

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

April 19, 2016

Closed Session Meeting was held on the above given date at 5:05 p.m., in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro, Navarro, González, Bennett, MPT Suchil, and Mayor DeLaRosa; with CM Jorin absent.

STAFF PRESENT

City Manager Smith, City Attorney Campos, and City Clerk Padilla.

PUBLIC COMMENT

None

CLOSED SESSION

City Attorney Campos announced the City Council would meet in Closed Session to Discuss Items A through D.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Largo Concrete, Inc., v. City of Colton, et al.

San Bernardino Superior Court, Case No. CIVDS 1400406

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)

One (1) potential case, Craig White, Claim No. 15592812

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: City Manager / Human Resources Manager

Employee Group: General Unit

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property APN: 0254-191-09

Negotiating Parties: Bill Smith, City Manager; Mark Tomich, Development Services Director; Arthur

Morgan, Economic Development Manager; Carlos Campos, City Attorney

Under Negotiation: Price and Terms of Purchase

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:06 p.m. and at 6:08 p.m., the meeting reconvened, with all members present as heretofore.

City Attorney Campos announced that the City Council met in Closed Session and discussed Items A through D; with direction given to staff and 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 MINUTES

April 19, 2016

Regular Meeting held on the above-given date at 6:09 p.m. in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

INVOCATION/FLAG SALUTE

Pastor Jonathon Florez, First Assembly of God

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

William R. Smith, City Manager  
Carlos Campos, City Attorney  
Carolina R. Padilla, City Clerk

Council Members Absent

Summer Jorin (*excused*)

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Business Focus – William Furnace Company  
Mayor DeLaRosa presented with assistance of staff (*Art Morgan, Economic Development Manager*) You Make a Difference Recognition Certificate to Mike Markowich of Williams Furnace Company.

- Recognition - Animal Care and Control Appreciation Week
  - Presentation by Start Rescue President Steve Spiro and Vice President Rene Ruston
  - Presentation by Council Member Toro on City of Colton Animal Care ServicesCM Toro presented a Certificate of Recognition to *Start Rescue*; accepted by Rene Ruston.

CM Toro presented a Certificate of Recognition to Abraham Rivera, Animal Services Officer.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF APRIL 19, 2016.

GIFT DISCLOSURES

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.

## MAYOR AND COUNCIL ACTION ITEMS

- Letter of Support for Assembly Bill 797 – Letter of support for Assembly Bill 797, as amended (Steinworth): Immunity: Civil Liability: Damaging a Vehicle: Rescue of Child or Animal Support Assembly Bill 797.

Discussion and consensus by Councilmembers present to submit a letter of support for Assembly Bill 797.

## PUBLIC COMMENT

### General

The following community members addressed the Council: Jose Olivar, Representative Ashley for Assembly Member Cheryl Brown, and Gary Grossich.

### Consent Calendar

The following community members addressed the Council: Jeff Snow/Item 9; spoke against item for approval and asked item to be pulled.

## CONSENT CALENDAR

Mayor DeLaRosa presented the Consent Calendar Items 1 through 10.

City Manager Smith requested Item 9 pulled from the Consent Calendar; to return for discussion and action for the Council Meeting of May 3, 2016. No objection by Councilmembers present.

Councilmembers present selected items for discussion and clarification by staff: CM Suchil/CM Bennett/Mayor DeLaRosa, Item 4.

Motion and Second by CM Navarro/CM González to approve the Consent Calendar Items 1 through 10.

Vote: Motion carried with CM Suchil/CM Bennett voting NO on Item 4.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held April 5, 2016 on File in the Office of the City Clerk.
- (2) Warrants – Approve U.S. Bank vouchers dated 03/16/16 totaling \$31,442.73; voucher numbers 155013 to 155111 dated 03/24/2016 and totaling \$1,347,791.17; voucher numbers 155112 to 155256 dated 03/31/2016 and totaling \$1,667,705.31; voucher numbers 155257 to 155386 dated 04/07/2016 and totaling \$1,287,270.29, less voided checks totaling \$24,554.30; and a payroll disbursement listing for the period 03/12/2016 to 03/25/2016 and totaling \$714,382.69 on file in the Finance Department.
- (3) Second Reading of Ordinance No. O-07-16 – Waive full reading and pass second reading of an ordinance of the City Council of the City of Colton adding a new Chapter 9.23 to Title 9 of the Colton Municipal Code regarding psychoactive herbal incense, psychoactive bath salts and other synthetic drugs, prohibiting the distribution and sale of certain intoxicating chemical compounds known as synthetic drugs. ORDINANCE NO. O-07-16.

