

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

January 21, 2014

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:00 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by Chief Deputy City Clerk Sabdi Sanchez as follows:

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

Stephen P. Compton, City Manager
Cristina Talley, City Attorney
Sabdi Sanchez, Chief Deputy City Clerk

Council Members/Staff Absent

Isaac T. Suchil

City Attorney Cristina Talley read Closed Session titles A, B, C and D into the record.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases: 1 (City of Grand Terrace – Sewer Agreement)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Case Name: City of Colton v. American Promotional Events, Inc., *et al.*
Case Numbers: US District Court Case No. CV 09-01864
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Raymundo Rodriguez & Adriel Guitron v. City of Colton and Eric Fraser
Case Number: US District Court Case No. CV-00303-SGL-OP
US Court of Appeals, 9th Circuit, Case No. 09-55149
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Largo Concrete, Inc., *et al.* v. City of Colton, *et al.*
Case Number: San Bernardino County Superior Court Case No. CIVDS1400406

CLOSED SESSION PUBLIC COMMENT

None.

Mayor Zamora convened the meeting to Closed Session at 5:03 p.m. and at 6:10 p.m., the meeting reconvened, with Mayor Sarah S. Zamora presiding. Roll Call was announced by Chief Deputy City Clerk Sabdi Sanchez with all members present as heretofore.

City Attorney Cristina Talley announced that the City Council did meet in Closed Session and discussed Items A, B, C and D with 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

January 21, 2014

Open Session of the Regular Meeting was called to order on the above-given date at 6:10 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by Chief Deputy City Clerk Sabdi Sanchez, with all members present as heretofore.

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

Stephen P. Compton, City Manager
Sabdi Sanchez, Chief Deputy City Clerk
Cristina Talley, City Attorney
Aurelio De La Torre, City Treasurer
Misty Cheng, Interim Finance Director
Amer Jakher, Public Works Director
Dr. David Kolk, Electric Utility Director
Steve Ward, Police Chief
Tim McHargue, Fire Chief
Bill Smith, Community Services Director
Mark Tomich, Development Services Director

Council Members/Staff Absent

Isaac T. Suchil

INVOCATION

Pastor Paul Stumpf, Colton Community Church

FLAG SALUTE

Joe Mojica, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Proclamation - Union Pacific Railroad – Lupe C. Valdez, Public Affairs Director and Union Pacific Representatives

Mayor announced that this item would be continued to the February 4, 2014 Council Meeting, as the representatives were not present.

- Presentation - Business Focus – Dr. Gills Dental

Mayor Pro Tem David Toro read and presented the “You Make a Difference” certificate for Dr. Gills Dental. Chetay Cantalano, Interim Executive Director for the Chamber of Commerce received the certificate on behalf of Dr. Gills Dental.

- Recognition - 2013 Holiday Home Tour

Mayor Pro Tem David Toro read and presented the Certificates of Recognition to the following contestants: 1) Danny Rodriguez, 2) Juan Gutierrez, 3) Veronica Rodriguez, 4) Jeff Comfor, 5) Linda and Jim Tripp.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JANUARY 21, 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.

AB 1234 ORAL REPORTS

Council Member Bennett stated she would be attending the League of California Cities Policy Committee meeting in Sacramento on Friday, January 24, 2014.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

APPOINTMENTS

- 2014 Mayor Pro Tempore Appointment

Motion and second by CM Bennett/Oliva, to appoint Council Member Navarro as Mayor Pro Tem.

Council Member Toro requested to make a nomination and appoint Council Member Suchil for Mayor Pro Tem.

Motion and second by CM Toro/Navarro (conceded his nomination) to appoint Council Member Suchil as Mayor Pro Tem. Motion carried with CM Suchil being absent.

PUBLIC COMMENT

The following community members addressed the Council:

Carlos Bastida, Leslie Stevens, Ron Lawrence and Dr. Luis González

CITY TREASURER'S REPORTS

- Receive and File City Treasurer's Report for November 2013.

It was a consensus of the Council to receive and file the City Treasurer's report for November 2013, as presented by City Treasurer Aurelio De La Torre.

City Treasurer De La Torre stated that every January he has to report that the Risk Management Committee for the Electric Department has met and they are in compliance.

BUSINESS ITEMS

- (1) Waive Further Reading, Read by Title Only and Approve the Proposed Interim Urgency Ordinance of the City Council of the City of Colton in Accordance with Government Code Section 65858, Establishing a 45-Day Moratorium on the Establishment of Wooden Pallet or Product Manufacturing Operations and Wood Storage Yards, Pending Study and Adoption of Regulatory and Zoning Standards. *Environmental Determination: No impact. It can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment.* URGENCY ORDINANCE NO. O-01-14.

City Manager Compton requested that this item be pulled from the agenda and directed Development Services staff to review as a regulatory item on pallet companies.

- (2) Award of Contract/White Nelson Diehl Evans LLP – Authorized the City Manager to Enter into a Three (3) Year Contract, with the Option to Renew for Two (2) Additional One-Year Periods, with White Nelson Diehl Evans LLP for Citywide Audit Services.

Motion and second by CM Oliva/Bennett, to move this item and approve staff recommendation. Motion carried with CM Suchil and Mayor Zamora being absent from the dais.

- (3) Comprehensive Annual Financial Report (CAFR) - Received and Filed the 2012-13 Comprehensive Annual Financial Report (CAFR), the Report on Internal Controls, and the Report on Audit Scope and other Matters.
- (4) Establishment of the Public Safety Committee – Approve and Establish the Public Safety Committee as a Standing “Brown Act” Committee, in order to Advance the Public Safety Agenda.

It was a consensus of the Council to continue this item to a later time.

