CITY OF COLTON
REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY
CLOSED SESSION MEETING MINUTES

May 17, 2011

Closed Session Meeting was held on the above given date at 5:03 p.m., in the City Manager's Conference Room in City Hall with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present
David R. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Susan M. Oliva
Deirdre H. Bennett, Mayor Pro Tempore

Staff Present:
Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Council Member Alex G. Perez arrived at 5:13 p.m.

Council Member Vincent Yzaguirre arrived at 5:33 p.m.

Council Members/Staff Absent
Aurelio De La Torre, City Treasurer

PUBLIC COMMENT
None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A through F and that there may be reportable action on Item F.

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
Employee Organizations: IBEW Electric, IBEW Water/Wastewater

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Linda Ramirez v. Calley Nicole Buyer, et al.
Case Number: San Bernardino County Superior Court Case No. CIVSS700896

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Kenneth Rulon v. City of Colton and Daryl Parrish
Case Number: San Bernardino County Superior Court Case No. CIVSS 708536

D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Nancy L. Kochanski v. City of Colton, William Jablonski, et al.
Case Number: San Bernardino County Superior Court Case No. CIVSS 814283

E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: City of Colton v. City of Rialto
Case Number: San Bernardino County Superior Court Case No. CIVSS811119

F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(b)
Number of cases: (1) (Threat of Litigation by Valley-Orange Enterprises (Valero Gas Station) Regarding the Valley-Pepper Re-Alignment Project)

Mayor Zamora announced a quorum and proceeded to adjourn the meeting to Closed Session at 5:07 p.m.

Mayor Zamora called the meeting to order at 6:03 p.m. and asked City Clerk Gomez to announce roll call. City Clerk Gomez took roll with all members present.

A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
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F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
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City Attorney Derleth reported that the Council met on Items A through E. On Item A, Council Member Gonzales recused himself out of an abundance of caution due to a family member that is a member of one of the IBEW bargaining unit. City Attorney Derleth also announced that he did recuse himself from Item E due to a past relationship through the firm with the City of Rialto. On Item F, it was unanimous consent to enter into a tolling agreement with respect to that potential litigation.

CITY OF COLTON
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY MEETING MINUTES

May 17, 2011

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

CITY COUNCIL ROLL CALL

Council Members Present
David R. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Deirdre H. Bennett, Mayor Pro Tempore
Alex G. Perez

Staff Present:
Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Council Members/Staff Absent
None.

INVOCATION
Invocation was given by Council Member Yzaguirre.

FLAG SALUTE
Special flag salute to commemorate our "In God We Trust" project was given by Council Member Toro.

City Manager Foster announced the following changes to the agenda: Item Nos. 9 and 10 were pulled; Item No. 7 – the Soil Safe Appeal Public Hearing – was continued to the June 21, 2011 council meeting; and Item No. 8 was placed under Consent Calendar to be voted on in one action.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition: Colton High School Boys Varsity Baseball Team San Andreas League Champions – Head Coach Mike Reh and Coach Enoc Jorrin presented the Certificates of Recognition to the entire varsity roster. On behalf of the City Council, Mayor Zamora gave special congratulations to the team on their Back to Back San Andreas League Championships.

- Presentation: Cooley Ranch Elementary School Award Recipients/2011 Inland Empire Academic Pentathlon - MPT Bennett and Jimmy Ramirez, Recreation and Parks Commissioner, assisted with the presentation of Certificates of Recognition to the awardees and also to the students that participated in the 2011 Inland Empire Academic Pentathlon.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MAY 17, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS
CM Yzaguirre attended the SCAG Regional Conference on May 5, 2011 in La Quinta.

APPOINTMENTS
None.

Mayor Zamora opened Public Comments and announced that at the request of the applicant, the Soil Safe Public Hearing – Item No. 7, will be continued to the June 21, 2011 council meeting. He also stated that any member of the public that submitted a comment card to speak on Item No. 7 would go into the record tonight and would not have the opportunity to speak again at the public hearing. Mayor Zamora then opened Public Comment and was advised by City Attorney Derleth to move the hearing up or take only the cards that did not want to speak on this item.

Mayor Zamora asked for a motion to move the Consent Calendar and for a manual vote due to technical difficulties. Motion and second by CM Yzaguirre/Oliva to move the Consent Calendar including Item No. 8. Item Nos. 9 and 10 were pulled. Vote was unanimous.

CONSENT CALENDAR

(1) Minutes – Approved Minutes for the City Council Regular Meeting Held April 19, 2011 and Minutes for the City Council Regular Meeting Held May 03, 2011, on File in the Office of the City Clerk.

