

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

January 19, 2016

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

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro (*appeared at 5:08 p.m.*), Jorrin, González, Bennett, Suchil, MPT Navarro, and Mayor DeLaRosa (*appeared at 5:05 p.m.*).

STAFF PRESENT

City Clerk Padilla. Absent from the Council Chambers: City Manager Smith and City Attorney Campos.

PUBLIC COMMENT

None.

MPT Navarro announced that the City Council would meet in Closed Session to Discuss Items A through E.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
City of Colton v. San Bernardino Associated Governments, et al.  
San Bernardino Superior Court, Case No. CIVDS 1417765
  
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property APN: 0161-221-21  
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
  
- C. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency Designated Representatives: City Manager / Human Resources Manager  
Employee Groups: General Unit, Mid-Manager Unit, IBEW Electric and Water/Wastewater, Colton Police Officers Association, Colton Police Dispatchers Association, Colton Fire Association, Confidential Group, Executive Group
  
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)  
One (1) potential case, Charles McCann, Claim No. 14552757

E. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: City Manager / Human Resources Manager  
Employee Group: Colton Fire Association

Mayor Pro Tem Navarro adjourned the meeting to Closed Session at 5:02 p.m. and at 6:07 p.m., the meeting reconvened, with all members present as heretofore; Mayor DeLaRosa presiding.

City Attorney Campos announced that the City Council met in Closed Session and discussed Items B and C, with direction given to staff and no reportable action; Discussion on Item D and E will continue at the end of the Regular Council Meeting. There is Reportable Action on Item A: Special Counsel Attorney Mark C. Allen III of Skapik Law Group announced the City Council on advice of Counsel directed Counsel and the City Manager to enter into a Settlement Agreement in Case Number CIVDS 1417765 City of Colton v. San Bernardino Associated Governments, et al. and the details of that settlement will be available in the City Records.

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 19, 2016

Regular Meeting held on the above-given date at 6:08 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, Mayor Pro Tem  
Dr. Luis S. González  
Deirdre H. Bennett  
Isaac T. Suchil

Staff Present

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

Council Members Absent

None.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JANUARY 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 INFORMATIONAL ITEMS

- Discussion and possible direction to initiate appointing youth commissioners to all city boards and commissions, in accordance with CMC 2.30.020: Composition of Commissions and Committees.

Councilmember González presented this item for Council consideration the idea of reinstating the youth leadership program. The proposal outlined a 3-year plan with the goal of developing a comprehensive youth leadership program and at the same time coordinate with the current programs for effective collaboration. With the use of a PowerPoint presentation CM González included/outlined the following: What we currently have in place; What Programs we can learn from; and the specifics of the proposal that would occur during the 3-year plan implementation.

Discussion and discernment between Councilmembers present and CM González with an end result to continue the discussion with assistance of City Manager Smith as to the facility cost and staff time which would include review of the guidelines outlined for the Colton Youth Board which were previously adopted by Council; and return with a report to Council.

## APPOINTMENTS

- Appointment of Mayor Pro Tempore for 2016.

Mayor introduced the item to open nominations from the dais for appointment of Mayor Pro Tempore for 2016. CM Toro nominated CM Bennett who declined; Motion and Second by CM Toro/CM Bennett to nominate CM Suchil.

MPT Navarro nominated CM Toro who would accept if CM Suchil is not ratified.

Roll Call Vote: YES – CM Toro/CM Jorrin/CM Bennett/CM Suchil and Mayor DeLaRosa; NO – CM González MPT Navarro. Motion Carried CM Suchil is MPT for 2016.

## PUBLIC COMMENT

### General

The following community members addressed the Council: Representative Ashley Jones (*Assemblyperson Cheryl Brown/San Bernardino District Office*); Christine Irish-Ré; and Salvador Nieves.

## CONSENT CALENDAR

Mayor DeLaRosa presented the Consent Calendar Items 1 through 8

Motion and Second by CM Bennett/MPT Suchil to approve the Consent Calendar Items 1 through 8.

