

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

July 5, 2011

Closed Session Meeting was held on the above given date at 5:02 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  
Vincent Yzaguirre  
Susan M. Oliva  
Deirdre H. Bennett  
Alex G. Perez

Staff Present:

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

Council Members/Staff Absent

Aurelio De La Torre, City Treasurer

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A and B. Council Member Gonzales recused himself from discussion on the IBEW Electric portion of Item A out of an abundance of caution due to a possible conflict.

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 REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property Description/Site: APN # 0276-144-48, 49, 52, 53  
Agency Negotiator(s): Rod Foster, Executive Director, Redevelopment Agency; Arthur Morgan, Redevelopment Manager  
Negotiating Parties: Aaron Hodgdon, East Valley Land Company  
Under Negotiation: Price & terms of payment

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:05 p.m. and at 6:00 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Dean Derleth reported that they did meet on Items A and B and that Council Member Gonzales recused himself from discussion on Item A due to a possible conflict with no reportable action.

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

July 5, 2011

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

City Treasurer Aurelio De La Torre arrived in Open Session at 6:23 p.m.

Council Members/Staff Absent

None.

INVOCATION

Pastor Eric Strutz, The Door Christian Fellowship

FLAG SALUTE

Thomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation – A Resolution was presented to the City of Colton by Frances Vasquez on behalf of Supervisor Josie Gonzales, 5<sup>th</sup> District Supervisor and Chair to the Board of Supervisors, honoring and commending the City of Colton on the celebration of its 124<sup>th</sup> anniversary of incorporation. Ms. Vasquez also announced her early retirement and stated that this would be her last council meeting representing Supervisor Gonzales.
- Recognition – The Man of the Year presentation to Mr. Leno Moreno was postponed to a future council meeting as Mr. Moreno was unavailable at this time.
- Proclamation – A Proclamation was presented to Mr. Bill Smith, Community Services Director, by City Clerk Gomez and read by Council Member Toro, proclaiming July as Parks and Recreation month.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JULY 5, 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

None.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

None.

PUBLIC COMMENTS

The following citizens addressed the Council:

Ronald Lawrence, Terry Yanez, Rachel Warner, Gary Grossich, and Stephen Wall.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members announced various activities throughout the community.

CITY TREASURER'S REPORTS

None.

## CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 thru 21. The following action was taken with changes as noted by City Manager Foster:

Item No. 5 - Willdan Engineering Agreement – One (1) year agreement with same rates and terms of the current agreement and at the end of that year, we will negotiate either a subsequent agreement with Willdan or go out to bid. We will take out the language regarding the second year of the contract with the CPI escalator. The Willdan Engineering representatives have agreed to these terms.

Item Nos. 15 and 19 were pulled and will be placed on a future council agenda.

There was discussion on Item No. 10.

Item No. 23 – Business Item regarding San Salvador Church was pulled for further discussion and action by City Manager Foster. CM Yzaguirre asked that the City refund the \$200 deposit.

Motion and second by CM Yzaguirre/CM Oliva, to approve the Consent Calendar Item Nos. 1 thru 3; 5 through 14; 16 through 18; 20 and 21. Unanimous vote with the exception of Item No. 21, as CM Yzaguirre voted No to be consistent with his previous vote on this item.

- (1) Minutes – Approved Minutes for the Special Joint Meeting with City Council and Boards and Commissions Held May 24, 2011; Minutes for the City Council Regular Meeting Held June 7, 2011; Minutes for the City Council Regular Meeting Held June 21, 2011, on File in the Office of the City Clerk.
- (2) Federal Emergency Management Planning Grant (EMPG) - Approved and Adopted a Resolution to Accept the Federal Emergency Management Planning Grant (EMPG) FY 2009 in the Amount of \$8,907 and Amend the 2011-12 Fiscal Year Budget to Include the Grant, **RESOLUTION NO. R-63-11.**
- (3) California Department of Education Preschool Agreement - Approved and Adopted a Resolution, Approving the State of California Contract CSPP- for the Provision of Preschool Childcare Services in the Human Services Division of the Community Services Department for Fiscal Year 2011-12, **RESOLUTION NO. R-64-11.**
- (4) Professional Services Agreement Extensions – Approval to Extend the Terms of the Professional Services Agreements with Hall and Foreman Inc., Hogle-Ireland, Inc., and David Evans and Associates, Inc., to June 30, 2012. **ITEM PULLED FOR SEPARATE VOTE**

Development Services Director Mark Tomich gave a brief overview of the three projects and the extension of the Professional Services Agreements. The following action was taken:

- A) Hall and Foreman Inc., Amendment #5, Professional Services Agreement for the West Valley Specific Plan Amendment document; term extension to June 30, 2012.

