

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

October 6, 2009

Closed Session Meeting was held on the above given date at 5:00 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, Perez, Mayor Pro Tempore Oliva and Mayor Chastain,

PUBLIC COMMENT:

None.

City Attorney Derleth stated there was a late breaking item, the item arose subsequent to the posting of the agenda, Closed Session Existing Litigation Item, City of Colton Vs. Perales, there is a need to take action, to be known as Item D of the Closed Session.

Motion and second by CM De La Rosa/Mayor Pro Tempore Oliva. No opposition to the motion.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A, B, and C, and Item D added as a late breaking item below:

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: LMV-2005, Inc. dba Vacation Station RV v. City of Colton; Harris Construction Engineering, Inc.
Case Number: San Bernardino County Superior Court Case No. CIVSS 705968
- B. 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 Superior Court Case No. CIVSS811119
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: Lawrence Perales v. City of Colton
Case Number: San Bernardino County Superior Court Case No. SCVSS 126685

Mayor Chastain adjourned the meeting to Closed Session at 5:03 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, and Item D added as a late breaking item previously announced with no reportable action.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: LMV-2005, Inc. dba Vacation Station RV v. City of Colton; Harris Construction Engineering, Inc.

Case Number: San Bernardino County Superior Court Case No. CIVSS 705968

ACTION: Settle pending fully drafted and executed agreement.

B. 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 Superior Court Case No. CIVSS811119

ACTION: No Reportable.

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

Number of Potential Cases: 1

ACTION: No Reportable.

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Case Name: Lawrence Perales v. City of Colton

Case Number: San Bernardino County Superior Court Case No. SCVSS 126685

ACTION: Settle pending fully drafted and executed agreement.

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

October 6, 2009

Regular Meeting held on the above-given date at 6:08 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Pastor Bob Johnson led the invocation.

FLAG SALUTE:

Flutist played the National Anthem.

ROLL CALL:

Members Present:

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

Staff Present:

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

CEREMONIAL MATTERS:

Presentations, Awards, Proclamations

- Recognition Mayor Pro Tempore Oliva read and presented a certificate of appreciation to Michelle Valenzuela, Sulima Llamas, and Dr. Gonzales, for their flute duet.
- Proclamation CM Toro read and presented a proclamation honoring Public Power Week, October 4 thru 10th, 2009, to General Manager Olko who provided a short video.

MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF OCTOBER 6, 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:

CM Bennett attended League of California Cities Annual Meeting
CM Perez attended League of California Cities Annual Meeting
Mayor Pro Tempore Oliva attended League of California Cities Annual Meeting
Mayor Chastain attended League of California Cities Annual Meeting
Interim City Manager Miller attended League of California Cities Annual Meeting

APPOINTMENTS:

City Commissions & Committees; Regional Boards & Committees

PUBLIC COMMENT:

The following citizens addressed the council: Kirk Larsen, Laura Morales, Jesus Vasquez, Linda Tripp, Patricia Pierce, Christina Irish-Reye, Kathy Davis, Tony Morales, Gary Grossich, and Gilbert Arrieta.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:

- Acknowledged Ashley Warehouse
- Chamber of Commerce Installation Event
- Ball Park Tour
- Safety Preparedness Meeting
- CERT Spaghetti Dinner
- Colton High School Homecoming, October 12-17, 2009
- Homecoming Parade Friday, October 17, 2009, 5 p.m. Rancho Ave.
- San Salvador Church Fiesta
- Acknowledged Kathy Davis
- Neighborhood Watch
- Veterans Park
- Assemblywoman Carter Town Hall Meeting – Inland Empire Economic Recovery
- District 3 Clean Up Day, Saturday November 13, 2009
- Acknowledged Laura Morales and Chamber of Commerce Board members
- Address Issues at McKinley School Traffic Issues
- Acknowledged the passing of Frank Bosco Avila
- Saturday October 24, 2009, Community Clean Up Day on Meridian and Valley Blvd.
- Colton Citizen's Police Volunteers Yard Sale, October 26, 2009
- Acknowledged Ministry of Echos of Love for Community Outreach
- Acknowledged Customer Service
- Senior Repairs Grant
- Kmart Building has new owner
- Recreation Middle School Enrichment Program
- Good Credit Rating for the City
- Colton Piano and Organ, Schaffers returning to town
- Acknowledged Cheezy Pizza
- Arrowhead Regional Medical Center Free Cancer Screenings
- Academic Honor Ceremony for Alice Birney School

CITY MANAGER ORAL REPORTS:

Interim City Manager Miller commented on the following:

- Acknowledged Laura Morales, and Chamber Dinner honoring Police and Fire, State of the City
- Introduced Lt. Burrows who provided brief information on the Nascar Event at California Raceway.
- Traffic concerns at McKinley School
- Acknowledged Jeanneatte Olko and staff.

CONSENT CALENDAR:

Interim City Manager Miller presented Consent Calendar Items No. (s) 1 thru 14 for consideration and approval, pulling Item 4.

Motion/second by CM Yzaguirre/Perez to approve Consent Calendar Items 1 thru 14, and Mayor Pro Tempore Oliva will be abstaining on Item 12 as she lives within 500 feet. Motion carried.

