

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

February 15, 2011

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 Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
Frank A. Gonzales
Susan Oliva
Alex Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Member Vincent Yzaguirre arrived in Closed Session at 5:06 p.m.

Council Member David Toro arrived in Closed Session at 5:10 p.m.

Mayor Pro Tempore Deirdre Bennett arrived at 5:18 p.m.

Council Members/Staff Absent

None.

PUBLIC COMMENT

None.

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

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: 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

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Rod Foster, City Manager

Employee Organizations: Executive Unit

- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Potential Initiation of Litigation Pursuant to California Government Code Section 54956.9(c)
5 Potential Cases (Note: Related to the City's 1984 CDBG Housing Rehabilitation Loan Program)
- D. CONFERENCE WITH LEGAL COUNSEL – EXISITING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case Name: City of Colton v. Ernest Grossich
Case Number: San Bernardino County Superior Court Case No. CIVSS 701112 (Note: Related to the case of Grossich vs. City of Colton San Bernardino Superior Court Case No. CIVDS 917057)
- E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Number of Cases: 3 (Note: Related to the Utility User Tax Overpayment Claims)
- F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Number of Cases: 1

Council Member Susan Oliva announced that she would recuse herself from discussion on Item D due to her involvement with Union Pacific Railroad.

Mayor Zamora adjourned the meeting to Closed Session at 5:01 p.m. and at 6:04 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 to discuss Items C, D & E with no reportable action. He announced that they will be returning to Closed Session to continue discussion on Items A, B & F. There was no official reportable action, however, City Manager Foster announced that the Council asked him to thank the CPOA and the Police Department for their assistance with negotiations. He also announced that Item No. 10 will be pulled from the agenda and will be placed on the March 1st Council agenda.

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

February 15, 2011

Regular Meeting was held on the above-given date at 6:05 p.m., in the Council Chambers of City Hall, with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
David Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan Oliva
Deirdre Bennett, Mayor Pro Tempore
Alex Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

INVOCATION

Pastor Dane Aaker, Centerpoint Church

FLAG SALUTE

Helen Cortez, Women's Auxiliary Unit 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition of Colton Youth Soccer League All-Stars Championship – City Clerk Gomez presented Certificates of Appreciation to the All-Stars teams that represented the Colton Youth Soccer Organization (CYSO) in the District 5 President’s Cup and also the Tournament of Champions in Palm Desert on January 23 and January 24, 2011.

Mayor Zamora announced a short recess at 6:18 p.m. and at 6:28 p.m. the meeting reconvened with all members present as heretofore.

MAYOR AND COUNCIL ITEMS

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

Frank Montes with Mr. Payne of Goodwill Industries, Ruben Morales, Steve Wall, Eufemia Reyes, Christine Irish-Ré and Jose Olivar.

It was a consensus to close public comments at 6:50 p.m.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members announced various activities throughout the community.

CITY TREASURER’S REPORTS

Receive and File City Treasurer’s Report for December 2010.

City Treasurer De La Torre presented the report for Council consideration and approval to receive and file the December 2010 report.

It was a consensus of the Council to receive and file the City Treasurer’s Report.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item No.(s) 1 thru 10. Council Members pulled and/or gave comments on the following items: Item No.10 – City Manager Foster pulled this item and stated that it will be placed on the March 1, 2011 Council agenda; Item No. 9 was pulled by CM Yzaguirre for separate vote; Item No. 5 was pulled by CM Gonzales for discussion; and CM Perez commented on Item No. 3 and thanked Community Services Director Bill Smith for getting the kids involved with the design of the skate park. MPT Bennett commented on Item No. 7 and request that our staff notify residents in the area that was affected by the storms last December so that they are made aware that there is a process for federal disaster funds and thanked staff for bringing this item forward.

Motion and second by CM Yzaguirre/MPT Bennett to approve the Consent Calendar Item No.(s) 1 thru 10, with the exception of Item Nos. 9 & 10. Unanimous vote.

