater

(C) 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, et al.

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

Mayor Zamora adjourned the meeting to Closed Session at 5:07 p.m. and at 6:08 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 Items A and B with no reportable action and was pleased to announce that there was unanimous consent to settle both cases under Item C. Council Member Oliva recused herself from this item due to her relationship with Union Pacific. City Attorney Derleth also stated that there is a sublease agreement that will be returned to open session at the next regular meeting which is September 18, 2012 for 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

August 21, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:08 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
Alex G. Perez

Staff Present

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

Council Members/Staff Absent

Deirdre H. Bennett
Aurelio De La Torre, City Treasurer

INVOCATION

Pastor Dane Aaker, Centerpoint Church

FLAG SALUTE

Steve Ferrance and Louie Barrera, American Legion Post 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

Council Member Oliva requested that Item No. 13 be moved up for Public Hearings due to the continuance and a large number of residents in attendance to speak on this item. City Manager Foster announced that the Public Hearing will need to be opened and continued and asked that any public comment be held until the next meeting on September 18, 2012. Council Member Oliva asked that the item be moved forward so the residents in attendance can speak on this item without having to wait for the remainder of the agenda. Residents were advised that they may not be given another opportunity to speak on this item on September 18, 2012. It was the consensus of the Council to move forward and open the hearing and take Public Comment on this item.

13) Appeal of the Planning Commission's Denial of a Conditional Use Permit for the Sale of Beer & Wine for Off-Site Consumption at 1089 N. Rancho Avenue -]

TIME AND PLACE FIXED TO CONSIDER APPROVAL OF A RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEWLY PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37 ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002), RESOLUTION NO. R-60-12.

Recommendation: To Continue Public Hearing to September 18, 2012

Mayor Zamora opened the Public Hearing and the City Clerk announced that protests were received and distributed at the dais.

Motion and second by CM Oliva/CM Yzaguirre, to continue the Public Hearing to the September 18, 2012 council meeting. Motion carried with CM Bennett being absent. City Attorney Derleth stated that any information distributed at the dais this evening will be included in the record for the next meeting.

- Presentation – Colton's Affordable Senior Housing Project - Eagle Colton 55, L.P. Team

Gary Miller of Miller Architects and Associates, represented Eagle Colton 55, L.P. , and gave a PowerPoint presentation highlighting Colton's new Affordable Senior Housing Project. Mayor Zamora acknowledged Dave Mlynarski and Winn Holmes for their work on the Senior Housing Project.

- Recognition – Community Services VolunTEENS

Community Services Manager Deb Farrar presented the Community Services VolunTEEN participants with Certificates of Appreciation and stipend checks for their hard work in the community.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF AUGUST 21, 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

None.

PUBLIC COMMENT

The following community members addressed the Council:

Gary Mitchell and Ron Lawrence.

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 12 for action by Council.

The following action was taken on the Consent Calendar:

Motion and second by CM Yzaguirre/CM Oliva, to approve Consent Calendar Item Nos. 1 through 12. Motion carried with Council Member Bennett being absent.

- (1) Warrants – Approved Payable Warrants #129973 to #130143, Dated 07/12/2012, Totaling \$3,476,941.06; Payable Warrants #130144 to #130283, Dated 07/19/2012, Totaling \$2,257,727.25; Payroll Disbursement Listing for 07/21/2012 to 08/03/2012, Totaling \$611,938.75, on File in the Finance Department.
- (2) Contract with Willdan Engineering for Planning Services – Authorized the Mayor of the City of Colton to execute the Processional Services Agreement (PSA) with Willdan Engineering to provide Building Official, Plan Check and Building Inspection Services for a one-year period.
- (3) Construction Contract Award for Community Development Block Grant (CDBG) Projects – Authorized the award of a construction contract for the CDBG No. 104-37305-3654 “C” Street Underpass Landscaping Project to TSR Construction and Inspection Inc., as the lowest responsive and responsible bidder in the amount of \$117,000; Authorize the award of a construction contract for the CDBG No. 104-37205/3655 Mt. Vernon Avenue

Crosswalk Signal Project to Steiny and Company, Inc. as the lowest responsive and responsible bidder in the amount of \$171,800; and Authorize and approve a Resolution to transfer the savings from CDBG No. 104-37305-3654 "C" Street Landscaping Project and CDBG No. 104-37205/3655 Mt. Vernon Avenue Crosswalk Signal Project, RESOLUTION NO. R-61-12.

