

CITY OF COLTON
 CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE
 CITY OF COLTON/COLTON UTILITY AUTHORITY/
 COLTON PUBLIC FINANCING AUTHORITY AND
 COLTON HOUSING AUTHORITY
 REGULAR MEETING MINUTES

March 6, 2012

Closed Session meeting was held on the above-given date at 5:01 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
 David J. Toro
 Frank A. Gonzales, Mayor Pro Tem
 Vincent Yzaguirre
 Susan M. Oliva
 Alex G. Perez

Staff Present

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

Council Members/Staff Absent

Deirdre H. Bennett
 Aurelio De La Torre, City Treasurer

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

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(a)
 Case Name: IBEW v. City of Colton (PERB Administrative Claim)
 Case Number: LA-CE-741-M

B. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Government Code Section 54956.9(c)
 Number of Cases: 1

PUBLIC COMMENT ON CLOSED SESSION

None.

Mayor Zamora adjourned the meeting to Closed Session at 5:01 p.m. and at 6:06 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present except CM Bennett.

City Attorney Rahsaan Tilford reported that they did meet and did discuss Items A through B with no reportable action.

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REGULAR MEETING

March 6, 2012

Regular Meeting was held on the above-given date at 6:06 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding.

INVOCATION

Mr. John Anaya, Sr.

FLAG SALUTE

Thomas Leon, VFW Post 6476

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor

David J. Toro

Frank A. Gonzales, Mayor Pro Tem

Vincent Yzaguirre

Susan M. Oliva

Alex G. Perez

Staff Present

Rod Foster, City Manager

Rashaan Tilford, City Attorney

Eileen C. Gomez, City Clerk

Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

Deirdre H. Bennett (arrived at 6:16 p.m.)

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition of Public Safety Personnel

Tim McHargue, Fire Chief, provided a brief overview of the Holly incident and the Fairway bridge. The following individuals were presented with a Certificate of Recognition: Sergeant Kyle Kershner, Corporal Gary Gruenzner, Officer Matt Collins, Officer Anthony Jaeger, Officer

Brad Carlson, Officer Robert Dimas, Captain Henry Perez, Firefighter Paramedic Jake Novak, Captain Con Cendejas, Engineer David Santos, and Firefighter Paramedic Mike Williams.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MARCH 6, 2012.

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:

Christine Irish-Ré, Stephen Wall, Michael Farcas, Rick Shield, John Anaya, Sr., Ron Lawrence, and Gary Mitchell.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

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

CITY TREASURER'S REPORTS

None.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 6 for action by Council, pulling Item No. 5 for discussion.

The following action was taken on the Consent Calendar:

Motion and second by CM Yzaguirre/CM Perez, to approve Consent Calendar Item Nos. 1 through 6, with the exception of Item No. 5, as presented and Mayor Zamora abstaining from Item No. 1 as amended. Motion carried.

In regards to Item No. 5, City Attorney Tilford gave a brief overview of the Rule of Necessity process and the reasons for the three (3) Council Members being absent from this item. He explained that due to four Council Members living within the Landscaping Lighting

Maintenance District (LLMD), a random means of selecting the minimum number of Council Members needed to participate in a decision was to have them “draw straws.” This process allows an official to participate in decisions where it is not possible to constitute a quorum out of officials who do not have potential conflicts of interest and there are no alternative means of reaching a decision. City Attorney Tilford explained that since four of the seven Council Members are needed to create a quorum, it was necessary to reconstitute the other three which would not be allowed to remain at the dais or in the room while the decision on the item is made.

The process resulted in Mayor Zamora remaining present for Item No. 5, while Council Members Bennett, Toro, and Perez left the dais due to a conflict of interest.

Motion and second by CM Yzaguirre/MPT Gonzales, to approve Consent Calendar Item No. 5, as presented. Motion carried with Council Members Bennett, Toro, and Perez absent.

Council Members Bennett, Toro, and Perez returned to the dais following the vote.

- (1) Minutes – Approved of Minutes for the City Council Regular Meeting Held February 21, 2012; Minutes for the City Council Special Joint Meeting Held November 30, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #126961 to #127091, Dated 02/02/2012, Totaling \$1,854,625.08; Payable Warrants #127147 to #127246, Dated 02/13/2012, Totaling \$889,447.29; Payable Warrants #127247 to #127379, Dated 02/16/2012, Totaling \$2,944,024.81; and Payroll Disbursement Listing for period of 02/04/2012 to 02/17/2012, Totaling \$589,577.96, on File in the Finance Department.
- (3) Second Reading of Ordinance No. O-03-12/Repeal Ordinance regarding Alternative Voluntary Redevelopment Program - Ordinance of the City Council of the City of Colton Repealing Ordinance No. O-03-11 Electing to Participate in the Alternative Voluntary Redevelopment Program Pursuant to Health and Safety Code Section 34192 et seq, **ORDINANCE NO. O-03-12.**
- (4) Award of Bid for Various Size Transformers - Awarded the Bid for Various Size Transformers for the Electric Utility Department to HD Supply, ERMCO, c/o McAvoy & Markham, and ABB Power Partners, c/o Pacific Utilities.
- (5) LED Street Lights for Street Lighting Retrofit Project - Authorized Award of the Purchase of 816 LED Street Lights from LEOTEK Electronics USA Corporation in the Amount Not-to-Exceed \$275,400 for the Street Lighting Retrofit Project.
- (6) California Public Employees’ Retirement System - Approved and Adopted the Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration California Public Employees’ Retirement System and the City of Colton for Miscellaneous (Non-Safety) Personnel.

PUBLIC HEARING

(7) CDBG Recommended Projects for Fiscal Year 2012-2013

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO CONSIDER CDBG RECOMMENDED PROJECTS FOR FISCAL YEAR 2012-2013.

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.

Art Morgan, Redevelopment Manager, provided information and answered questions from Council regarding this item.

Motion and second by CM Yzaguirre/CM Bennett, to adopt **RESOLUTION NO. R-08-12**, approving the final prioritized list of Community Development Block Grant (CDBG) Funds for Fiscal Year 2012-13. Unanimous vote.

BUSINESS ITEMS

(8) Construction Agreement/North Colton Waterline Replacement and Improvement Project Approved and Authorized Award of Bid and Execution of Construction Agreement to EL-CO Construction Incorporated in an Amount not-to-exceed \$1,105,142 for the North Colton Waterline Replacement and Improvement Project.

Motion and second by CM Olivia/CM Yzaguirre to approve Item No. 8. Unanimous vote.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

None.

ADJOURNMENT

At 8:07 p.m., Mayor Sarah Zamora adjourned the Regular Meeting in memory of Louis Oliva.

Eileen C. Gomez, CMC
City Clerk