

CLOSED SESSION – REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON
UTILITY AUTHORITY CLOSED SESSION MEETING MINUTES

November 3, 2009

Closed Session Meeting was held on the above given date at 5:04 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

CITY COUNCIL ROLL CALL

Councilmembers present: Toro, De La Rosa, Yzaguirre, Bennett, Mayor Pro Tempore Oliva and Mayor Chastain,

Absent:

Councilmember Alex Perez

PUBLIC COMMENT:

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A, B, and C, below:

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: City of Riverside v. City of Colton

Case Number: San Bernardino County Superior Court Case No. CIVSS 807782

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Dean Derleth, City Attorney

Employee Organizations: Executive Unit

Mayor Chastain adjourned the meeting to Closed Session at 5:02 p.m. and at 6:00 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session on Item A, B and C, below, with reportable action on Item A and Item B and C return for discussion after open session:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: City of Riverside v. City of Colton
Case Number: San Bernardino County Superior Court Case No. CIVSS 807782
ACTION: Unanimous direction to approve settlement with the City of Riverside and Item 12 of consent calendar MOU will be made available once fully executed.

- B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bill Smith, Interim Deputy City Manager
Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association
ACTION: Will return for discussion after open session.

- C. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Dean Derleth, City Attorney
Employee Organizations: Executive Unit
ACTION: Will return for discussion after open session.

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

November 3, 2009

Regular Meeting held on the above-given date at 6:00 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Chaplain Bob Johnson led the invocation.

FLAG SALUTE:

Finance Director Bonnie Johnson led the Pledge of Allegiance.

ROLL CALL:

Members Present:

Staff Present:

Mayor Kelly Chastain
Dave Toro
Mayor Pro Tempore Susan Oliva
Vincent Yzaguirre
Deirdre H. Bennett
Richard A. De La Rosa

Bob Miller, Interim City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Absent:

Alex Perez

CEREMONIAL MATTERS:

Presentations, Awards, Proclamations

- Proclamation CM Yzaguirre read and presented a proclamation in honor of Veterans Day to American Legion Post 155.
- Proclamation CM Bennett read and presented a proclamation in honor of National Diabetes Awareness Month, to Laura Morales.

MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF NOVEMBER 3, 2009.

Mayor Chastain 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:

City Commissions & Committees; Regional Boards & Committees

District 4 – Mayor Pro Tempore Oliva presented for ratification the appointment of Anthony Morales to the Utilities Commission.

It was the consensus of the council present for ratification the appointment of Anthony Morales to the Utilities Commission.

District 4 – Mayor Pro Tempore Oliva presented for ratification the appointment of Roseanne Campos to the Utilities Commission.

It was the consensus of the council present for ratification the appointment of Roseanne Campos to the Code Enforcement and Housing Advisory Appeals Board

PUBLIC COMMENT:

The following citizens addressed the council: Linda Tripp, Gary Grossich, Linda Morales, Ron Lawrence, Tom Ramsey, Bonnie Clarke, John Anaya, Rick Shield, Christina Irish Reye, Terrance Love, Jose Olivar, Robert Gomez, Isaac Suchil, Kathy Davis, Doug Blinkinsop, Tony Morales, and Frank Gonzales.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:

- Acknowledged Employees in attendance
- Reduction in members of board
- Yard Sale
- Clean up day
- Economic solutions
- Acknowledged donations by Pacific Rail to Santa Claus Inc. and Christmas tree lighting
- Acknowledged Paul J. Rogers students
- Senior Veterans Day Dance
- Upcoming Thanksgiving Day Dinner Baskets and donations
- Acknowledged Employee Union representation.

CITY MANAGER ORAL REPORTS:

Interim City Manager Miller commented on the following:

- Acknowledged Bargaining Units Meeting
- City Manager recruitment

CONSENT CALENDAR:

Interim City Manager Miller presented Consent Calendar Items No. (s) 1 thru 13 for consideration and approval, pulling Item 7 and 8 for separate vote, City Attorney Derleth requested a correction to the minutes regarding the addition of the late breaking item, reason for addition to reflect the two basis, that the offer to settle arose that day, attorneys in the middle of trial, and the need to take action that night in order to cut trial short and save money.

Motion/second by CM Yzaguirre/Toro to approve Consent Calendar Items 1 thru 13, pulling Item 7 and 8 for separate vote. Motion carried with CM Perez absent.

