

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

February 17, 2015

Closed Session Meeting was held on the above given date at 5:02 p.m., in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro, Jorrin, González, Bennett, Suchil, MPT Navarro (*appeared at 5:08 p.m.*) and Mayor DeLaRosa.

STAFF PRESENT

Interim City Manager Kenline, City Attorney Campos, and City Clerk Padilla.

PUBLIC COMMENT

None.

City Attorney Campos announced that the City Council would meet in Closed Session to Discuss items A, B, C, D, and E.

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Unrepresented Employee: City Manager

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9
Roberto Dimas v. City of Colton
Workers' Compensation Appeals Board Case No. ADJ9138128

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property Address: 1351 West Valley Boulevard, APN Nos. 0162-281-04, 14, 34, 52, 56 and 66
Agency Negotiators: Josefina Kenline, Interim City Manager; Arthur Morgan, Economic Development Manager
Negotiating Parties: California University of Science and Medicine
Under Negotiation: Price and Terms of Payment

- D. PUBLIC EMPLOYMENT
Title: Police Chief

- E. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Unrepresented Employee: Executive Administrator to Mayor and Council

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:03 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 did meet in Closed Session and discussed Items A, B, C, D, and E and discussion will continue on all items at the end of the Regular Council Meeting.

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

February 17, 2015

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

INVOCATION

Dr. Luis S. González

FLAG SALUTE

Mayor Pro Tem Frank J. Navarro

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

Josefina Kenline, Interim City Manager
Carlos Campos, City Attorney
Carolina R. Padilla, City Clerk

Council Members Absent

None

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation – Happy and Safe Dogs and Cats Campaign – Dr. Lori Kirshner and Dr. Peter Spiegel
Dr. Lori Kirshner, Founder and President, Advancing the Interest of Animals; described with the assistance of a PowerPoint presentation entitled ‘*A program to promote responsible guardianship of companion animals in predominately Spanish Speaking communities.*’

- Presentation – Business Focus – 5 Points Auto Service
CM Suchil assisted staff (*Art Morgan, Economic Development Manager and Chetay Catalano Executive Director, City of Colton Chamber of Commerce*) on presenting the Business Focus Certificate to Business Owner Petros Kyababchian of 5 Point Auto Service; Mr. Kyababchian accepted the Certificate.

- Presentation – 2014 Community Outreach Participants
MPT Navarro introduced this presentation in recognition for the 2014 Community Outreach Participants held October 4, 2014 at Fleming Park (*Ministry Organizations*); the following ministry representatives came forward accepting a Certificate of Recognition for their work in the community:

(Mayor DeLaRosa presented the certificates to each ministry representative present.)

- Echoes of Love Ministry
- New Life Centre Christian Church
- Lighthouse of Christ
- Colton Christian Church (*CM González accepted on their behalf*)
- Radiant Church
- Colton First Assembly
- Lifeline Street Ministry
- Bethel Christian Fellowship
- Something Beautiful – Something Good
- Need Prayer – Prayer Booth
- Praise Temple Royal Rangers

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISLOSURES FOR THE COUNCIL MEETING OF FEBRUARY 17, 2015.

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)*). None disclosed.

APPOINTMENTS

- District 4 – Richard Duran – Code Compliance & Housing Advisory Appeals Board
Mayor DeLaRosa introduced Richard Duran for ratification by Council appointment to the Code Compliance & Housing Advisory Appeals Board by CM González; no opposition; appointment ratified.
- City Liaison to the Library Board – City Clerk Carolina R. Padilla
Mayor DeLaRosa introduced City Clerk Carolina R. Padilla for ratification by Council appointment as City Liaison to the Library Board; no opposition; appointment ratified.
- Mayor’s Appointment to Oversight Board of the Successor Agency to the Redevelopment Agency
Mayor DeLaRosa introduced CM David J. Toro for ratification by Council as Mayor’s Appointment to Oversight Board of the Successor Agency to the Redevelopment Agency; no opposition; appointment ratified.

PUBLIC COMMENT

The following community members addressed the Council:

Linda Tripp; Nicole Villalobos; Mary Ann Lopez; Ron Lawrence; Dana Smith-Rittie; Gary Clifford; and Christina Irish-Ré.

CITY TREASURER'S REPORTS

- Receive and File City Treasurer's Report for December 2014.

City Treasurer Aurelio De La Torre presented the report for December 2014 for Council consideration and with no objection report was received and filed.

CONSENT CALENDAR

Mayor DeLaRosa presented Consent Calendar Item Nos. 1 through 8 for action by Council.