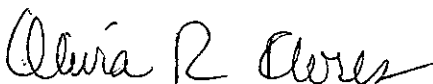
- 1) Minutes – Approved City Council Minutes for the Regular Meeting held September 15, 2009, on file in the Office of the City Clerk.
- 2) Warrants – Approved Payable Warrants #109913 to #110116, Dated 8/20/09, Totaling \$1,476,934.30; Approval of Payable Warrants #110117 to #110289, Dated 8/27/09, Totaling \$4,578,222.69; Approval of Payable Warrants #110290 to #110429, Dated 9/3/09, Totaling \$929,099.56; Approval of Payable Warrants #110430 to #110540, Dated 9/10/09, Totaling \$1,512,999.16; and Approval of Payroll Disbursement Listing for Pay Period of 9/5/09 to 9/18/09, Totaling \$799,814.16, on File in the Finance Department.
- 3) Personnel/City Manager - Approved the Job Description for the New Position of Deputy City Manager; Approve and Adopt a Resolution Establishing the Compensation Rate for the Deputy City Manager, RESOLUTION NO. R-73-09.
- 4) Personnel/Finance – Request for Recruitment and Ratification of Employee Appointment to the Position of Purchasing Manager in the Finance Department. ***PULLED FOR TO RETURN AT A LATER DATE.***
- 5) Contract/Manning & Marder, Kass, Ellrod, Ramirez, LLP – Approved Request to Enter into Contract with Manning & Marder, Kass, Ellrod, Ramirez, LLP , Not-To Exceed \$300,000.00 and Authorize the City Manager to Execute the City’s Standard Professional Services Agreement Retroactive to July 1, 2009.
- 6) Award of Bid – Approved Award of Bid for Disconnect Switches, Power Cable and Voltage Transformers for the North Substation, Bid Items A & B to Pasacor Atlantic, c/o Pacific Utilities, Inc. in the amount of \$97,829.04; Bid Item C to Southwire HV Solutions, c/o Young & Company, Inc., in the Amount of \$281,158.12, with Allowance for Escalation/De-Escalation; and Bid Item D to Kuhlman Electric Corporation/ABB, c/o/ Pacific Utilities, in the Amount of \$42,331.50.
- 7) Natural Gas Program - Approved Amendment to the Gas Supply Agreement with SCPPA that will Stipulate Two Specific Changes; 1) Change the Volumes to Reflect the Partial Termination of the Transaction, which Provide for Lower Volumes in 2009 – 2034 and No Volumes after that; and 2) Change in 2009 – 2028 the Delivery Point of the Natural Gas to the SCPPA Participants from the So Cal Border to Citygate, which is a Favorable Operational Change to the SCPPA Participants. RESOLUTION NO. R-74-09.
- 8) Grant – Approved Acceptance of American Public Power Association (APPA) DEED Grant for the Electric Department and Approve and Adopt a Resolution Amending the Rates, Regs, and Energy Services Division of the Electric Department and Approve and Adopt a Resolution Adjusting the Budget for Fiscal Year 2009-2010 to Reflect Grant Acceptance, RESOLUTION NO. R-75-09.

- 9) Five Year Measure I Plan – Approved and Adopted a Resolution Reaffirming and Adopting 1) The Five Year Measure I Plan 2004/2005 – 2008/2009 and The Expenditure Strategy Plan, RESOLUTION NO. R-76-09.
- 10) Highway Safety Improvement Program – Approved and Adopted a Resolution Authorizing the Submittal of Two Applications for the Highway Safety Improvement Program Funds Cycle 3, RESOLUTION NO. R-77-09.
- 11) Award of Purchase/Corona Clay Company – Approved Request to Authorize Award of Purchase of Angel Mix Mixture for the Veterans Park Sports Complex Project to Corona Clay Company, in the Amount Not-To-Exceed \$35,724.38.
- 12) Award of Construction Contract/Megaway Enterprise – Approved and Adopted a Resolution to Increase the FY 2009/2010 Capital Improvement Program Budget by \$100,000 and Amend the FY 0910 Measure I Five Year Plan to include the Valley Boulevard Median Improvement and Landscaping Project and Rancho Mill Landscaping Project; Authorize the Award of a Construction Contract for the CDBG 104-34605/3174 - Valley Boulevard Median Improvement and Landscaping Project and Rancho Mill Landscaping Project to Megaway Enterprises, as the Lowest Responsive and Responsible Bidder, in the Amount of \$ 349,531.00; Authorize the City Manager to Approve Change Orders up to Five Percent above the Contract Price, RESOLUTION NO. R-78-09.
- 13) Contract/Amendment/Skapik – Approved Change Order #3 to Increase Purchase Order 09007833 to the Law Office of Mark J. Skapik by an Amount of \$25,000 to Cover Costs Associated with CIVSS811119 (City of Colton vs. City of Rialto).
- 14) Contract/Wood Group Field Services, Inc. – Approved Request to Amend the Existing Contract with Wood Group Field Services, Inc to Add Additional Funds in an Amount Not-to-Exceed \$6,750.00 for the Rebuild of the Waukesha Blower Engine; The Total Contract Amount Not-to-Exceed \$31,750; and that the Colton Utility Authority Board Review, Ratify and to the Extent Necessary, Direct that the City Council take the above Action.

CITY ATTORNEY'S WRITTEN REPORTS AND RECOMMENDATIONS:

ADJOURNMENT:

At 7:29 p.m., Mayor Chastain declared the Regular Meeting, in memory of Danny Stauffer, Tracie Ramirez, and Frank Bosco Avila.



Olivia R. Flores, CMC
Chief Deputy City Clerk