Approved - Motion and second by MPT Bennett/Yzaguirre. Unanimous vote.

- B) Hogle-Ireland, Inc., Amendment #4, Professional Services Agreement for the General Plan Update (Land Use, Housing, Circulation Elements and EIR); term extension to June 30, 2012.

Approved - Motion and second by CM Oliva/Yzaguirre. Unanimous vote.

- C) David Evans and Associates, Amendment #5, Professional Services Agreement for the Pellissier Ranch Specific Plan and EIR; term extension to June 30, 2012.

Failed - Motion and second by CM Yzaguirre/Perez. Motion failed with the following vote:

Yes votes – Council Members Perez, Yzaguirre and Oliva.

No votes – Mayor Zamora, MPT Bennett and Council Members Gonzales and Toro.

- 5) Willdan Engineering Agreement – Authorized the City Manager to Execute a Professional Services Agreement with Willdan Engineering to Continue Providing Building Official, Plan Check and Building Inspection Services for a Two-Year Period, as per the Terms of the Agreement.
- 6) Amendment to RBF Consulting Agreement – Approved an Amendment to the Professional Services Agreement with RBF Consulting to Extend Term to June 30, 2012 and Increase Funding by \$19,992, for completion of the Habitat Conservation Plan for the Delhi Sands Flower-loving Fly.
- 7) Colton Police Department Emergency Generator – Approved and Authorized Award of Construction Contract for the Colton Police Department Emergency Generator Installation Project to TSR Construction and Inspection Inc., in the Amount of \$64,400.
- 8) Measure I Five Year Plan – Approved and Adopted a Resolution to Reaffirm and Adopt: 1) the Amended Measure I Plan through FY 2010/2011; 2) Five Year Measure I Plan for Fiscal Years 2011/2012 through 2015/2016, **RESOLUTION NO. R-65-11.**
- 9) Maintenance Service Agreement with Republic ITS Inc. – Approved and Authorized a One Year Extension of the Maintenance Service Agreement with Republic ITS Inc., for Routing and Emergency Maintenance of the City's Traffic Signals in an Amount Not-to-Exceed \$91,992.64.
- 10) Application for the Safe Route to Schools Grant Program - Approved and Adopted a Resolution for Submission of an Application for the Safe Route to Schools Grant Program, **RESOLUTION NO. R-66-11**