CONSENT CALENDAR

Mayor Zamora presented Consent Calendar Item Nos. 5 through 17 for action by Council.

The following action was taken on the Consent Calendar:

Mayor Zamora had comments on Item Nos. 8 and 14.

CM Gonzales had questions on Item Nos. 5, 11 and 14.

Dr. David Kolk pulled Item No. 13 from the agenda.

Motion and second by CM Navarro/Gonzales, to approve the Consent Calendar as presented with the exception of Item No. 13. Motion carried with CM Suchil and CM Oliva being absent.

- (5) Increase the Electric Department's Capital Improvement Budget - Approved Resolution Amending the FY 2013/14 Budget, to Increase the Electric Department's Capital Improvement Budget by \$4,163,130, to allow the Electric Department to Complete Work on the West Substation by September 2014, and to Appropriate the Additional Funding from the Electric Department Reserve Funds, RESOLUTION NO. R-08-14.
- (6) Minutes – Approved Minutes for the City Council Regular Meeting Held December 17, 2013, on File in the Office of the City Clerk.
- (7) Warrants – Approved Payable Warrants #138995 to #139089, Dated 11/14/13, Totaling \$2,857,396.73; Payable Warrants #139090 to #139245, Dated 11/21/13, Totaling \$1,058,496.25; and a Payroll Disbursement Listing for the Period 12/7/13 to 12/20/13, Totaling \$632,654.67; and a Payroll Disbursement Listing for the Period 12/21/13 to 01/03/14, Totaling \$678,153.19, on file in the Finance Department.
- (8) Delegation of Investment Authority - Adopted a Resolution Delegating the Investment Authority to the City Treasurer, RESOLUTION NO. R-10-14.
- (9) Amendment 01 to California Department of Education Contract CSPP-3401 – Adopted a Resolution, Approving Amendment 01 to the California Department of Education Contract CSPP-3401 for the Provision of Preschool Services in the Early Childhood Education Division of the Community Services Department for Fiscal Year 2013-14, and Amending the Budget for the Current Fiscal Year to Account for Increased Funding, RESOLUTION NO. R-02-14.
- (10) Housing Related Park Grant - Adopted Resolution No. R-09-14, Authorizing the Submission of an Application for Grant Funding through the State of California, Department of Housing and Community Development, Housing Related Parks Grant Program for the Purpose of the Development of the Colton Regional Sports Complex, RESOLUTION NO. R-09-14.
- (11) Upgrade of the Police Department Equipment and Furniture – Approved the Purchase of Furniture and Office Equipment Using Asset Seizure Funds in the Amount Not-to-Exceed \$110,000 and Adopt Resolution to Amend the FY 2013-14 Budget, RESOLUTION NO. R-03-14.
- (12) Establish Electric Rate for Electric Vehicles (EV) – Approved a Resolution, Amending the General Provisions of the Customer Service Policy, Section III, to Re-establish a Residential Electric Vehicle Discount that Provides an Electric Vehicle Owner an Additional 250 kWh Each Month at the Second Tier Energy Rate, RESOLUTION NO. R-05-14.
- (13) Utility Pole Attachment Rates and Implementation of AB 1027 – Adopted a Resolution to Fix the Utility Pole Attachment Fee at Rate of \$18.75 per attachment each Year, and Implement California Law, Assembly Bill 1027 (AB 1027) Allowing the Colton Electric Department (CED) to Bill Entities Three Times the Annual Charge for Failing to Notify the

City that Any Pole Attachments, or to Require Removal of the Attachments, RESOLUTION NO. R-06-14. **ITEM PULLED**

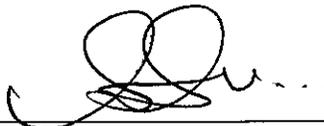
- (14) Establish an Electric Rate for Water Pumping – Adopted a Resolution Repealing Resolution No. R-39-13, and Amending the Existing Electric Rates and Charges, and Creating a New Electric Rate Structure to Include an Electric Rate for Municipal Water Pumping, RESOLUTION NO. R-07-14.
- (15) Notice of Completion for the Colton Avenue Sidewalk Improvement Project – Approved the execution and recordation of a Notice of Completion for the Community Development Block Grant (CDBG) Colton Avenue Sidewalk Improvement Project. *Environmental Impacts: The CDBG Colton Avenue Sidewalk Improvement Project was determined Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301(c). A Notice of Exemption was filed with the County Clerk.*
- (16) Construction Contract to Performance Construction and Painting – Approved the Award of Construction Contract to Performance Construction and Painting for the Civic Center Council Office Expansion Project in the Amount of \$68,508.30; Authorize the City Manager or his Designee to Approve Change Orders Not-to-Exceed 10% of the Awarded Contract for the Civic Center Council Offices Expansion Project; and, Approve a Resolution Amending the Budget to Increase the Capital Outlay Appropriation in the Amount of \$10,000 for the Civic Center Council Offices Expansion Project, RESOLUTION NO. R-11-14. *Environmental Impact: Categorically Exempt under California Environmental Quality Act (CEQA) Section 15301(e) – Additions to Existing Structures Provided that the Addition, A Notice of Exemption will be Filed with the County Clerk should the Council take the Action Recommended by Staff.*
- (17) Agreements - Rialto/Colton Groundwater Basin - Approved the Agreement for the Development of a Joint Groundwater Model for the Rialto/Colton Groundwater Basin and the Side Agreement to the Agreement for the Development of a Joint Groundwater Model for the Rialto Colton Basin.

CITY MANAGER'S REPORTS

City Manager Compton provided a brief summary of his City Manager's report.

ADJOURNMENT

At 8:27 p.m., Mayor Zamora adjourned the Regular Council meeting in memory of Gia Yaquez.



Sabdi Sanchez
Chief Deputy City Clerk