

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

March 21, 2017

Closed Session Meeting was held on the above given date at 5:00 p.m., in the Council Chamber of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Mayor Pro Tem Toro, Jorin (*absent - excused*), Navarro, González, Woods, Suchil, and Mayor DeLaRosa.

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 Item A and B.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Case name: Dennis Wixon v. City of Colton

Case number: ADJ10569327

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: Elvie Balderrama, Human Resources Director

Employee Groups: General Unit, Mid-Management Unit, Confidential Group, Colton Police Officers Association, Colton Police Management Association, Colton Police Dispatchers Association, Colton Fire Association; International Brotherhood of Electrical Workers (IBEW), Water and Wastewater

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:01 p.m. and at 6:02 p.m., the meeting reconvened, with all members present heretofore.

City Attorney Campos announced that the City Council met in Closed Session; Item A: It is actually an action that was taken on February 7th; but since it's now final we are now making the report today; on a Vote of 6-0 with the Mayor absent, the City Council approved the settlement agreement of a workers comp claim on the issue of Dennis Wixon in the amount of \$200,000. Item B: Direction 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

March 21, 2017

Regular Meeting held on the above-given date at 6:03 p.m. in the Council Chamber of City Hall, with Mayor DeLaRosa presiding.

INVOCATION/FLAG SALUTE

Reverend Jonathon Florez

CITY COUNCIL ROLL CALL

Council Members Present

Richard A. DeLaRosa, Mayor
David J. Toro, Mayor Pro Tem
Frank J. Navarro
Dr. Luis S. González
Jack R. Woods
Isaac T. Suchil

Staff Present

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

Council Members Absent

Summer Jorin (*excused*)

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MARCH 21, 2017.

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)).

CM González announced his attendance at the following events: State of the County Speech on March 8, 2017 held at Citizens Business Bank Arena in Ontario; AB1234 Ethics Training on March 9, 2017, presented by the City of Colton City Attorney's Office and held in the City of Colton Council Chamber.

CM González/CM Navarro/ Mayor DeLaRosa attended the City Council Conference on March 16 and 17, 2017 held at Lake Arrowhead, CA.

MAYOR AND COUNCIL DISCUSSION ITEMS

- Discussion and Action to Form a Prop 64 Ad Hoc Committee.
Mayor DeLaRosa presented this item for consideration and action.

Discussion with input from City Manager Smith and City Attorney Campos; with full consensus and support of Councilmembers present the make-up of the Prop 64 Ad Hoc Committee would be comprised of three councilmembers: CM Woods/CM Suchil/Mayor DeLaRosa; no objection; so ratified.

PUBLIC COMMENT

The following community members addressed the Council: Erika Flores (from the office of Representative Aguilar); Maha Rizvi (from the office of Assemblywoman Reyes); Gilbert Arrieta; Samuel Sukaton; and Chris Egger.

CONSENT CALENDAR

Mayor DeLaRosa presents the Consent Calendar Items 1 through 11

Councilmembers present selected items for discussion and clarification by staff: CM Woods, Item 3; CM González, Item 4 and Item 6; and CM Suchil/CM Woods, Item 9.

Motion and Second by CM Navarro/MPT Toro to approve the Consent Calendar Item 1 through 11 with Item 3 pulled for separate vote.

Vote: Motion carried with CM Jorin absent.

- (1) Minutes – Approval of Minutes for the City Council Special Meeting held January 31, 2017 and Minutes for the Regular Meeting held March 7, 2017 on File in the Office of the City Clerk.
- (2) Warrants – Approve voucher numbers 161393 to 161458, dated 02/27/2017, totaling \$49,596.66; voucher numbers 161459 to 161604, dated 03/02/2017, and totaling \$2,939,482.97, and voucher numbers 161605 to 161708, dated 03/09/2017, and totaling \$2,504,716.60, on file in the Finance Department.
- (3) Second Reading of Ordinance No. O-01-17 - Waive full reading and pass second reading of Ordinance No. O-01-17, an Ordinance of the City Council of the City of Colton amending section 2.30.060 of chapter 2.30 of Title 2 of the Colton Municipal Code providing that the attendance of a non-resident business owner commissioner or committee member counts when determining a quorum, ORDINANCE NO. O-01-17. (PULLED FOR DISCUSSION AND SEPARATE VOTE)
- (4) City Treasurer's Reports – Receive and File City Treasurer's Reports for December 2016 and January 2017.
- (5) Agua Mansa Project Completion - (1) Approve a Resolution to amend the Electric Department FY 16/17 appropriation increasing the Capital Improvement budget for the Agua Mansa Project ("Project") by \$78,100, for a total project budget of \$10,198,708; (2) Approve Change Orders 63 through 66 to the Construction Contract with Asplundh Construction Corporation (Asplundh) for the construction of the Agua Mansa Project, in the total amount of \$75,772 and authorize the City Manager, or his designee, to execute the change order documents; (3) Approve the Fifth Amendment to the Professional Services Agreement with West Power, Inc., to increase the total compensation by an additional \$29,900 for engineering and design services and extend the Term of the Agreement through March 21, 2017, and authorize the City Manager, or his designee, to execute the Amendment documents; (4) Approve the Notice of Completion and authorize the Utilities Director to execute and file the Notice of Completion documents, RESOLUTION NO. R-11-17.