ICM Kenline requested Item 8 pulled and Item 7 to be continued to a later date; no objection by Councilmember's present.

Councilmembers present selected items for discussion and clarification by staff: CM González Item 4.

PUBLIC COMMENT

Jackie Ficarotta commented on Item 4.

Motion/Second by CM Suchil/MPT Navarro to approve the Consent Calendar with Item 8 pulled and Item 7 continued to a later date.

Vote: All answered 'Aye' with CM Toro absent from the dais. Motion Carried.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held January 6, 2015; Approval of Minutes for the City Council Regular Meeting Held January 20, 2015; on File in the Office of the City Clerk.
- (2) Vouchers – Approval of U.S. Bank Vouchers dated 01/08/2015 and totaling \$36,912.15; voucher #147134 to #147272, Dated 01/29/2015, Totaling \$2,004,345.43; Payable Vouchers #147273 to #147368, Dated 02/05/2015, Totaling \$702,747.54, Less Voided Checks Totaling \$19,831.05; and a Payroll Disbursement Listing for the Period 01/03/2015 to 01/16/2015, Totaling \$735,589.90, on file in the Finance Department.
- (3) Second Reading of O-02-15 – Waive Full Reading and Pass Second Reading of Ordinance No. O-02-15, An Ordinance of the City of Colton, California, Amending Chapter 13.08 of the Colton Municipal Code, Regulating the Discharge of Wastes Into the Sewerage System of the City of Colton and Repealing Ordinance No. O-06-09, ORDINANCE NO. O-02-15.
- (4) Preferential Parking – Approve and Adopt a Resolution Authorizing the Preferential Parking Along the Southerly Segment of F Street from La Cadena to 9th Street. RESOLUTION NO. R-17-15.
- (5) Mt. Vernon Avenue Corridor Traffic Signal Improvement Project – Approve the Award of Contract to Advantec Consulting Engineers for the Design of Mt. Vernon Avenue Corridor Traffic Signal Improvement Project in an Amount Not to Exceed \$49,901; Approve and Adopt a Resolution to amend the Fiscal Year 2014-15 Capital Improvement CIP Budget to appropriate \$693,000 for the Mt. Vernon Avenue Corridor Traffic Signal Upgrade Project, RESOLUTION NO. R-18-15.
- (6) Set the Public Hearing for March 3, 2015 for Prioritization of 2015/16 CDBG Projects – Set the Public Hearing for March 3, 2015 for the Prioritization of Projects for Community Development Block Grant (CDBG) Funds for Fiscal Year 2015-2016.

- (7) Job Descriptions for Positions within Public Works Department – Approve the Job Description for a Senior Water Conservation Analyst, a Wastewater Collection Supervisor, and a Public Works Construction Inspector, and Modify the Title of Engineering Superintendent to Assistant Public Works Director. *Item continued for a later date by ICM Kenline.*
- (8) California University of Science and Medicine Temporary Use Agreement – Adopt and Adopt Resolution No. SAR-01-15, approving the Temporary Right of Entry and Use License Agreement with California University of Science and Medicine (“Cal Med”) and authorize the City Manager and City Attorney to approve non-substantial changes to the agreement. RESOLUTION NO. SAR-01-15. *Item Pulled by ICM Kenline.*

PUBLIC HEARINGS

- (9) Zoning Text Amendment DAP-001-194 – Zoning Code Update [Staff Person: M. Tomich]

TIME AND PLACE FIXED TO CONSIDER THE CONTINUED PUBLIC HEARING FROM FEBRUARY 3, 2015 TO CONSIDER ADOPTING A ZONING TEXT AMENDMENT TO AMEND VARIOUS PROVISIONS OF CHAPTER 18.04, 18.06, 18.12, 18.14, 18.16, 18.24, 18.26, 18.28, 18.48 AND ADD NEW CHAPTER 18.41 TO ENSURE CONSISTENCY WITH ADOPTED GENERAL PLAN AND STATE LAW.

Mayor DeLaRosa announced the Public Hearing Open.

City Clerk Padilla submitted the Notice of Continuance of the Public Hearing on file in the City Clerk’s Office and there were no reports of protests or objections thereto.

Mark Tomich, Development Services Director, presented for Council consideration an overview of this item and requested approval of staff’s recommendation.

PUBLIC COMMENT

None

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

Vote: All answered ‘Aye’ with MPT Navarro absent from the dais. Motion Carried.

