

INLAND VALLEY DEVELOPMENT AGENCY
ACTION MEETING MINUTES
December 10, 2008

A Regular Meeting of the Inland Valley Development Agency Board was called to order by Co-Chair Josie Gonzales at approximately 4:10 p.m. on Wednesday, December 10, 2008, in the Council Chambers, Loma Linda City Hall, 25541 Barton Road, Loma Linda, California.

BOARD MEMBERS PRESENT:

City of Colton	Mayor Kelly J. Chastain
City of Loma Linda	Councilmember Floyd Petersen Councilmember Ovidiu Popescu
County of San Bernardino	Co-Chair/Supervisor Josie Gonzales
City of San Bernardino	Co-Chair/Mayor Patrick J. Morris Councilmember Esther Estrada Councilmember Rikke Van Johnson (alt)

OTHERS PRESENT: Donald L. Rogers, Interim Executive Director
Michael Burrows, Assistant Director
Bill Ingraham, Aviation Director
Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP
Martin Romeo, Chief Financial Officer
C. Eric Ray, Airport Operations Manager
Kelly Berry, Clerk of the Board

A. CALL TO ORDER

B. ROLL CALL

Roll call was noted by the Clerk of the Board.

C. ITEMS TO BE ADDED OR DELETED

The record will reflect that at the request of staff, Agenda Item No. 5 was pulled.

Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, requested that the following item be added to the Agenda as Agenda Item No. 21. This item was not posted to the Agenda since the need for the adoption of Resolution No. 2008-16 was brought to the attention of SBIAA staff after the posting of the Agenda. By consensus of the Commission, Agenda Item No. 21 was added to the Agenda.

Item #21 - Adopt Resolution No. 2008-16 of the Inland Valley Development Agency (IVDA) Implementing a Pre-Tax Payroll Deduction Plan Pursuant to Internal Revenue Code Section 414(h)(2)

D. CONFLICT OF INTEREST DISCLOSURE/INFORMATIONAL ITEMS

Item #1 - Conflict of Interest Disclosure

Co-Chair Josie Gonzales stated Board members should note the item(s) listed which might require member abstentions. The record will reflect that Supervisor Josie Gonzales abstained on Agenda Item Nos. 15, 16, and 17. Let the record reflect Item I.II. was not discussed during closed session.

Item #2 – Informational Items

Let the record reflect the Co-Chairs announced the following appointments to the IVDA Finance and Budget Committee: Co-Chair/Mayor Patrick J. Morris, Co-Chair/Supervisor Josie Gonzales, and Mayor Kelly J. Chastain. These appointments received no objection from the Board members.

E. BOARD CONSENT ITEMS

Item #3 – Receive Register of Demands

Item #4 – Receive and File Cash Report for October 31, 2008, for the Inland Valley Development Agency (IVDA)

Item #5 – Approve Meeting Minutes: November 19, 2008

Item #6 – Receive and File the Annual Reports of the Inland Valley Development Agency (IVDA) for Fiscal Year Ended June 30, 2008 Pursuant to Health & Safety Code Section 33080.1

The record will reflect that at the request of staff, Agenda Item No. 5 was pulled from the Agenda.

ACTION: Approve Item Nos. 3, 4 and 6 of the Consent Calendar.

Motion	Second	Aye	Aye	Aye
Morris	Estrada	Chastain	Gonzales	Johnson
Aye	Aye			
Petersen	Popescu			

Motion carried unanimously.

F. BOARD DISCUSSION ITEMS

ITEM #7 - Workshop (Informational Presentation Only; No Proposed Action.)

Mr. Michael Burrows, Assistant Director gave a brief PowerPoint presentation during the workshop. A brief discussion ensued thereafter about future workshops.

Item #8 - Conduct Election of the Vice-Chairperson for the Inland Valley Development Agency (IVDA) for the Term Commencing December 2008 through June 30, 2010

Co-Chair Josie Gonzales called for nominations for Vice-Chairperson. Co-Chair Patrick J. Morris nominated Mayor Kelly J. Chastain.

There being no further nominations forthcoming, Co-Chair Gonzales called for a vote by the Board members.