Motion and second by CM Yzaguirre/CM Oliva, to move Item No. 9. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held February 1, 2011, on File in the Office of the City Clerk. **[Staff Person: E. Gomez]**
- (2) Warrants – Approved Payable Warrants #119711 to #119831, Dated 12/29/10, Totaling \$1,646,545.47; Payable Warrants #119832 to #119948, Dated 1/6/11, Totaling \$2,244,059.58; Payable Warrants #119949 to #120041, Dated 1/13/11, Totaling \$524,584.58; Payable Warrants #120042 to #120173, Dated 1/20/11, Totaling \$1094,251.78; and Payroll Disbursement Listing for 1/22/11 to 2/4/11, Totaling \$690,229.55, on File in the Finance Department. **[Staff Person: B. Johnson]**
- (3) Grant Funding for Skate Park - Approved and Adopted a Resolution in Support of the Application for Grant Funding to Construct a Skate Park at Cesar Chavez Park, **RESOLUTION NO. R-07-11. [Staff Person: B. Smith]**
- (4) Extra Territorial Sewer Service Agreement – Approved the Extra-Territorial Sewer Service Agreement between the City and the Property Owner of the Parcel #027416106 for Connection to the City’s Sewer System and Authorize the Recordation of the same. **[Staff Person: M. Tomich]**
- (5) Amendment to Waste Disposal Agreement - Approved Amendment No. 4 to the Waste Disposal Agreement between the County of San Bernardino and the City of Colton. **[Staff Person: M. Tomich]**
- (6) ICRMA Representatives - Approved and Adopted a Resolution Appointing Specific Representatives to the Independent Cities Risk Management Authority (ICRMA) Governing Board, **RESOLUTION NO. R-08-11. [Staff Person: B. Johnson]**
- (7) Designation of Agent to File Claims for Federal Disaster Funds – Approved and Adopted a Resolution to Designate Staff Authorized to File Claims for Federal Disaster Funds on the City’s Behalf for Federal Aid Related to the December Flood Event, **RESOLUTION NO. R-09-11. [Staff Person: B. Johnson]**

- (8) Amendment to Krieger & Stewart PSA - Approved an Amendment to the Existing Professional Services Agreement with Krieger & Stewart to add Additional Funds in an Amount Not-to-Exceed \$20,000 for Professional Engineering Support. **(Staff Person: B. Johnson]**
- (9) Opposition to Abolish Redevelopment Agencies and Enterprise Zones in California - Approved and Adopted Resolution No. R-12-11 to Oppose the Efforts by the Current State Administration State to Abolish Enterprise Zones in the State of California, and Resolution No. R-13-11, to Oppose the Efforts by the State to Abolish Redevelopment Agencies in California, **RESOLUTION NO. R-12-11 AND R-13-11.** [Staff Person: M. Tomich] *(Pulled for separate vote)*
- (10) Colton Labor Memorandums of Understanding – Approved and Adopted Resolutions Amending Benefits for Non-Represented Executive and Confidential Groups of Employees, as well as Approve Memorandums of Understanding with the Colton Police Officer’s Association, Colton Police Management Association, the San Bernardino Public Employees’ Association Mid-Manager Employees Unit and the San Bernardino Public Employees’ Association General Employees Unit, **RESOLUTION NOS. R-10-11, R-11-11, R-14-11, R-15-11, R-16-11, R-17-11, R-18-11, R-19-11.** *(Pulled to be heard at the March 1, 2011 Council Meeting)*

BUSINESS ITEMS

- (11) Comprehensive Annual Financial Report (CAFR) - Receive and File the 2009-10 Comprehensive Annual Financial Report (CAFR); the Report on Internal Controls, and the Report to the Audit Committee. **[Staff Person: B. Johnson]**

Management Services Director Johnson introduced presented the 2010 Comprehensive Annual Financial Report (CAFR) for Council consideration and approval to receive and file the report. She introduced a representative from the firm of Lance, Soll & Lunghard, LLP, to present the annual audit financial statement for the 2010 CAFR and to briefly discuss the audit process.

PUBLIC COMMENTS ON ITEM #11 (3 minutes)

Gary Grossich, Arlan White and Jose Olivar.

It was a consensus of the Council to receive and file the 2009-10 Comprehensive Annual Financial Report (CAFR), the Report on Internal Controls, and the Report to the Audit Committee.

- (12) Process to Establish Electric Rates – Oral Report will be presented on the City’s Work toward Establishing Revised Electric Rates. **[Staff Person: B. Johnson]**

Management Services Director Johnson gave an oral report on the City’s Work toward establishing revised electric rates.

CITY COUNCIL DISCUSSION ITEMS

Council Members announced various activities throughout the community

CITY MANAGER COMMENTS

City Manager Foster gave brief comments on various city issues.

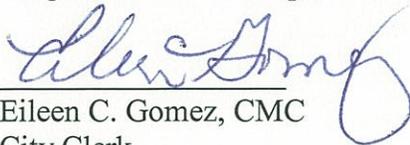
At 9:47 p.m., Mayor Zamora adjourned to closed session.

CLOSED SESSION

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At 10:24 p.m., City Attorney Derleth reported out of Closed Session that there was no reportable action.

At 10:25 p.m., Mayor Zamora asked for prayers for Armida Vasquez and for his father-in-law Salathiel Ramirez and closed the meeting in memory of Phyllis Wilson, an Instructional Assistant at Colton High School; Louie Aboytes, Jr. who was previously employed by the City of Colton as a Water Distribution Operator; and Dorothy May Crilly MacGregor-Cartwright, daughter of one of the pioneering families of Colton.


Eileen C. Gomez, CMC
City Clerk