- (6) Agua Mansa Block Wall Project - Award the bid for Construction of a perimeter screen block wall at the Agua Mansa Power Plant and substation site, along Miguel Bustamante Parkway and Agua Mansa Road, to Superior Concrete Products in the amount of \$304,680.34, and authorize the City Manager to execute the contract documents.
- (7) Sewer Utility Easement – Accept and approve the recordation of the Grant of Easements for the Riverside Lift Station Project.
- (8) Interwest Consulting Group – Adopt a Resolution to amend FY 2016-17 budget for building plan review and inspection services by Interwest Consulting Group, RESOLUTION NO. R-12-17.
- (9) Approval of Travel Expenses – Authorize budgeted travel expense for the City Manager to attend the annual International Conference of Shopping Centers (ICSC) Conference; Approve a \$3,000 budget adjustment within the Economic Development Division’s 2016-17 Budget and increase the individual travel expense limits for Mid-Management staff for FY 2016/17; and, approve a \$4,000 budget adjustment within the Fire Department’s 2016-17 Budget.
- (10) Colton Housing Authority / Quitclaim of Streets and Common Areas in Rancho Mediterrania Mobile Home Estates - recommend that the Colton Housing Authority quitclaim any and all interest in the streets and common areas in Rancho Mediterrania Mobile Home Estates, RESOLUTION NO. CHA-02-17.
- (11) Commission, Boards and Committees Application – Consideration of adding a Citizenship requirement to the City’s application for City Commissions, Boards and Committees.

CONSENT CALENDAR (cont’d)

- (3) Second Reading of Ordinance No. O-01-17 - Waive full reading and pass second reading of Ordinance No. O-01-17, an Ordinance of the City Council of the City of Colton amending section 2.30.060 of chapter 2.30 of Title 2 of the Colton Municipal Code providing that the attendance of a non-resident business owner commissioner or committee member counts when determining a quorum, ORDINANCE NO. O-01-17.

Discussion and discernment as to possible conflict related to AB1234 and appointment of a non-resident on a Commission or Committee.

Item for approval by Councilmembers present related only to a non-resident business owner on a commission or committee would be counted as part of a quorum thus allowing the commission or committee to conduct the business of the commission or committee.

Questions and clarification by Councilmembers present as to AB1234 were provided by City Attorney Campos.

Discussion concluded with motion and second by MPT Toro/CM Suchil to waive full reading and pass second reading of Ordinance O-01-17.

Vote: Motion carried with CM Woods/NO; and CM Jorin absent.

PUBLIC HEARINGS

(12) Weed Abatement Program

TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO DISCUSS THE CITY'S WEED ABATEMENT PROGRAM.

Mayor DeLaRosa declared the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication (*on file in the City Clerk's Office*) and there were no protests or objections thereto.

STAFF PRESENTATION

Fire Chief Tim McHargue introduced the Public Hearing to accept all public testimony at a duly noticed public hearing for those property owners who wish to protest the abatement of weeds on their property.

PUBLIC COMMENT

None

Motion and Second by CM Suchil/CM Navarro to close the public hearing.

Vote: Motion carried with CM Jorrin absent.

(13) Residential Indoor Marijuana Cultivation Permit (RIMC) Ordinance

TIME AND PLACED FIXED TO CONSIDER WAIVING FIRST READING, READING BY TITLE ONLY AND INTRODUCE ORDINANCE NO. O-02-17, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING TITLE 18 (ZONING) OF THE COLTON MUNICIPAL CODE TO ADDRESS PERMITTING FOR RESIDENTIAL INDOOR MARIJUANA CULTIVATION (RIMC), ORDINANCE NO. O-02-17.