- (4) Acceptance of State Homeland Security Grant -- Approved and Adopted a Resolution of the City of Colton, authorizing acceptance of the Fiscal Year 2011 State Homeland Security Grant, RESOLUTION NO. R-54-12.
- (5) Set Public Hearing for Weed Abatement Tax Rolls – Approved and Adopted a Resolution of the City of Colton, setting the Public Hearing for September 18, 2012, and adopting the Report of Costs confirming those costs provided to the County Assessor for placement on the tax rolls for payment, RESOLUTION NO. R-55-12.
- (6) Successor Agency Recognized Obligation Payment Schedule (ROPS) – Adopted a Resolution of the Successor Agency to the Redevelopment Agency for the City of Colton, approving and adopting a Recognized Obligation Payment Schedule for the period covering January 1, 2013 through June 30, 2013, pursuant to Health & Safety Code section 34177(m), SAR 05-12.
- (7) Professional Services Agreement with Transtech, Inc. – Approved a Professional Services Agreement with Transtech, Inc., for services related to the construction of a Senior Affordable Housing Project at the site of the former Colton Palms in an amount not to exceed \$70,000.
- (8) Professional Services Agreement with Miller Architectural Corporation – Approved a Professional Services Agreement with Miller Architectural Corporation for architectural services related to the construction of a Senior Affordable Housing Project at the site of the former Colton Palms in an amount not to exceed \$110,950.
- (9) Acceptance of a \$20,000 Grant from the Natural Resources Conservation Service – Approved and adopted a Resolution and authorize the acceptance of a \$20,000 grant from the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (USDA), for stabilizing three hillside locations damaged by the excessive rain and flooding of December 2010, and to amend the Fiscal Year 2012-2013 Budget, RESOLUTION NO. R-59-12.
- (10) Acceptance of a Charitable Donation from San Manuel Band of Mission Indians – Accepted a charitable donation from the San Manuel Band of Mission Indians in the amount of \$7,672 and Approve and Adopt a Resolution amending the 2012-2012 Fiscal Year Budget to include the donation, RESOLUTION NO. R-58-12.
- (11) Wastewater Centrifuge Project Professional Services Contract – Awarded the Professional Services Contract to Cordoba Corporation, as the most qualified consultant for the design of the Wastewater Centrifuge Project in an amount not-to-exceed \$49,424.
- (12) Purchase of a New Unmarked Police Vehicle – Authorized the City Manager to enter in to an agreement with McPeck's Dodge of Anaheim for purchase of a new unmarked police vehicle in the amount of \$26,877.29.

BUSINESS ITEMS

- (14) Ordinance regarding Supervision of Executive Assistant to Council/Office Manager - Discussed taking action regarding Ordinance Adding Section 2.04.040 to the Colton Municipal Code, relating to the Supervision of the Executive Assistant to the Council/Office Manager and making other clarifying changes to Section 2.16.070(B). ORDINANCE NO. O-09-12.

City Attorney Derleth presented this item and provided information regarding the first reading on June 19, 2012 of Ordinance No. O-09-12, and explained that the recommended revisions were made and is asking that full reading be waived and ordinance be adopted.

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

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

City Manager Foster commented that he is proud of staff and our accomplishments.

ADJOURNMENT

At 7:30 p.m., Mayor Zamora adjourned the regular meeting and wished Angie Cordova and Linda Tripp, Colton Chamber Ambassadors, a happy birthday on behalf of the Council.



Eileen C. Gomez, CMC
City Clerk