(2) Warrants – Approved Payable Warrants #121496 to #121632, Dated 4/7/11, Totaling $313,768.36; Payable Warrants #121633 to #121799, Dated 4/14/11, Totaling $1,541,055.22; Payroll Disbursement Listing for 4/16/11 to 4/29/11, Totaling $623,918.64, on File in the Finance Department.

(3) Set Public Hearing for June 21, 2011/Storm Water - Public Hearing was set for June 21, 2011 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.

(4) Set Public Hearing for June 21, 2011/LLMD 1 - Approved and Adopted Three Resolutions Establishing a Public Hearing for Landscape Lighting and Maintenance District 1 Fiscal Year 2011/2012; those Resolutions being 1) Resolution Initiating Proceedings 2) Resolution Approving the Preliminary Engineer's Report, and 3) Resolution of Intention Setting the Public Hearing Date for June 21, 2011, **RESOLUTION NOS. R-40-11, R-41-11, R-42-11.**

(5) Set Public Hearing for June 21, 2011/LLMD 2 - Approved and Adopted Three Resolutions Establishing a Public Hearing for Landscape Lighting and Maintenance District 2 Fiscal Year 2011/2012; those Resolutions being 1) Resolution Initiating Proceedings 2) Resolution Approving the Preliminary Engineer's Report, and 3) Resolution of Intention Setting the Public Hearing Date for June 21, 2011, **RESOLUTION NOS. R-43-11, R-44-11, R-45-11.**

(6) HOME Consortium - Approved and Adopted a Resolution to Participate in the County of San Bernardino's HOME Consortium, and Execute the HOME Consortium Agreement with the County, in order to make Housing Programs available to the Citizens of Colton from October 2011 through September 2014, **RESOLUTION NO. R-39-11.**

PUBLIC HEARING

(7) Appeal – Soil Safe

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING AND APPEAL OF DENIAL OF CONDITIONAL USE PERMIT DAP-000-910 BY PLANNING COMMISSION.

Mayor Zamora announced the Public Hearing Open and asked if there were any members of the public that wish to speak on this item to submit a card to the City Clerk. Members of the public that submitted Public Comment cards to speak on Item No. 7 were asked to state whether they would speak now or hold their comments until the Public Hearing which was continued to the June 21, 2011 council meeting. The following members of the public addressed the council:

City Clerk announced that the Affidavit of Publication is on file in the City Clerk's Office and we have received a letter from Rachel Warner on behalf of 183 residents in opposition of the appeal.

Mayor Zamora announced that he needed to leave early in order to catch a prescheduled flight to attend the League of California Cities Conference in Sacramento. He advised the public that any comments will go on record or they could defer to be heard at the June 21, 2011 council meeting. MPT Bennett presided over remainer of meeting and continued Public Comments.

Mayor Zamora left the dais at 6:43 p.m.

The following members of the public addressed the council:

Dan Scherneck, Jose Olivar, Cindy Carreon, Christine Irish-Re

The following members of the public deferred their comments to the June 21, 2011 meeting:

Bob Krup, Scott Cantonwine, Michelle Martin, Keith Person, Tony Morales, and Larry Moothart

BUSINESS ITEMS (Item moved forward and approved with Consent Calendar)

(8) Contract/IHI Corporation - Approved the Contract with IHI Corporation (IHI) for Repairs to the Gas Turbine at the Agua Mansa Power Plant (AMPP), in an Amount Not-to-Exceed $528,500, and concur with the City Manager's basis for an Exception to Formal Competitive Bidding in accordance with Municipal Code 3.08.140 (e).]

PUBLIC COMMENT

Note: Members of the public that submitted Public Comment cards to speak on Item No. 7 were asked to state whether they would speak now or hold their comments until the Public Hearing which was continued to the June 21, 2011 council meeting.

The following citizens addressed the public:

Christina Vazquez, Lucia Lopez, Hortencia Lemus, and Horalia Lomeli.

CITY TREASURER'S REPORTS

MPT Bennett asked for a motion to Receive and File City Treasurer's Report for March 2011.

Motion and Second by CM Oliva/Yzaguirre. Motion carried with Mayor Zamora being absent.

CITY COUNCIL DISCUSSION ITEMS (Items pulled from agenda)

(9) Discussion on Guidelines, Utilization and Need of City Commissions.

(10) Discussion of Electric Utility Flow of Funds Ordinance.

PUBLIC COMMENT (continued)

Public Comment was reopened by MPT Bennett with the following members of the public addressing the council:

Paulina Schiaretti

ADJOURNMENT

At 7:03 p.m., MPT Bennett adjourned the meeting in honor of Miquela Garcia, Christine Irish-Ré's mother.

_____
Eileen C. Gomez, CMC
City Clerk