- 11) Agreement/Transportation Engineering and Planning Inc. – Authorized a Professional Services Agreement with Transportation Engineering and Planning Inc. (TEP), for Traffic Engineering in the Amount Not-to-Exceed \$50,000.
- 12) SANBAG Cooperative Agreement for Hunts Lane Grade Separation Project – Approved the Execution of a Cooperative Agreement between SANBAG, City of Colton, and City of San Bernardino for the Hunts Lane Grade Separation Project; Approve the Execution of Amendment No. 1, for Electric Utility Relocation Agreement between SANBAG and City of Colton and Approve and Adopt a Resolution Authorizing the City Manager or his Designee to Sign the Agreement, **RESOLUTION NO. R-67-11.**
- 13) Contract/Hardy and Harper, Inc. – Approved Award of Construction Contract in the Amount of \$373,000 to Hardy and Harper, Inc., for the Iowa Ave-Main Street Intersection Improvement Project STPL 5065(008).
- 14) Annual Maintenance Agreement/West Coast Arborists – Approved an Amendment to the Annual Maintenance Agreement with West Coast Arborists for Tree Trimming Services for the Electric Utility Department, Extending the Term through June 30, 2012, for an Amount Not-to-Exceed \$60,000.
- 15) CSG Advisors, Inc. and UFI, Inc. – Approved and Authorized the City Manager to Execute an Amendment to the Professional Services Agreement with CSG Advisors, (CSG) and Approve an Amendment to the Professional Services Agreement with Urban Futures, Inc. (UFI), Extending the Term of both Agreements and Documenting a Prior Reduction in Compensation on the CSG Agreement.
- 16) 2011-12 Annual Special CFD Tax – Approved and Adopted Resolutions authorizing the 2011-12 Annual Special Tax for Community Facilities Districts (CFD) 87-1, 89-1, 89-2, and 90-1, **RESOLUTION NOS. R-68-11, R-69-11, R-70-11, R-71-11, R-72-11.**
- 17) Withdrawal from the Riverside-San Bernardino Housing & Finance Agency - Approved and Adopted a Resolution, Authorizing the City’s Representative to Vote to Dissolve the Riverside-San Bernardino Housing and Finance Agency (“Agency”) and the Riverside-San Bernardino Housing and Finance Agency Corporation (“Corporation”); (2) Approve Withdrawal from the Agency, which was Established to Carry Out the Lease to Own Homeownership Program (“Program”); and (3) Approve Receipt of Approximately \$8,000 as Colton’s Share of the Final Distribution of the Assets of the Agency, **RESOLUTION NO. R-75-11.**
- 18) James Sullivan Mutual Water Company Tax Assessments – Approved and Adopted a Resolution Authorizing the 2011-2012 Annual Levy of Tax Assessments for Improvement District “A” (James Sullivan Mutual Water Company), **RESOLUTION NO. R-53-11.**

- 19) Temporary Parking License Agreement - Approved the Temporary Parking License Agreement with Vernon Schafer for use of Agency owned Property at the Northeast Corner of Meridian Street and Valley Boulevard.
- 20) Award of Contract/Bio-Solids Hauling - Awarded a Bid to Terra Renewal, LLC to Provide Hauling and Disposal Services for Class A and Class B Biosolids at the Wastewater Treatment Plant in an Amount Not-to-Exceed \$370,400 per Year, and Authorize the City Manager to Execute the Agreement.
- 21) Soil Safe Resolution - Approved and Adopted a Resolution to 1) Omit the Findings Required by California Public Resources Code, Section 21081 (Declining to Adopt Statement of Overriding Considerations); and 2) Deny the Appeal and Upholding the Planning Commission Denial of DAP-000-910, **RESOLUTION NO. R-73-11.**

#### PUBLIC HEARINGS

- 22) Storm Water Rates

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO RECEIVE COMMENTS AND INPUT ON THE 2010 SAN BERNARDINO VALLEY REGIONAL URBAN WATER MANAGEMENT PLAN

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.

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

Public Works Director Amer Jakher gave a brief presentation regarding this item.

Mayor Zamora opened Public Comment. There were no public comments regarding this item.

Mayor Zamora and Council Members gave comments on this item. Mayor Zamora then closed the Public Hearing.

Motion and second by CM Yzaguirre/MPT Bennett. Unanimous vote.

Approved and Adopted **RESOLUTION NO. R-74-11.**

#### BUSINESS ITEMS

This item was discussed with Consent Calendar items. Council gave direction to City Manager to use his discretion to move forward with this item. CM Yzaguirre asked that the \$200 deposit be refunded.

- (23) Fee Waiver Request for San Salvador Church - Provided Direction to Staff Pertaining to a Fee Waiver Request on behalf of San Salvador Church in Colton.

City Manager Rod Foster and Management Services Director Bonnie Johnson gave a presentation regarding the current State Budget and its local impacts on Colton. Marshall Linn, Urban Futures, Inc., also gave a verbal presentation regarding this item. City Manager Foster was directed to move this item to the next council agenda for action in the form of a regular or urgency ordinance.

- (24) Update on the State's Budget Impacts to Colton -- Staff will provide a Verbal Report on the State Budget and its Local Impacts on Colton. The Council is requested to Consider the Presentation and provide any Needed Feedback / Direction.

#### CITY COUNCIL DISCUSSION ITEMS

None.

#### CITY MANAGER'S REPORTS

None.

#### ADJOURNMENT

At 8:35 p.m., Mayor Zamora declared the Regular Meeting adjourned.

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Eileen C. Gomez,  
City Clerk