ACTION: Elect the following individual for the office noted for the term commencing in December 2008 through June 30, 2009:

Mayor Kelly Chastain, Vice-Chairperson

Motion	Second	Aye	Aye	Aye
Morris	Estrada	Chastain	Gonzales	Johnson
Aye	Aye			
Petersen	Popescu			

Motion carried unanimously.

Item #9 - Receive and File the Annual Audit Report of the Inland Valley Development Agency (IVDA) for Fiscal Year Ended June 30, 2008

Mr. Kirk Franks, Partner, Rogers, Anderson, Malody and Scott, LLP presented a brief synopsis of the audit report findings.

ACTION: Receive and file the annual audit report of the Inland Valley Development Agency (IVDA) for fiscal year ended June 30, 2008.

Motion	Second	Aye	Aye	Aye
Morris	Estrada	Chastain	Gonzales	Johnson
Aye	Aye			
Petersen	Popescu			

Motion carried unanimously.

Item #10 - Authorize Continuance of Appointment of Donald L. Rogers as Interim Executive Director, with Authorization through December 31, 2009

ACTION: Authorize continuance of appointment of Donald L. Rogers as Interim Executive Director, with authorization through December 31, 2009.

Motion	Second	Aye	Aye	Aye
Petersen	Johnson	Chastain	Estrada	Gonzales
Aye	Aye			
Morris	Popescu			

Motion carried unanimously.

Item #11 - Consider and Adopt Resolution No. 2008-13 of the Inland Valley Development Agency (IVDA) Approving a Transfer of Funds to the San Bernardino International Airport Authority (SBIAA) in an Amount Not to Exceed \$1,000,000 for the Purchase of Certain Refueler Trucks

ACTION: Adopt Resolution No. 2008-13 of the Inland Valley Development Agency (IVDA): (1) Making Certain Findings and Determinations and Consenting to Payments for Public Improvements by the IVDA Pursuant to Health and Safety Code Section 33445 Related to Certain Airport Capital Improvements; (2) Transfer \$1,000,000 from the Debt Service Fund to the Capital Project Fund; and thereafter (3) Award a Grant in the amount of \$1,000,000 to the San Bernardino International Airport Authority (SBIAA) for funds needed to acquire three (3) fuel trucks.

Motion	Second	Aye	Aye	Aye
Petersen	Estrada	Chastain	Gonzales	Johnson
Aye	Aye			
Morris	Popescu			

Motion carried unanimously.

Item #12 - Approve Award of Contract to David Evans and Associates Inc., in an Amount Not to Exceed \$153,770 for Construction Management Services for Lena Road Between Orange Show Road and Central Avenue; and Appropriate a Contingency Budget of \$15,377

ACTION: Approve Award of Contract to David Evans and Associates Inc., in an Amount Not to Exceed \$153,770 for Construction Management Services for Lena Road Between Orange Show Road and Central Avenue; and Appropriate a Contingency Budget of \$15,377.

Motion	Second	Aye	Aye	Aye
Estrada	Petersen	Chastain	Gonzales	Johnson
Aye	Aye			
Morris	Popescu			

Motion carried unanimously.

Item #13 - Consider and Adopt Resolution No. 2008-14 of the Inland Valley Development Agency (IVDA) Approving the Adoption of the Relocation Plan for the Lena Road Construction Project between Central Avenue and Orange Show Road

ACTION: Adopt Resolution No. 2008-14 of the Inland Valley Development Agency (IVDA) Approving the Adoption of the Relocation Plan for the Lena Road Construction Project between Central Avenue and Orange Show Road.

Motion	Second	Aye	Aye	Aye
Petersen	Estrada	Chastain	Gonzales	Johnson
Aye	Aye			
Morris	Popescu			

Motion carried unanimously.

Item #14 - Consider and Adopt Resolution 2008-15 of the Inland Valley Development Agency (IVDA) Certifying the IVDA Environmental Impact Report (EIR) for the Mountain View Avenue Extension and Widening Project; Approving a Statement of Overriding Consideration and a Mitigation and Monitoring and Reporting Program (MMRP); and Authorizing the Filing of the Appropriate Notice of Determination for Said Project

ACTION: Adopt Resolution No. 2008-15 of the Inland Valley Development Agency (IVDA) Certifying the Environmental Impact Report (EIR) for the Mountain View Avenue Extension and Widening Project (SCH #2007121154), Approving a Statement of Overriding Consideration, and a Mitigation and Monitoring and Reporting Program (MMRP); and Authorize the Filing of the Appropriate Notice of Determination for Said Project.

