

1

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

December 20, 2011

Closed Session meeting was held on the above-given date at 5:00 p.m. in the City Manager's Conference Room in City Hall, with Mayor Sarah S. Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
Deirdre H. Bennett, Mayor Pro Tem
David J. Toro
Frank A. Gonzales
Susan M. Oliva
Alex G. Perez

Staff Present

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

Vincent Yzaguirre

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Pursuant to Government Code Section 54956.9(c)
Over-pumping of the Rialto-Colton Basin

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:10 p.m. and at 6:05 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Derleth announced that the City Council did meet in Closed Session to discuss Item A. He recused himself from discussion on this item due to his law firms' relationship with Cucamonga County Water District who is a related party in this action. We also have a brief announcement and that is that Council, with Council Member Yzaguirre being absent from Closed Session, gave direction to approve a joint prosecution agreement with other potential parties in this matter. It is still pending litigation so it is confidential. There is no direction yet to file litigation under this action. This action is for preparatory work in advance of this action.

City Attorney Dean Derleth reported that they did meet on Items A and B with no reportable action.

- A. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(c)
Over-pumping of the Rialto-Colton Basin

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

December 20, 2011

Regular Meeting was held on the above-given date at 6:05 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Pastor Jonathan Florez, First Assembly of God Church

FLAG SALUTE

Veteran Manuel Espudo

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
Deirdre H. Bennett, Mayor Pro Tem
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Alex G. Perez

Staff Present

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - The Mignon Schweitzer 25 Year Service Award presented by Santa Claus Inc. to Council Woman Susan Oliva

CM Yzaguirre and Mayor Zamora presented the award to Council Member Oliva at the podium.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF DECEMBER 20, 2011.

Mayor Sarah S. 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

None.

APPOINTMENTS

None.

PUBLIC COMMENT

The following community members addressed the Council:

Linda Tripp, Rick Shield, Christina Irish-Re, Kirk Larson and Cynthia De La Rosa.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members made comments on various issues and activities throughout the community.

CITY TREASURER'S REPORTS

It was a consensus of the Council to receive and file the City Treasurer's reports for October 2011 as presented by City Treasurer De La Torre.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 8 for action by Council.

The following action was taken on the Consent Calendar:

Motion and Second by Council Member Yzaguirre/MPT Bennett, to approve Consent Calendar Item Nos. 1 through 8, as presented. So moved, with the recusal of MPT Bennett on Item No. 4 due to her residence being within 500 feet of one of the project areas and the recusal of CM Oliva on Item No. 7, due to her relationship with Union Pacific.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held December 06, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #125905 to #126031, Dated 12/01/11, Totaling \$1,774,157.69; Payable Warrants #126032 to #126130, Dated 12/08/11, Totaling \$606,917.08; and Payroll Disbursement Listing for 11/26/11 to 12/09/11, Totaling \$692,778.58, on File in the Finance Department.

- (3) 2010 Local Hazard Mitigation Plan – Approved and Adopted a Resolution Adopting the 2010 Local Hazard Mitigation Plan Update, Authorizing Future Non-Substantive Amendments to the Plan, and Rescinding Resolution No. R-05-05, **RESOLUTION NO. R-99-11.**
- (4) Measure I Five Year Plan – Approved and Adopted a Resolution to Reaffirm and Adopt Capital Project Needs Analysis for Fiscal Year 2012/2013 through 2016/2017, **RESOLUTION NO. R-102-11.**
- (5) Renewable Energy Resources Procurement Plan – Approved and Adopted a Resolution Adopting a Renewable Energy Resource Plan that Complies with PUC Sections 399.13(a)(4)(B), 399.15(b)(5), 399.15(c)(1)-(3), 399.16(d), 399.30 (c)(1)-(2) and PRC section 25741, **RESOLUTION NO. R-103-11.**
- (6) ICRMA Membership – Approved and Adopted a Resolution Advising Independent Cities Risk Management Authority (ICRMA) of the City’s Intent to Cancel Its Membership in the ICRMA Liability (General Liability Insurance) Program, **RESOLUTION NO. R-104-11.**
- (7) Construction and Maintenance Agreement - Approved the Construction and Maintenance Agreement for Colton Quiet Zone Project between the City of Colton, San Bernardino Associated Governments, and Burlington Northern Santa Fe Rail Company and to Authorize the Mayor to Executive the Agreement with any Minor Non-Substantive Changes as Recommended by the City Attorney.
- (8) Agua Mansa Power Plant - Approved the Operations & Maintenance Agreement with EI Colton, LLC for the Agua Mansa Power Plant.

PUBLIC HEARING

- (9) Electric Franchise to Southern California Edison [Staff Person: A. Jakher]

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO SOUTHERN CALIFORNIA EDISON.

Mayor Zamora announced the Public Hearing Open.

City Clerk reported that the Affidavit of Publication is on file in the City Clerk’s Office and no protests or objections have been received.

Mayor Zamora opened Public Comment. There were no public comments regarding this item. Mayor Zamora then closed the Public Hearing.

Amer Jakher, Public Works and Utility Services Director, provided information and answered questions from Council regarding this item.

Motion and Second by CM Yzaguirre/MPT Bennett, to waive full reading and read by title only, **ORDINANCE NO. O-10-11**. Unanimous vote.

BUSINESS ITEMS

None.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

City Manager Foster wished all a very Merry Christmas and a Happy New Year on behalf of City staff.

City Attorney Derleth asked the City Clerk to note and attach a memo regarding the Redevelopment Annual Report. He stated that by law, we are obligated to prepare an annual report and provide it to the City Council. A draft of the report has been distributed and will be reflected in the minutes. The final report will be available to the public once it is complete.

ADJOURNMENT

At 7:35 p.m., Mayor Sarah Zamora adjourned the meeting in memory of all of the loved ones we have lost throughout the year. Mayor Zamora wished all a blessed Christmas and a Happy New Year!

Eileen C. Gomez, CMC
City Clerk