- (1) Minutes – Approved Minutes for the City Council Special Meeting Held September 23, 2009; Minutes for the Regular City Council Meeting Held October 6, 2009, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #110795 to #110989, Dated 9/24/09, Totaling \$1,299,391.83; Approval of Payable Warrants #110990 to #111119, Dated 10/1/09, Totaling \$1,360,951.55; Payable Warrants #111120 to #111261, Dated 10/08/09, Totaling \$1,632,113.55; Payroll Disbursement Listing for 10/03/09 to 10/16/09, Totaling \$790,258.87, on File in the Finance Department.

- (3) Agreement/California ISO - Approved Participating Generator Agreement and Metered System Agreement with the California ISO.
- (4) Mitigated Negative Declaration - Approved and Adopted a Resolution Adopting a Mitigated Negative Declaration and Reporting Program and Approving the North Substation Project File Index Number DAP-000-870 Subject to Conditions of Approval, RESOLUTION NO. R-85-09.
- (5) Change Order/CSI Electrical Contractors, Inc. - Approved Change Order No. 1 in the Amount of \$3,500.00 to CSI Electrical Contractors, Inc. and Authorize Recordation of a Notice of Completion for the Lighted Crosswalk and Flashing Yellow Beacon Installation Project on Mt. Vernon and D Street.
- (6) Reject Award of Contract – Approved Request to Reject Award of Mobile Source Air Pollution Reduction Review Committee Clean Transportation Funding Local Government Match Program FY 2007/2008 Grant, Contract No. ML08051.
- (7) Contract Modification/Michael Brandman & Associates – Approve Contract Amendment #2 to The Professional Services Agreement with Michael Brandman Associates for The Development of an Environmental Impact Report for the West Valley Specific Plan Update. PULLED FOR SEPARATE VOTE.

Motion/second by CM Yzaguirre/Toro to approve Consent Calendar Item 7. Motion carried with CM Perez absent and CM Bennett voting “NO”.

- (8) Agreement/PBS&J - Authorize the City Manager/Executive Director to Execute the Professional Services Agreement with PBS&J for Completion of the Habitat Conservation Plan (HCP) for the West Valley Specific Plan Amendment Area with a Not-to-Exceed Amount of Thirty Five Thousand and 00/100 Dollars (\$35,000). PULLED FOR SEPARATE VOTE.

Motion/second by CM Yzaguirre/Toro to approve Consent Calendar Item 8. Motion carried with CM Perez absent and CM Bennett voting “NO”.

- (9) Contract Modification/Municipal Auditing Services – Approved Request to Enter into a Professional Services Agreement between the City and Municipal Auditing Services to Perform Field Auditing, Accounting, Support and Consulting Services and Authorize the City Manager to Execute the Agreement on behalf of the City.
- (10) Contract Increase/County of San Bernardino - Approved and Adopted Contract Increase to \$54,175.80 with San Bernardino County for CAL-ID Program.
- (11) Contract Increase/Jones & Mayer – Approved First Amendment to the Professional Services Agreement between the City of Colton and the Law Firm of Jones & Mayer in an Amount Not-to-Exceed \$23,500; and Approve a 15% Contingency Increasing the City Manager Contract Authority to an Amount of \$27,025.

- (12) MOU/City of Riverside - Approved Revised Memorandum of Understanding between City of Riverside and City of Colton relating to Groundwater Management and Aquifer Storage and Recovery Systems to be pursued by both Cities.
- (13) RDA/Rancho Med Homeowners Association – Approved Request for Consideration and Approval of Agency Issuance and Recording of Certificate of Completion for Rancho Mediterrania Homeowners Association.

CITY ATTORNEY’S WRITTEN REPORTS AND RECOMMENDATIONS:

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item B, and C, below:

CLOSED SESSION:

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Dean Derleth, City Attorney

Employee Organizations: Executive Unit

Mayor Chastain adjourned the meeting to Closed Session at 8:19 p.m. and at 9:13 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session on Item B and C, below, with no reportable.

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association

ACTION: No reportable

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Dean Derleth, City Attorney
Employee Organizations: Executive Unit
ACTION: No reportable.

ADJOURNMENT:

At 9:14 p.m., Mayor Chastain declared the Regular Meeting adjourned.

A handwritten signature in cursive script, reading "Olivia R. Flores", is written above a horizontal line.

Olivia R. Flores, CMC
Chief Deputy City Clerk