Mayor DeLaRosa declared the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication (*on file in the City Clerk's Office*) and there were no protests or objections thereto.

STAFF PRESENTATION

Jay Jarrin, Senior Planner, Development Services, presented for Councilmembers an overview of the agenda report and concluded with staff's recommendation to amend Title 18 (Zoning) of the Colton Municipal Code to address permitting for residential indoor marijuana cultivation (RIMC); with the assistance of a PowerPoint presentation:

'Residential Indoor Marijuana Cultivation ("RIMC")'

- ✓ Personal Use Adult Use of Marijuana Act (AUMA) – Proposition 64
- ✓ Proposed RIMC Permit Requirements'
- ✓ Proposed RIMC Permit Process

PUBLIC COMMENT

None

Motion and Second by CM Suchil/CM Navarro to close the public hearing.

Vote: Motion carried with CM Jorrin absent.

COUNCIL DISCUSSION

Discussion and discernment by Councilmembers with questions and clarification provided by staff; City Manager Smith; City Attorney Campos; Development Services Director Tomich; and Senior Planner Jarrin.

Discussion concluded with motion and second by CM González/CM Navarro to waive full reading, read by title only and introduce ORDINANCE NO. O-02-17.

Vote: Motion carried with CM Jorrin absent.

(14) Zoning Text Amendment - Establish a Business District Sign Overlay

TIME AND PLACED FIXED TO CONSIDER WAIVING FIRST READING, READING BY TITLE ONLY AND INTRODUCE ORDINANCE NO. O-03-17, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING SECTION 18.50 (SIGNS) OF TITLE 18 OF THE COLTON MUNICIPAL CODE AND AMENDING THE OFFICAL ZONING MAP TO ESTABLISH A BUSINESS DISTRICT SIGN OVERLAY, ORDINANCE NO. O-03-17.

Mayor DeLaRosa declared the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication (*on file in the City Clerk's Office*) and there were no protests or objections thereto.

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:

'Sign Code Amendment Offsite Signs'

- ✓ Zoning Text and Map Amendments to Establish Standards
- ✓ Offsite Signs – subject to CUP
- ✓ Caltrans Landscape Freeways – Exception Areas
- ✓ Downtown Business District
- ✓ Cooley Ranch Business District
- ✓ Hub City Centre Business District
- ✓ Additional Sign Code "Clean-up" Amendments

Director Tomich concluded with staff recommendation to amend the Official Zoning Map to establish a Business District Sign Overlay.

PUBLIC COMMENT

None

Motion and Second by CM González/CM Woods to close the public hearing.

Vote: Motion carried with CM Jorrin absent.

COUNCIL DISCUSSION

Discussion by Councilmembers present with questions and clarification provided by staff: Development Services Director Tomich; and concluded with motion and second by CM Suchil/CM Suchil to waive full reading, read by title only and introduce ORDINANCE NO. O-03-17.

Vote: Motion carried with CM Jorrin absent.

BUSINESS ITEMS

- (15) Colton Utility Authority / Installment Sale Agreement with Texas Capital Bank – Approve Resolution No. CUA-02-17 to 1) Confirm the Installment Sale Agreement with Texas Capital Bank; 2) Approve an Escrow Agreement; 3) Approve a Depository Agreement; 4) Approve a Placement Agent Agreement and 5) Approve other matters relating thereto, RESOLUTION NO. CUA-02-17.

Staff Presentation

Michael Williams, Managing Director of C.M. de Crinis & Co., Inc., and municipal advisor for the City of Colton presented for Council consideration an overview of the agenda report with the assistance of a PowerPoint presentation:

‘Colton Utility Authority Wastewater Refunding and New Financing’

- ✓ Financing History
- ✓ Financing Overview
- ✓ Documents To Be Approved
- ✓ Financing Calendar; and

concluded requesting approval of staff’s recommendation.

PUBLIC COMMENT

None

Council Discussion

Discussion by Councilmembers present with questions and clarification provided by municipal advisor Michael Williams.

Motion and Second by CM Navarro/Mayor DeLaRosa to approve the Installment Sale Agreement; Escrow Agreement; Depository Agreement; Placement Agenda Agreement; and approve and adopt Resolution No. CUA -02-17.

Vote: Motion carried with CM Jorrin absent.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Comments from Mayor and Council on various issues and activities throughout the community.

CITY MANAGER’S REPORTS

None

ADJOURNMENT

At 8:05 p.m., Mayor DeLaRosa adjourned the Regular Council Meeting.



Carolina R. Padilla
City Clerk