

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

September 15, 2009

Closed Session Meeting was held on the above given date at 5:02 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 announced that the City Council would meet in Closed Session to discuss Item A below:

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Maria Cornejo, et al. v. City of Colton
Case Number: US District Court Case No. 5-2008CV01844

Mayor Chastain adjourned the meeting to Closed Session at 5:04 p.m. and at 6:01 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 the items previously announced with no reportable action.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Case Name: Maria Cornejo, et al. v. City of Colton
Case Number: US District Court Case No. 5-2008CV01844
ACTION: No Reportable

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

September 15, 2009

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

INVOCATION:

Pastor Bob Johnson led the invocation.

FLAG SALUTE:

Lt. Burrows led the Pledge of Allegiance.

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
Olivia R. Flores, CMC, Chief Deputy City Clerk

CEREMONIAL MATTERS:

Presentations, Awards, Proclamations

MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 15, 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:

Interim City Manager Miller attended ICSC in San Diego, CA

APPOINTMENTS:

City Commissions & Committees; Regional Boards & Committees

PUBLIC COMMENT:

The following citizens addressed the council: Antonio Myrell, Patricia Pierce, Linda Tripp, Gary Grossich, John Anaya, Apolinar Espudo, Ray Abril, Tony Mireles, Isaac Suchil, and Bud Evans.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:

- Citizen Volunteers & Grant for graffiti abatement
- Graffiti issues
- Acknowledged Former CM Suchil
- Zeroscape
- Economic Environment
- Citywide Cleanup Meridian/Valley Blvd.
- District 4 clean-up
- Resources Dial 211
- Colton Chronicle
- Acknowledge residents
- District 6 Tree planting donations
- Trash dumping
- Acknowledged city staff for work on Prado Park
- Suggested 5 minute council comments
- Santa Ana River Trail Walk
- Senior Dance Potluck
- City Reserves Teen Center
- Wilmer Amina Carter Breakfast
- City Manager Weekly report
- Movies in the Pool
- CERT Training
- San Bernardino Sheriff Academy graduation of Matt Hyatt
- Acknowledged Eric Fraser
- 1st Assembly of God Backpack giveaway
- Echoes of Love Outreach

UNFINISHED BUSINESS:

City Manager Recruitment Presentation. [Verbal Report] [#10, 9/1/09 agenda]

Dr. Mathis provided the council with a brief update on the recruitment process for the position of the City Manager.

CITY MANAGER ORAL REPORTS:

Interim City Manager Miller commented on the following:

- Invited City Treasurer to respond on the deficit comments and concerns.

CONSENT CALENDAR:

Interim City Manager Miller presented Consent Calendar Items No. (s) 2 thru 13 for consideration and approval, with comments on Item 5 and pulling Items 10 and 11 for separate vote.

Motion/second by CM Yzaguirre/De La Rosa to approve Consent Calendar Items 2 thru 13, with comments on Item 5 and pulling Items 10 and 11 for separate vote. Motion carried with CM Bennett abstaining on the approval of Minutes for Special Meeting held May 6, 2009.

- (2) Minutes – Approved City Council Minutes for the Regular Meeting held September 1, 2009; Minutes for the Special Joint Meeting with the Planning Commission held May 13, 2009, and Minutes for the Special Meeting held May 6, 2009, on file in the Office of the City Clerk.

- (3) Warrants – Approved of Payable Warrants #109822 to #109912, Dated 8/12/09, Totaling \$1,077,362.33; Approval of Payroll Disbursement Listing for Pay Period of 8/22/09 to 9/4/09, Totaling \$856,256.25, on File in the Finance Department.
- (4) Middle School After-School Program - Approved and Adopted of a Resolution Authorizing and Establishing Expenditure Accounts for the 226 Program “Middle School After-school Program” in the Recreation Division of the Community Services Department, RESOLUTION NO. R-70-09.
- (5) Award of Bid/Myers Power Products – Approved Request to Award of Bid for Purchase of 15 kV Metal-Clad Switchgear & Enclosure for the North Substation to Myers Power Products in the Amount of \$1,359,607.42.
- (6) Award of Contract/Areva T&D Service, Inc. - Approved Request to Award of Contract to Purchase 69 kV Circuit Breakers for the North Substation from Areva T&D Service, Inc., C/O McAvoy & Markham in the Amount of \$183,135.00.
- (7) Award of Bid for Steel Poles - Approved Request to Award of Bid for Transmission Steel Poles and Substation Steel Structures for the North Substation Project to Angeles Welding & Manufacturing, Inc., in the Amount of \$58,072.00 and to TransAmerican Power Products, Inc. in the Amount of \$418,591.00.
- (8) Measure I – Approved and Adopted Resolutions to Reaffirm and Adopt: 1) Capital Project Needs Analysis for Fiscal Year 2010/2011 through 2014/2015 2) Development Mitigation Annual Report for Fiscal Year 2008/2009 3) Local Street Program Capital Improvement Plan for Fiscal Years 2009/2010 through 2014/2015, RESOLUTION NO. R-71-09 and R-72-09.
- (9) Cooperative Agreement/City of Rialto - Approved Request to Authorize execution of a Cooperative Agreement for the Interstate 10 at Riverside Project Detour between the City of Colton and City of Rialto.
- (10) Amendment/CV Strategies – Approved First Amendment in the Amount of \$18,806.37 to CV Strategies for the Completion of Strategic Communications Services Project.
PULLED FOR SEPARATE VOTE

