

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

July 19, 2016

Regular Meeting held on the above-given date at 6:00 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  
Summer Jorin  
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

None

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Introduction of New Employees

City Manager introduced this item to the Council and the following were acknowledged:

Development Services – Ramon Hernandez, Building Official

Office of the City Clerk – Ana Sauseda, Office Specialist I

City Council Office – Sara Gutierrez, Administrative Assistant, and Leno Tapia Office Specialist II

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JULY 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)).

Mayor DeLaRosa reported attending the Post Commission Peace Officers Damage and Training in Sacramento, California on July 13, 2016; Interviewed for the Executive Director of the Post direct in Sacramento.

## APPOINTMENTS

- League Voting Delegate and Alternates - Designate one (1) voting delegate and may appoint up to two (2) alternate voting delegates.

Discussion and consensus by Councilmembers present and so ratified as follows:

Voting Delegate – Mayor Pro Tem Suchil

1<sup>st</sup> Alternate – Councilmember Jorrin

2<sup>nd</sup> Alternate – Councilmember Bennett

## PUBLIC COMMENT

The following community members addressed the Council: Pastor John Braxton.

## CONSENT CALENDAR

Mayor DeLaRosa presented the Consent Calendar Items 1 through 9.

Councilmembers present selected items for discussion and clarification by staff: CM Jorrin, Item 7.

Motion and Second by CM Navarro/CM González to approve the Consent Calendar Items 1 through 9.

Vote: Unanimous vote.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held July 5, 2016 on File in the Office of the City Clerk.
- (2) Warrants – Approval of Payable Warrants # 156828 to 156960 dated 06/30/2016 and totaling \$2,460,621.49; voucher numbers 156961 to 157129 dated 07/07/2016 and totaling \$1,503,809.58, less voided checks totaling \$134,247.52; a payroll disbursement listing for the period 06/04/2016 to 06/17/2016 and totaling \$762,073.74 and a payroll disbursement listing for the period 06/18/2016 to 07/01/2016 and totaling \$1,087,997.66.
- (3) Appropriation of Funds – Approve and adopt the accompanying Resolution and appropriate \$13,000 in the Drug and Gang Prevention Fund, RESOLUTION NO. R-71-16.
- (4) Notice of Completion Well No. 22 Project - Authorize the execution and recordation of Notice of Completion for the Pump Testing and Rehabilitation of Well No. 22 Project.
- (5) City-Wide Tree Trimming Services – 1) Approve the Second Amendment to the Maintenance Services Agreement with The Original Mowbray’s Tree Service for electric utility line clearance to extend the term for city-wide tree trimming for the period through October 31, 2016, and to increase the total compensation by the amount not to exceed \$25,000 for the additional city-wide services; and, 2) authorize the City Manager to execute the Second Amendment to the Maintenance Services Agreement.
- (6) Notice of Completion – Authorize the execution and recordation of Notice of Completion for the FY 15-16 Asphalt Paving Project.
- (7) Pipeline Crossing License Agreement – Approve the Pipeline Crossing License Agreement for the De Berry Waterline Replacement Project.

- (8) Approve ISDA Master Agreement – Approve the International Swap and Derivative Agreement (ISDA) between the City of Colton and Shell Energy Trading and Risk Management, and authorize the City Manager to execute the agreement, RESOLUTION NO. R-78-16.
- (9) Set Public Hearing for Basic Fee for Storm Water Services & Storm Water Management User Fee – Set a public hearing for August 2, 2016, to adopt a Resolution approving the Basic Fee for Storm Water Services and the Storm Water Management User Fee as provided for in Chapter 14.01 of the Colton Municipal Code.

Mayor DeLaRosa with no objection from Councilmembers present pulled Business Item/Item 14 forward for discussion and action by Council.

## BUSINESS ITEMS

- (14) Disposition and Development Agreement with Lumar Devco, LLC – Approve and adopt a resolution approving a Disposition and Development Agreement (“DDA”) with Lumar Devco, LLC for the acquisition and development of two parcels of land at the southeast corner of Valley Boulevard and Pepper Avenue, Assessor Parcel Numbers 0254-191-09 and 11; and, approving an amendment to Fiscal Year 2016-17 Budget to increase revenues associated with this transaction, RESOLUTION NO. R-77-16.