Vote: All answered 'Aye'. Unanimous vote.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held January 05, 2015 on File in the Office of the City Clerk.
- (2) Warrants – Approve U.S. Bank vouchers dated 12/30/15 and totaling \$25,459.97; voucher numbers 153345 to 153507 dated 12/23/2015 and totaling \$863,727.21; voucher numbers 153508 to 153590 dated 12/30/2015 and totaling \$1,814,817.58, less voided checks totaling \$3,058.16; a payroll disbursement listing for the period 11/21/2015 to 12/04/2015 and totaling \$775,729.75; a payroll disbursement listing for the period 12/05/2015 to 12/18/2015 and totaling \$729,370.37; and a payroll disbursement listing for the period 12/19/2015 to 01/01/2016 and totaling \$863,875.75., on file in the Finance Department.
- (3) Second Reading of Ordinance No. O-01-16 – Waive Full Reading and Pass Second Reading of Ordinance No. O-01-16, amending portions of Chapter 18.48.130 of the Colton Municipal Code to prohibit marijuana cultivation within the City of Colton, ORDINANCE NO. O-01-16.
- (4) International Swap and Derivative Agreement (ISDA) – Approve and adopt Resolution No. R-03-16, authorizing Utility Director to execute the International Swap and Derivative Agreement (ISDA) between the City of Colton and Shell Energy Trading and Risk Management, LLC (STRM), RESOLUTION NO. R-03-16.
- (5) Rialto Unified School District Participation in City of Colton Rebate Program – Authorize the payment of \$21,624 in rebate funds to the Rialto Unified School District for their participation in City rebate programs.
- (6) Third Amendment to Professional Services Agreement with Krieger and Stewart – Authorize the City Manager to execute the third amendment to the Professional Services Agreement with Krieger and Stewart Engineering Consultants for additional work for the design of the Pressure Relief Valve Project in the amount of \$39,900.
- (7) Investment Policy – Approve and adopt Resolution No. R-05-16 delegating to the City Treasurer the authority to invest and reinvest funds for the City and to sell and exchange securities; and approve the Investment Policy for the City of Colton, RESOLUTION NO. R-05-16.
- (8) Temporary Hiring Freeze – Approve and Adopt Resolution No. R-06-16, implementing a temporary hiring freeze for all regular, full-time City positions, RESOLUTION NO. R-06-16.

PUBLIC HEARING

- (9) Proposed Rate Increases to Water Service Fees

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING REGARDING PROPOSED RATE INCREASES TO WATER SERVICE FEES.

City Clerk Padilla announced the Public Hearing for the above stated item will not be heard; will be re-noticed for a later date.

- (10) Water Efficient Landscape Ordinance

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO WAIVE FULL READING AND PASS SECOND READING OF ORDINANCE NO. O-12-15, WHICH REVISES CITY OF

COLTON MUNICIPAL CODE CHAPTER 13.30 TO REFLECT UPDATES MADE TO THE STATE'S MODEL FOR THE WATER EFFICIENT LANDSCAPE ORDINANCE. TO Read as Follow: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OLTON TO ADOPT THE STATE OF CALIFORNIA'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AS REQUIRED OF ALL CITIES AND COUNTIES TO EITHER ADOPT THE STATE'S UPDATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE BY DECEMBER 1, 2015, OR ADOPT THEIR OWN WATER EFFICIENT LANDSCAPE ORDINANCE THAT IS AS EFFECTIVE IN CONSERVING WATER AS THE MODEL ORDINANCE.

Mayor DeLaRosa declared 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 no reports of protests or objections thereto.

#### PUBLIC COMMENT

None.

Motion and Second by MPT Suchil/CM Bennett to Close the Public Hearing.

Vote: All answered 'Aye'. Unanimous vote.

Motion and Second by CM Jorin/CM González to waive full reading and pass second reading of Ordinance No. O-12-15.

Vote: All answered 'Aye'. Unanimous vote.

