

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

October 16, 2012

The Regular Meeting of the Colton City Council was held on the above-given date and was called to order at 5:03 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

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
Deirdre Bennett
Alex G. Perez

Staff Present

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

Council Members/Staff Absent

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A through E and that reportable action was anticipated on Item A.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: City of Colton v. American Promotional Events, Inc., *et al.*
Case Numbers: US District Court Case No. CV 09-01864
Los Angeles Superior Court Case No. BC 376008
Ninth Circuit Court of Appeals Case No. 06-56718
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(c)
Number of potential cases: 1 (City of Grand Terrace - Sewer Agreement)
- C. 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

D. 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

E. Laurel property acquisition (Dean/Amer)

Mayor Zamora adjourned the meeting to Closed Session at 5:03 p.m. and at 6:07 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Derleth reported that they did meet on Items A, B, C, and D. On Item E, he announced that there was unanimous consent for approval on the settlement agreement which will be available to the public once it is signed by all parties. He was also pleased to report that this litigation case is coming to a close and the consent decree will be available as soon as it is executed by all parties.

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CITY OF COLTON/COLTON UTILITY AUTHORITY/
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REGULAR MEETING

October 16, 2012

Open Session of the Regular Meeting was called to order on the above-given date at 6:07 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez with all members present as heretofore.

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
Deirdre Bennett
Alex G. 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.

City Attorney Derleth announced that the City Council did meet in Closed Session to discuss Item A and that there was no reportable action.

INVOCATION

Pastor Paul Stumpf, Colton Community Church

FLAG SALUTE

Tomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

None.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF OCTOBER 16, 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:

Ron Lawrence, John Anaya, Sr., Adrianna Ramos, Steve Ferrence and Louie Barrera, Luis Gonzalez, George Aguilar, Christine Irish-Ré, Gary Grossich, Jose Olivar, 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

- Receive and File City Treasurer's Reports for August 2012

City Treasurer De La Torre presented a report for August 2012 as receive and file.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 10 for action by Council.

The following action was taken on the Consent Calendar:

MPT pulled Item Nos. 6, 7 and 9 for questions.

CM Yzaguirre had comments on Item Nos. 6, 8 and 9.

CM Bennett had comments on Item No. 10.

CM Oliva had comments on Item No. 8.

Motion and second by CM Yzaguirre/MPT Gonzales, to approve Consent Calendar Item Nos. 1 through 10. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meetings Held July 17, 2012, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #131082 to #131200, Dated 9/6/12, Totaling \$369,145.16; Payable Warrants #131201 to #131325, Dated 9/13/12, Totaling \$1,022,764.93; Payroll Disbursement Listing for 9/15/12 to 9/28/12, Totaling \$577,896.32, on File in the Finance Department.
- (3) Professional Services Agreement with SR Bray, LLC, dba Power Plus - Approved the Professional Services Agreement with SR Bray, LLC, dba Power Plus, for Electrical Engineering Services for the Electric Department.
- (4) I-215 High Occupancy Vehicle (HOV) Project – Approved the Joint Use Agreement between the City of Colton, San Bernardino Associated Governments (SANBAG) and Southern California Gas Company for the Utility Easement Required for the Relocation of a 12” High Pressure Gas Main for the I-215 High Occupancy Vehicles (HOV) Project; Approve and Adopt a Resolution Amending Budget for FY 2012-13 to Increase the Engineering and Administration Fund budget by \$20,000, RESOLUTION NO. R-64-12.
- (5) Annual Anticipated DBE Participation Level (AADPL) for Federal Fiscal Year 2012-13 – Approved and Adopted a Resolution Approving the Annual Anticipated DBE Participation Level (AADPL) for Federal Fiscal Year 2012-13, RESOLUTION NO. R-69-12.
- (6) Mount Vernon Avenue Bridge Widening Project – Approved and Adopted a Resolution approving the Program Supplement Agreement No. N-015, to the Administering Agency-State Master Agreement No. 5065R, for the Mount Vernon Avenue over Union Pacific Railroad (UPRR) Widening Project (Bridge No. 54C-0101, Project No. HPLUL-5065-023); and Authorize the City Manager or his Designee to sign the agreement and future amendments; and Approve and Adopt a Resolution amending Capital Improvement Program (CIP) budget for FY 2012/2013 in an amount of \$3,054,800, for the Mount Vernon Avenue over Union Pacific Railroad (UPRR) Widening Project (Bridge No. 54C-0101, Project No. HPLUL-5065-023), RESOLUTION NOS. R-56-12 and R-57-12.

- (7) Measure I Five-Year Capital Improvement Plan – Approved and Adopted a Resolution Reaffirming and Adopting Fiscal Year 2012/2013 Measure I Five-Year Capital Improvement Program and Expenditure Strategy Plan; Resolution Approving Submittal of the Fiscal Year 2013/2014 – 2017/2018 Five-Year Capital Projects Needs Analysis to the San Bernardino Associated Governments, as required by the Measure I Strategic Plan; and, Resolution Amending the Capital Improvement Program to Include Citywide Pavement Rehabilitation Project, RESOLUTION NOS. R-66-12, R-67-12, R-68-12.
- (8) Construction Contract with PTM General Engineering - Authorize the Award of Construction Contract for the Mt. Vernon Avenue and Valley Boulevard Traffic Signal Modification Project No. STPLH 5065(011) to PTM General Engineering in the Amount of \$53,305 as the Lowest Responsive and Responsible Bidder.
- (9) Construction Contract for Safe Route to Colton Middle School Project - SRTSL 5065(013) – Authorize the Award of Construction Contract for the Safe Route to Colton Middle School Project to T.A. Pointer Enterprises, Inc., in the Amount of \$379,150 as the Lowest Responsive and Responsible Bidder.
- (10) Award of Construction Contract to TSR Construction and Inspection, Inc. - Authorize the Award of a Construction Contract for City Wide Concrete Repair Project to TSR Construction and Inspection, Inc., as the Lowest Responsive and Responsible Bidder in the Amount of \$40,303.40; Authorize the City Manager or his Designee to Approve Change Orders Not-to-Exceed 20% of the Awarded Contract.

BUSINESS ITEMS

- (11) Colton Public Financing Authority Electric Revenue Refunding Bonds, 2012 Series A - Approve and Adopt a Resolution of the Colton Public Financing Authority Approving the Issuance of Electric Refunding Bonds, 2012 Series A, RESOLUTION NO. CPFA 2012-02 AND CITY RESOLUTION NO. R-70-12.

Management Services Director Bonnie Johnson introduced Marshal Linn, CEO of Urban Futures and Danny Kim, Bond Counsel and Partner from Fulbright and Jaworski. Mr. Linn gave a PowerPoint presentation on the bond refinancing process and answered questions from council members.

Motion and second by CM Yzaguirre/Bennett, to approve staff recommendations direct staff to obtain information on this program and to look into the possibility of hiring Mr. Peter Kageyama to assist with starting a “For The Love of Cities” project in Colton. The motion also included placing this item on a future Council agenda for further discussion. Unanimous vote.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

City Manager Foster provided an update of his recent tour of Colton and observed many positive improvements in our community. He thanked Council for their part in moving projects forward and to staff for their hard work both in the office and out in the field.

ADJOURNMENT

At 7:58 p.m., Mayor Zamora adjourned the regular council meeting in memory of former employee Danny Serrano and Armida Flores Vasquez.

A handwritten signature in blue ink, appearing to read "Eileen Gomez", written over a horizontal line.

Eileen C. Gomez, CMC
City Clerk