## CEQA COMPLIANCE

The City’s approval of the Agreement and adoption of this Resolution is exempt from the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: “CEQA”) because the Agreement is a land acquisition agreement and the City has conditioned future use of the site on CEQA compliance. (14 C.C.R. § 15004(b)(2)(A).) The City’s approval of this Agreement does not constitute approval of any site-specific development plan for the Property, or other activity on the Property, that would have a direct or reasonably foreseeable indirect environmental impact pursuant to CEQA. (14 C.C.R. § 15378(b).) The City’s approval of the Agreement results in a mere transfer of the Property from the City to the Developer. As more fully explained in the Agreement, Developer’s future use and/or development of the Property is expressly conditioned upon CEQA compliance. The City shall conduct environmental review pursuant to CEQA prior to taking any discretionary action with regard to any proposed development of the Property. Nothing in the Agreement or this Resolution shall be construed to limit the City’s discretion to consider and adopt any mitigation measure or project alternative, including the alternative of rejecting any proposed development of the Property, as provided in section 21002 of the Public Resources Code. Following completion of the City’s environmental review of any proposed development of the Property, the City shall file a notice of such approval as provided in section 21152 of the Public Resources Code.

## Staff Presentation

Art Morgan, Economic Development Manager, presented for Council consideration an overview of the agenda report; with the conclusion of staff’s recommendation; and to approve and adopt Resolution No. R-77-16.

## Public Comment

None

## Council Discussion

Discussion by Councilmembers presented with clarification provided by staff: City Manager Smith and Manager Morgan.

Motion and Second by CM Toro/CM Navarro to approve staff's recommendation and approve and adopt Resolution No. R-77-16.

Vote: Unanimous vote.

## PUBLIC HEARINGS

Mayor DeLaRosa with no objection from Councilmembers present pulled Item 11 forward for discussion and action; to be followed by Item 10.

### (11) Minor Conditional Use Permits

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO WAIVE FURTHER READING, READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON TO MODIFY VARIOUS PROVISIONS OF TITLE 18 OF THE COLTON MUNICIPAL CODE RELATED TO SECTION 18.58.060 (CONDITIONAL USE PERMITS) AND SECTION 18.06.060 (USES PERMITTED IN EACH ZONE) [FILE INDEX NO. DAP-001-325], ORDINANCE NO. O-11-16.

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 Council consideration an overview of the agenda report; with the conclusion of staff's recommendation and request to introduce Ordinance No. O-11-16.

#### Public Comment

None

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

Vote: Unanimous vote.

#### Council Discussion

Discussion by Councilmembers presented with clarification provided by staff: Director Tomich.

Motion and Second by CM González/MPT Suchil to approve staff's recommendation and to waive full reading, read by title only, introduce ORDINANCE NO. O-11-16.

Vote: Unanimous vote.

### (10) User Fee Update

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE AND ADOPT A RESOLUTION UPDATING CERTAIN PLANNING AND BUSINESS LICENSE FEES FOR SERVICES PERFORMED BY AND FOR THE CITY, ESTABLISHING NEW FEE, AND REPEALING SELECTED FEES ADOPTED BY RESOLUTION NO. R-05-13; BY RESOLUTION R-72-16

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 Council consideration an overview of the agenda report; with the conclusion of staff's recommendation and to approve and adopt Resolution No. R-72-16.

Public Comment

None

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

Vote: Unanimous vote.

Council Discussion

Discussion by Councilmembers presented with clarification provided by staff: City Manager Smith and Director Tomich.

Motion and Second by CM González/CM Navarro to approve and adopt RESOLUTION NO. R-72-16.

Vote: Unanimous vote.

Prior to announcement and discussion of the Downtown Development Code Update & Design Manual CM González recused himself as there is a Conflict of Interest as his personal residence is in the immediate area of the Colton Downtown Design Project area.

(12) Downtown Development Code Update & Design Manual

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE AND ADOPT A RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND ADOPTING THE DOWNTOWN DESIGN MANUAL AND TO WAIVE FULL READING, READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE TO AMEND TITLE 18, CHAPTER 18.06 (PERMITTED USES), 18.23 (MIXED-USE DOWNTOWN), AND ADD NEW SECTION 18.23.04 (GENERAL COMMERCIAL DOWNTOWN OVERLAY) AND TO CHANGE THE ZONE OF CERTAIN PROPERTIES FROM C-2 (GENERAL COMMERCIAL) TO M-U/D (MIXED USE DOWNTOWN) AND C-2 (GENERAL COMMERCIAL) TO C-2/D (GENERAL COMMERCIAL) ZONE TO ENSURE CONSISTENCY WITH ADOPTED GENERAL PLAN AND STATE LAW (FILE INDEX NO. DAP-001-307), RESOLUTION NO. R-73-16 and ORDINANCE NO. O-12-16.