#### BUSINESS ITEMS

- (11) Amending Title 5 of the Colton Municipal Code (Business Licenses & Regulations) - Waive Further Reading, Read by Title Only and Introduce Ordinance No. O-03-16, an Ordinance of the City Council of the City of Colton adding Chapter 5.14 to Title 5 of the Colton Municipal Code regarding Mobile Food Vehicles, adding Chapter 5.15 to Title 5 regarding House Numbers on Curbs, amending Chapter 5.16 of Title 5 regarding Peddlers, Solicitors and Canvassers, and amending Chapter 5.24 of Title 5 regarding Massage Parlors and Massage Technicians, ORDINANCE NO. O-03-16. [*unfinished business: Item #7, 12/01/15 agenda*]

#### Staff Presentation

Mark Tomich, Development Services Director, presented for Council consideration and requested approval of staff's recommendation amending Title 5 of Colton Municipal Code (Business Licenses & Regulations).

#### Public Comment

None.

Motion and Second by CM Bennett/MPT Suchil to waive full reading, read by title only and introduce Ordinance No. O-03-16.

Vote: All answered 'Aye'. Unanimous vote.

#### CITY MANAGER'S REPORTS

Anita Agramonte, Finance Director, announced the City is required to report annually to the City Council to meet the FERC (*Federal Energy Regulatory Commission*) mandated risk management policy, and typically City Treasurer De La Torre (*absent for this evening's Council Meeting*) provides this report in January of each year. The Risk Management Committee for the Electric Utility is comprised of the City Treasurer, Finance Director, Electric Utility Director, and other staff as needed. The Committee has met quarterly over the past year to

discuss challenges or concerns as well as funding plans for the Electric Utility. There were no unauthorized transactions to report this past year

(11) Report on El Niño Preparation.

Informational item presented by Shannon Kendall, Joint Emergencies Services Coordinator, Colton Fire Department and Mike Cory, Water/Wastewater Superintendent, Water Utilities Division; PowerPoint presentation outlined the following elements: El Nino Working Group; Public Education; Identified Problem Areas; Created Maps; More Focused, Problem Area Maps Identifying; Created a Contact List; Updated Current Vendor List; and El Niño “Kit” (Binder) Created.

(12) Update on County “Point in Time” Homelessness Count.

Informational item presented by Deb Farrar, Acting Community Services Director, announced the 2016 Point-in-Time Homeless Count and Survey will be conducted on Thursday, January 28, 2016. This program is funded and coordinated through the County of San Bernardino to address chronic homelessness. This is a county-wide, one-day count and subpopulation survey of sheltered and unsheltered individuals to identify how many people in San Bernardino County are homeless. The biennial Point-in-Time Count, required by the United States Department of Housing and Urban Development (HUD), is conducted every two years in order to count the homeless population of San Bernardino County. Last year’s Point-in-Time count fulfilled the HUD requirement, however continuing funding and grants rely on annual information. This effort will help promote government and private grant funding and other resources for local communities to help people exit life on the streets and prevent homelessness. The actual count and survey are conducted by trained volunteers and City Staff who target areas where Homeless People Live/Spend Time/Receive Services.

ADJOURNMENT

At 7:52 p.m., Mayor DeLaRosa adjourned the Regular Council meeting in memoriam of Angelina Cordova, Evie Johnson, and Sandy (Chato) Ortiz.

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

City Attorney Campos read Closed Session Item D and E into the record.

CLOSED SESSION (cont’d)

- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)  
One (1) potential case, Charles McCann, Claim No. 14552757
- E. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency designated representatives: City Manager / Human Resources Manager  
Employee Group: Colton Fire Association

Mayor DeLaRosa adjourned the meeting to Closed Session at 7:53 p.m. and at 8:49 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 and discussed Item D and E with direction to staff and no reportable action.

ADJOURNMENT (cont'd)

At 9:38 p.m., Mayor DeLaRosa adjourned the Regular Council meeting.

A handwritten signature in cursive script, reading "Carolina R. Padilla", written over a horizontal line.

Carolina R. Padilla  
City Clerk