- (4) Second Reading of Ordinance No. O-08-16 – Waive full reading and pass second reading of an Ordinance of the City of Colton, adopting rate increases to City of Colton Water Service Charges, ORDINANCE NO. O-08-16.
- (5) Destruction of Obsolete Records – Approve and adopt a Resolution authorizing the destruction of certain obsolete records, RESOLUTION NO. R-26-16.
- (6) Approval of the 2015 Byrne Memorial Justice Assistance Grant (JAG) and MOU – Approve and adopt a Resolution authorizing the acceptance of the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$13,280 along with its accompanying MOU with the County of San Bernardino, RESOLUTION NO. R-27-16.
- (7) Summary Vacation of a Portion of West Valley Blvd – Approve and adopt a Resolution to summarily vacate a portion of excess right of way along the west side of Valley Blvd, RESOLUTION NO. R-28-16.
- (8) First Amendment to Maintenance Services Agreement with Siemens Industry, Inc. – Approve the First Amendment to the Maintenance Services Agreement with Siemens Industry, Inc., for the Traffic Signal Maintenance and Emergency Traffic Signal services for the Fiscal Year 2015/2016, in the amount of \$50,824.17; and approve and adopt a Resolution to amend the FY2016-17 Budget, RESOLUTION NO. R-29-16.
- (9) Waste Disposal Agreement - Approve Amendment No. 6 to the Waste Disposal Agreement (WDA) between the County of San Bernardino and the City of Colton to change the termination date from June 30, 2016 to June 30, 2021.
- (10) AB2766 Matching Grant Funds from MSRC – (1) Authorize the City Manager to sign and execute all documents to accept matching grant funds in the amount of \$25,000 from the Mobile Source Air Pollution Reduction Review Committee (MSRC) and enter into Contract Number ML16062 with the South Coast Air Quality District (SCAQMD) for the installation of curbside vehicle charging stations near multi-family dwelling units. (2) Approve and adopt a Resolution to amend the Electric Department FY 2015-2016 budget appropriation to increase expenditures by \$25,000 in expense account number 520-8000-8041-2350-0923-000. (3) Approve the Colton Electric Department's (CED) participation in the Professional Services Agreement that Southern California Public Power Authority (SCCPA) executes, at the request of and on behalf of its members, for the purchase of electric curbside charging stations, and authorize the City Manager to sign the letter of participation RESOLUTION NO. R-31-16.

With no objection by Council Mayor DeLaRosa brought forward Item 12 for discussion and action.

#### BUSINESS ITEMS

- (12) Animal Regulations - Waive full Reading, Read by title only, and introduce an Ordinance of the of the City Council of the City of Colton amending Title 7 of the Colton Municipal Code relating to the City's comprehensive animal regulations and adopting Riverside County Ordinance No. 921 relating to the spaying and neutering of pit bull breeds, ORDINANCE NO. O-09-16.

#### Staff Presentation

CM Toro presented item for discussion and action by Council; comments included a brief history which resulted in this item being brought forward for support; including an overview of the Agenda Report and concluded with a request for approval of staff's recommendation.

Motion and Second by CM Bennett/CM Suchil to waive full reading, read by title only and introduce Ordinance No. O-09-16.

#### PUBLIC COMMENT

The following community members spoke against approval of the item: Loren Chiever; and Michelle Paulin, Lorraine Bright, and James Dickinson.

The following community members spoke for approval of the item: Elizabeth Oreck, Dale Bartlett, Pamala Hall, and Erika Valles.

#### Council Discussion

Discussion and Consensus of Councilmembers present to pull the item and continue to the Council Meeting of May 17, 2016 for further discussion and action; return the Ordinance to the ad hoc committee to allow further discussion, update as needed, clarification and possible inclusion of the following:

- Exception for those animals that are licensed professional breeders and/or show dogs;
- Good Samaritan protection;
- Revisit animal limit per household;
- Disposal of any animal be done 'humanely';
- Include and encouraged resident input;
- Pet shop purchase obtained and sold from puppy mills; the consequence;
- Make changes more palpable to the citizens; and
- Determine the effect of the changes to animal control division.

Maker of Motion(CM Bennett) and Second (CM Toro) pulled the motion to waive full reading, read by title only and introduce Ordinance No. O-09-16.

#### PUBLIC HEARING

##### (11) User Fee Update for Development Services

TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE AND ADOPT A RESOLUTION ESTABLISHING AN UPDATED FEE SCHEDULE FOR SERVICES PERFORMED BY THE DEVELOPMENT SERVICES DEPARTMENT, AND REPEALING PORTIONS OF RESOLUTION NO. R-03-13 AS APPLICABLE THERETO.

Mayor DeLaRosa announced the Public Hearing open.

City Clerk Padilla submitted the Affidavit of Publication calling the Public Hearing (*on file in the City Clerk's Office*) and there were five reports of protests.

#### Staff Presentation

Mark Tomich, Development Services Director, presented for discussion and action by Council; this included an overview of the Agenda Report with the assistance of a PowerPoint presentation: 'Development Services User Fee Update'; and concluded with a request for approval of staff's recommendation

At 8:37 p.m. CM Toro left the dais for the balance of the Council Meeting.

#### PUBLIC COMMENT

The following community member spoke for approval of the item: Gary Grossich.

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

Vote: Motion carried with CM Toro/CM Jorin absent.

Council Discussion

Discussion and discernment by Councilmembers present with clarification provided by staff.

Motion and Second by CM González/CM Navarro to approve and adopt Resolution No. R-30-16 with the removal of the fees related to the CUP (*Condition Use Permit*) and to return for discussion and action for inclusion in the fee schedule at the Council Meeting of July 5, 2016.

Vote: Motion carried with CM Bennett voting/NO and CM Toro/CM Jorin absent.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY MANAGER'S REPORTS

None

ADJOURNMENT

At 9:13 p.m. Mayor DeLaRosa adjourned the Regular Council Meeting in memoriam of Dominick J. Gallegos.



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Carolina R. Padilla  
City Clerk