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 this item for Council consideration; with the assistance by Consultant Diane Bathgate from RRM Design Group; with the assistance of a PowerPoint slide presentation Ms. Bathgate summarized for discussion:

- ✓ Project Overview
- ✓ What We Heard
- ✓ Planning Principles
- ✓ Vision Poster

- ✓ Key Concepts
- ✓ Recommendation – Approval of Negative Declaration; General Plan Amendment; Downtown Design Manual; Introduce the first reading of: Negative Declaration; Development code Changes; and Changes of Zone.

### Public Comment

The following community members addressed the Council: Christine Irish-Ré spoke regarding concerns of local business location as part of the downtown design: Squires Lumber; Jose Olivar spoke in support of the project.

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

Vote: Motion carried with CM Navarro absent from the dais; and CM González absent from the dais due to a conflict of interest as his personal residence is in the immediate area of the Colton Downtown Design Project area.

Motion and Second by MPT Suchil/CM Bennett to approve staff's recommendation and to approve and adopt RESOLUTION NO. R-73-16

Vote: Motion carried with CM Navarro absent from the dais; and CM González absent from the dais due to a conflict of interest as his personal residence is in the immediate area of the Colton Downtown Design Project area.

Motion and Second by MPT Suchil/CM Navarro to waive full reading, read by title only, introduce ORDINANCE NO. O-12-16.

Vote: Motion carried with CM González absent from the dais due to a conflict of interest as his personal residence is in the immediate area of the Colton Downtown Design Project area.

### BUSINESS ITEMS

- (13) Ballot Measure for November 8, 2016 Municipal Election – Approve and Adopt the following resolutions: 1) Resolution No. R-74-16 – “A Resolution of the City Council of the City of Colton, California, Calling for the Placement of General Tax Measure to be held at the November 8, 2016 General Municipal Election for the Submission to the Qualified Voters of a Proposed Ordinance Amending the City's Transient Occupancy (Hotel) Tax by Increasing the Rate from 10% to 12.5% and Addressing Online Travel Company and Other Third Party Bookings, and Making Various Conforming Changes”, 2) Resolution No. R-75-16 – “A Resolution of the City Council of the City of Colton, California, Requesting the Board of Supervisors of San Bernardino County to Consolidate a General Municipal Election to be held on November 8, 2016 with the Statewide General Election to be held on the same date pursuant to Section 10403 of the Elections Code”, 3) Resolution No. R-76-16 – “A Resolution of the City Council of the City of Colton, California, Providing for the Filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding a City Measure to be Submitted at the November 8, 2016 General Municipal Election”, RESOLUTION NOS. R-74-16, R-75-16, R-76-16.

### Staff Presentation

Carlos Campos, City Attorney, presented for Council consideration an overview of the agenda report; with the conclusion of staff's recommendation and to approve and adopt Resolution Nos. R-74-16; R-75-16; R-76-16.

### Public Comment

The following community member addressed the Council: Gary Grossich.

Council Discussion

Discussion and consensus by Councilmembers concluded with direction to staff: City Manager Smith and City Attorney Campos; bring back updated language that reflects a “special” tax, with the increase allocated to the construction, maintenance, and rehabilitation of sports fields in Colton. The percentage increase will be a number that is recommended by our Economist; for the Council Meeting of August 2, 2016.

- (15) Amendment to Business Licenses and Regulations - Waive Full Reading, Read by Title Only and Introduce an Ordinance to amend Title 5, Chapter 5.02 of the Colton Municipal Code relating to Business License application contents – License Fee (Section 5.02.040) and License Renewal Fee (Section 5.02.100), ORDINANCE NO. O-13-16.

Staff Presentation

Mark Tomich, Development Services Director, presented for Council consideration an overview of the agenda report; with the conclusion of staff’s recommendation and request to introduce Ordinance No. O-13-16.

Public Comment

None

Council Discussion

None

Motion and Second by CM González/CM Navarro to waive full reading, read by title only, introduce ORDINANCE NO. O-13-16.

Vote: Unanimous vote.

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 9:18 p.m., Mayor DeLaRosa adjourned the Regular Council Meeting.



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Carolina R. Padilla  
City Clerk