

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

August 2, 2016

Closed Session Meeting was held on the above given date at 5:01 p.m., in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro (*appeared at 5:15 p.m.*), Jorrin, Navarro, González, Bennett (*absent*), MPT Suchil (*appeared at 5:35 p.m.*), and Mayor DeLaRosa.

STAFF PRESENT

City Manager Smith, Assistant City Attorney Martinez, and City Clerk Padilla.

PUBLIC COMMENT

None

CLOSED SESSION

Asst. City Attorney Martinez announced the City Council would meet in Closed Session to Discuss Item A.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8,

Assessor Parcel Numbers: 0163-086-14; 0163-086-13; 0163-086-06 thru 12; 0163-086-02 thru 04;
0163-086-15; 0163-087-01, 02, 04;

Negotiating Parties: Bill Smith, Mark Tomich, David Kolk, Arthur Morgan, and Carlos Campos;

Under Negotiation: Price and Terms of Purchase

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:03 p.m. and at 6:00 p.m., the meeting reconvened, with all members present except CM Bennett.

Asst. City Attorney Martinez announced that the City Council met in Closed Session and discussed Item A 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

August 2, 2016

Regular Meeting held on the above-given date at 6:02 p.m. in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

INVOCATION

Pastor John Roman – Radiant Church

FLAG SALUTE

American Legion Post #155; Member Steve Ferrence

CITY COUNCIL ROLL CALL

Council Members Present

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

Staff Present

William R. Smith, City Manager
Marco Martinez, Asst. City Attorney
Carolina R. Padilla, City Clerk

Council Members Absent

Deirdre H. Bennett (*excused*)

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF AUGUST 2, 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.

CITY TREASURER'S REPORTS

- Receive and File City Treasurer's Report for May 2016.

City Treasurer Aurelio De La Torre presented the report for May 2016 for Council consideration and with no objection report was received and filed by Councilmembers present.

PUBLIC COMMENT

The following community members addressed the Council: Dr. Luis S. González, Christine Irish-Ré, Thomas Moreno, Ryan Berryman, and James Ramos, San Bernardino County 34th District Supervisor.

CONSENT CALENDAR

Mayor DeLaRosa presented the Consent Calendar Items 1 through 10.

Councilmembers present selected items for discussion and clarification by staff: CM González, Item 4; CM Jorin, Item 7 and Item 8.

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

Vote: Motion carried with CM Bennett absent.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held July 19, 2016; Minutes for the Special Meeting held June 9, 2016; Minutes for the Special Meeting held June 1, 2016, on File in the Office of the City Clerk.
- (2) Warrants – Approval of U.S. Bank vouchers dated 07/08/2016 and totaling \$30,809.64; voucher numbers 157130 to 157278 dated 07/14/2016 and totaling \$1,197,863.72; voucher numbers 157134 and 157279 to 157332 dated 07/21/2016 and totaling \$1,597,110.72; and a payroll disbursement listing for the period 07/02/2016 to 07/15/2016 and totaling \$849,108.23.
- (3) Second Reading of Ordinance No. O-11-16 – Waive full reading and pass second reading of Ordinance No. O-11-16, an ordinance of the City Council of the City of Colton amending section 18.58.060 (conditional use permits) and section 18.06.060 (uses permitted in each zone) of Title 18 of the Colton Municipal Code [File Index No. DAP-001-325], ORDINANCE NO. O-11-16.
- (4) Second Reading of Ordinance No. O-12-16 – Waive full reading and pass second reading of Ordinance No. O-12-16, an ordinance of the City Council of the City of Colton amending 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 to 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), ORDINANCE NO. O-12-16.
- (5) Second Reading of Ordinance No. O-13-16 – Waive full reading and pass second reading of Ordinance No. O-13-16, an ordinance of the City Council of the City of Colton amending 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 (Section 5.02.100), ORDINANCE NO. O-13-16.
- (6) Boulder Canyon (Hoover Dam) Project – Approve the Electric Service Contract No. 16-DSR-12643 with the United States Department of Energy, Western Area Power Administration (WAPA) and the Amended and Restated Implementation Agreement with the United States Department of the Interior, Bureau of Reclamation (USBR), along with any ancillary documents, for the purchase of energy and capacity from the Boulder Canyon Project (Project), commonly known as The Hoover Dam (Hoover), and authorize the Utility Services Director to execute the related documents.
- (7) Award of Contract to Preferred Power Solutions, Inc. – 1) Award a contract to Preferred Power Solutions, Inc. to engineer, install and test a new 2500KVA 13.8KV/480V replacement transformer and construction of oil containment system for the transformer at the Agua Mansa Power Plant in the amount not to exceed \$264,874; and 2) Authorize the City Manager to execute the contract documents.
- (8) Avoided Cost of Energy Rate Adjustment – Approve a Resolution to amend Schedule NEM, Net Energy Metering, of the Electric Rules and Rate Schedule in the City of Colton Customer Service Policy, to set the net energy metering compensation rate (Avoided Cost of Energy Mechanism) for FY 2016/2017 to \$0.070/kWh, and to authorize this rate be used to reimburse commercial and residential customers for over-generation from customer-owner solar facilities, RESOLUTION NO. R-79-16.
- (9) Professional Services Agreements for Participation in Energy Efficiency Programs - Approve the participation, in Professional Services Agreements, between Southern California Public Power Authority (SCPPA), ARCA Recycling Inc., Synergy Companies, Energy Federation Incorporated (EFI), Resource Action Programs, LLC, and Energy Services Group (ESG) to participate in Energy Efficiency programs for residential and commercial customers and authorize the City manager to execute letters of participation with SCPPA, RESOLUTION NO. R-80-16.