Motion and second by CM De La Rosa/Bennett to bring back with Ordinance /Resolution regarding Policy and Procedures on contracts under \$25,000 and Op Ed pieces. Motion carried with CM Perez voting “NO”.

Motion and second by CM Perez/Yzaguirre to approve first amendment in the amount of \$18,806.37 to CV Strategies for the completion of strategic communications services project. Motion failed with CM Toro/De La Rosa/Oliva/Bennett voting “NO” and CM Yzaguirre/Perez and Mayor Chastain voting “YES”.

- (11) Agreement/Mathis & Associates - Approved Request to Amend Existing Professional Services Agreement with Mathis & Associates for Development of City Council Norms and Ethics Policy in an Amount Not-to-Exceed \$71,173.64 and Extend Term of Contract to September 30, 2009. ***PULLED FOR SEPARATE VOTE***

Motion and second by Mayor Chastain/CM Yzaguirre to approve request to amend existing professional services agreement with Mathis and Associates. Motion failed with CM Toro/De La Rosa/Oliva/Bennett voting "NO" and CM Yzaguirre/Perez and Mayor Chastain voting "YES".

- (12) Amendment of Contracts - Approved Request for Authorization to Amend the Term of the Agreements between the City and the following Contractors and Consultants: C.S. Legacy, Nile Advance, Imperial Paving Co., Lin Consulting, LSA Associates Inc., and Kwang Cook and Associates.
- (13) RDA/Agreement Amendment/Hall & Foreman Inc. - Approved Request for Consideration and Approval of Amendment No 3 to PSA with Hall & Foreman Inc., to Extend the Term of the Agreement to June 30, 2010.

CITY TREASURER'S REPORTS:

Receive and File City Treasurer's Report for July 2009.

City Treasurer De La Torre presented the report for the council consideration and approval to receive and file the July 2009 report.

Motion by CM Yzaguirre/Perez to receive and file the City Treasurer's Report. Unanimous vote.

STAFF REPORTS:

CITY MANAGER'S WRITTEN REPORTS AND RECOMMENDATIONS:

Colton Crossing Presentation. [*Verbal Report*]

Assistant City Manager Nuaimi provided a PowerPoint presentation regarding the progress on the Colton Crossing project.

Progress Update

- SANBAG continues with alternatives analysis for project
- Colton staff has continued to participate to ensure that City concerns are addressed:
 - Noise
 - Rail / safety impacts to community
 - Environmental mitigation of project
- SANBAG approached City with a concept to address City's concerns Colton Crossing White Paper (Jan 2008)
- City proposed a mitigation plan that included:
 - Establishment of a "Quiet Zone" north of the I-10
 - Safety improvements in South Colton

- Storm drain improvements near UPRR line
- Grade Separations at Valley & Laurel

Current Concept Vs. 2008 White Paper

- Establishes a "Quiet Zone" north of the I-10
- Provides for Valley Blvd. Grade separation
- Provides for a Laurel Avenue Grade separation

Concept Review

- Concept reviewed with City Council subcommittee
- Concept reviewed with Colton Crossing Focus Group
- Comments included:
 - 9th street rail line in South Colton MUST be addressed
 - City should not agree to support anything without a firm commitment from all parties
 - There was interest expressed in working towards a concept that addresses the City's concerns

Potential Response to Concept

- Instead of Valley Blvd grade separation, provide for a grade separation south of the I-10 (either Washington Street or Fogg Street)
- Commitment MUST be made by the project parties to relocate the 9th Street rail line
- If (and only if) these enhancements are provided, City would commit to:

Amendment of Community Services Director Employment Agreement

Amendment of Community Services Director Employment Agreement to provide for Interim Deputy City Manager Services while a Permanent City Manager is Recruited.

Motion by CM Bennett/Toro to approve amendment of Community Services Director Employment Agreement. Unanimous vote.

CITY ATTORNEY'S WRITTEN REPORTS AND RECOMMENDATIONS:

ADJOURNMENT:

At 10:21 p.m., Mayor Chastain declared the Regular Meeting.



Olivia R. Flores, CMC
Chief Deputy City Clerk