Motion/Second by MPT Navarro/CM González to introduce the first reading and pass by title only Ordinance No. O-03-15 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON TO ADD AND MODIFY TITLE 18, CHAPTERS 18.04 (DEFINITIONS), 18.06 (PERMITTED USES), 18.10 (HILLSIDE SETBACKS), 18.12 (DEVELOPMENT STANDARDS), 18.14 (DEVELOPMENT STANDARDS), 18.16 (DEVELOPMENT STANDARDS), 18.24 (PARKING REQUIREMENTS), 18.26 (PARKING REQUIREMENTS), 18.28 (PARKING REQUIREMENTS), 18.48.150 (SECOND DWELLING UNITS), AND ADD NEW CHAPTER 18.41 (HILLSIDE STANDARDS) AND NEW SECTION 18.48.180 (COMPACT SUBDIVISION STANDARDS) TO ENSURE CONSISTENCY WITH ADOPTED GENERAL PLAN AND STATE LAW (FILE INDEX NO DAP-001-184).

Vote: All answered ‘Aye’. Unanimous Vote.

BUSINESS ITEMS

- (10) Ordinance No. O-04-15 Amending Chapter 6.32 Relating to Fireworks – Waive Full Reading, Read by Title Only and Introduce Ordinance No. O-04-15 Amending Chapter 6.32 of the Colton Municipal Code Relating to Fireworks in its Entirety, ORDINANCE NO. O-04-15. *Item Pulled by ICM Kenline.*
- (11) Employment Agreement for City Manager Services with William Smith.

City Attorney Campos, presented for Council consideration an overview of this item and requested approval of staff's recommendation; approval of an employment agreement for City Manager services with Mr. William "Bill" Smith; the Agreement is a three year agreement that is effective February 18, 2015 and end on February 18, 2018; Annual Salary of \$186,000 subject to discretionary 5% increase at the end of the first and second year upon the satisfactory performance evaluation which will be at the discretion of City Council; there will be a one year automatic extension at the end of the third year term unless City Council provides a ninety day notice of termination; health, retirement, insurance and other benefits will be the same as those provided to executive group employees; with a twelve month severance salary upon termination without cause.

Motion/Second by CM Toro/MPT Navarro to approve the Employment Agreement for City Manager with William Smith.

Discussion by Council; Call For The Question: Motion/Second by Mayor DeLaRosa/CM Suchil.
Roll Call Vote: NO – CM Toro/MPT Navarro/CM González/CM Bennett; YES – CM Jorrin/CM Suchil/Mayor DeLaRosa. Motion failed to end discussion. Discussion continued.

Discussion continued by Council; Call For The Question: Motion/Second Mayor DeLaRosa/CM Suchil.
Roll Call Vote: YES – CM Toro/CM Jorrin/MPT Navarro/CM González/CM Bennett/CM Suchil/Mayor DeLaRosa. Unanimous Vote to end discussion.

Vote on Motion to approve the Employment Agreement for City Manager with William Smith.
Roll Call Vote: YES – CM Toro/MPT Navarro/CM González/CM Bennett; NO – CM Jorrin/CM Suchil/Mayor DeLaRosa. Motion Carried.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY MANAGER'S REPORTS

None.

Mayor DeLaRosa announced the business of the Regular Meeting of the City Council has been concluded and asked City Attorney Campos to take the Council into Closed Session.

City Attorney Campos announced that the City Council would meet in Closed Session to Discuss items A, B, C, D, and E.

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Unrepresented Employee: City Manager

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9
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- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
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Agency Negotiators: Josefina Kenline, Interim City Manager; Arthur Morgan, Economic Development Manager
Negotiating Parties: California University of Science and Medicine
Under Negotiation: Price and Terms of Payment

- D. PUBLIC EMPLOYMENT
Title: Police Chief

- E. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6

Mayor DeLaRosa adjourned the meeting to Closed Session at 8:33 p.m. and at 9:36 p.m., the meeting reconvened, with all members present as heretofore.

Attorney Campos read out of Closed Session that the City Council did meet in Closed Session: Item A is moot as action taken under Item 11 of the Regular Council Meeting; Item B: Motion/Second by CM Toro/MPT Navarro with 7 – 0 with a settlement amount of \$50,000; to be paid out of the Workers Compensation Insurance Fund; Item C, D, and E discussed with direction to staff and No Reportable Action

ADJOURNMENT

At 9:37 p.m., Mayor DeLaRosa adjourned the Regular Council meeting in memoriam of Frances (Tigger) Montañó



Carolina R. Padilla
City Clerk