- (10) Early Childhood Education – Accept and Approve the Annual Program Self Evaluation (PSE) and the FY 16-17 Parent Handbooks. All are requirements from the California Department of Education (CDE) for both the State Preschool and School Age programs in the Early Care and Education (ECE) Division of the Community Services Department.

PUBLIC HEARINGS

- (11) Sensitive Development Area-Overlay Zone

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO (1) APPROVE AND ADOPT RESOLUTION NO R-81-16 APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATIONS ON THE LAND USE PLAN FOR PROPERTIES LOCATED AT 1070 S. LA CADENA DRIVE FROM “LIGHT INDUSTRIAL” TO “GENERAL COMMERCIAL” & 271 EAST CONGRESS DRIVE FROM “LOW DENSITY RESIDENTIAL” TO “OPEN SPACE-RESOURCE”. (FILE INDEX NO. DAP-001-277); (2) WAIVE FULL READING, READ BY TITLE ONLY AND INTRODUCE ORDINANCE NO. O-15-16 TO AMEND THE COLTON MUNICIPAL CODE TO AMEND CHAPTER 18.30 OF TITLE 18 (ZONING) OF THE COLTON MUNICIPAL CODE, PERTAINING TO THE SDA-O, SENSITIVE DEVELOPMENT AREA OVERLAY, ZONE, AND THE ZONING MAP TO APPLY THE SDA-O ZONE TO CERTAIN PROPERTIES AND REZONE THREE INDUSTRIALLY ZONED AREAS TO OTHER ZONES, AND ADOPT A NEGATIVE DECLARATION. (FILE INDEX FILE NO. DAP-001-277)

CEQA COMPLIANCE

ENVIRONMENTAL ASSESSMENT: Negative Declaration. A draft Initial Study has been prepared to assess environmental impacts for the proposed project. The draft Initial Study determined that the project would not create any significant adverse impacts on the environment and therefore a Negative Declaration was prepared for the project.

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 reports of 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 (presented by Jay Jarrin, Senior Planner): General Plan Update Follow-Up and Sensitive Development Area-Overlay Zone Change/Text Amendment (Ten 0 Areas); and concluded with a request for approval of staff's recommendation: (1) Approve and Adopt Resolution No. R-81-16; and (2) Introduce Ordinance No. O-15-16 for first reading and pass by title only.

Public Comment

The following community members addressed the Council: Linda Black, Ron Kemper, and Chris Crawford.

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

Vote: Motion carried with CM Bennett absent.

Council Discussion

Discussion centered on Sensitive Development Area (SDA) and its affect in Area 2; Area 3, and Area 8; clarification provided by staff: Director Tomich and Senior Planner Jarrin.

Consensus by Councilmembers present with direction to staff: In order to go forward as one action the item is to be tabled; return to the Planning Commission (to consider the SDA Overlay for AREA 2, AREA 3, and AREA 8); placed on the next Council Agenda for final action; allowing for timely notice for a public hearing if it becomes necessary.

(12) Basic Fee for Storm Water Services and Management User Fee

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE AND ADOPT RESOLUTION NO. R-82-16 APPROVING THE BASIC FEE FOR STORM WATER SERVICES AND THE STORM WATER MANAGEMENT USER FEE FOR FISCAL YEAR 2016-17 AS PROVIDED FOR IN CHAPTER 14.01 OF THE COLTON MUNICIPAL CODE.

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 reports of protests or objections thereto.

Staff Presentation

None

Public Comment

None

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

Vote: Motion carried with CM Bennett absent.

Council Discussion

None

Motion and Second by CM González/CM Jorrin to approve and adopt Resolution No. R-82-16.

Vote: Motion carried with CM Bennett absent.

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 Special 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%, Dedicating the Additional 2.5% of the Tax Rate Above 10% for Specific Purposes, 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

None

Motion and Second by MPT Suchil/CM González to approve and adopt Resolution Nos. R-74-16, R-75-16, and R-76-16.

Council Discussion

Discussion to increase the TOT to increase the recommended rate of 12.5% to 13%.

Public Comment

The following community members addressed the Council: Bill Norris, Kathy Reynosa, and Joe Perez.

Council Discussion (cont'd)

Continued discussion of the recommended TOT increase rate of 12.5% to 13%; result a Motion and Second by CM Toro/CM Navarro to increase the TOT rate to 13% (Subsequent Motion).

Subsequent Motion/Vote

Vote: Motion failed; CM Jorrin/CM González/MPT Suchil/Mayor DeLaRosa – NO; CM Toro/CM Navarro – YES; CM Bennett absent.

Main Motion/Vote

Vote: Motion carried with CM Bennett 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 8:35 p.m., Mayor DeLaRosa adjourned the Regular Council Meeting.



Carolina R. Padilla
City Clerk