Motion	Second	Aye	Aye	Aye
Morris	Petersen	Chastain	Estrada	Gonzales
Aye	Aye			
Johnson	Popescu			

Motion carried unanimously.

Co-Chair Patrick J. Morris chaired the meeting at this point. Co-Chair Josie Gonzales abstained on Agenda Item Nos. 15, 16 & 17.

Item #15 - Ratify Change Order Nos. 1 through 22 in an Amount Not to Exceed \$511,393.79; and Approve Change Order No. 23 in an Amount Not to Exceed \$97,168.92 with Matich Corporation for the Phase I Street Improvement Project – Leland Norton Way, Rialto Avenue and Perimeter Road Pursuant to U.S. Department of Commerce Economic Development Administration (EDA) Grant No. 07-49-06137

ACTION: Ratify Change Order Nos. 1 through 22 in an Amount Not to Exceed \$511,393.79; and Approve Change Order No. 23 in an Amount Not to Exceed \$97,168.92 with Matich Corporation for the Phase I Street Improvement Project – Leland Norton Way, Rialto Avenue and Perimeter Road Pursuant to U.S. Department of Commerce Economic Development Administration (EDA) Grant No. 07-49-06137.

Motion	Second	Aye	Aye	Aye
Estrada	Van Johnson	Chastain	Morris	Petersen
Aye	Abstain			
Popescu	Gonzales			

Motion carried.

Item #16 - Ratify Change Order Nos. 2 through 5 in an Amount Not to Exceed \$204,088.00; and Approve Change Order No. 6 in an Amount Not to Exceed \$268,890.74 with Matich Corporation for the Central Avenue/Palm Meadows Drive Road Improvements Project from Valley View Avenue to Mountain View Avenue

ACTION: Ratify Change Order Nos. 2 through 5 in an Amount Not to Exceed \$204,088.00; and Approve Change Order No. 6 in an Amount Not to Exceed \$268,890.74 with Matich Corporation for the Central Avenue/Palm Meadows Drive Road Improvements Project from Valley View Avenue to Mountain View Avenue.

Motion	Second	Aye	Aye	Aye
Petersen	Estrada	Chastain	Morris	Johnson
Aye	Abstain			
Popescu	Gonzales			

Motion carried.

Item #17 - Approve Change Order No. 14 in an Amount Not to Exceed \$50,783.97 with Matich Corporation for the Construction of Tippecanoe Avenue Street Improvements and Storm Drain Improvements between Harry Sheppard Boulevard and Santa Ana River

ACTION: Approve Change Order No. 14 in an Amount Not to Exceed \$50,783.97 with Match Corporation for the Construction of Tippecanoe Avenue Street Improvements and Storm Drain Improvements between Harry Sheppard Boulevard and Santa Ana River.

Motion	Second	Aye	Aye	Aye
Petersen	Johnson	Chastain	Estrada	Morris
Aye	Abstain			
Popescu	Gonzales			

Motion carried.

Co-Chair Josie Gonzales resumed chairing the meeting at this point.

Item #18 - Ratify Change Order Nos. 1 through 16 in an Amount Not to Exceed \$477,375.00 with Hillcrest Contracting for the Phase II Street Improvement Project – Del Rosa Drive, Harry Sheppard, and Airport Drive pursuant to U.S. Department of Commerce Economic Development Administration (EDA) Grant No. 07-49-06137

ACTION: Ratify Change Order Nos. 1 through 16 in an Amount Not to Exceed \$477,375.00 with Hillcrest Contracting for the Phase II Street Improvement Project – Del Rosa Drive, Harry Sheppard, and Airport Drive pursuant to U.S. Department of Commerce Economic Development Administration (EDA) Grant No. 07-49-06137.

Motion	Second	Aye	Aye	Aye
Petersen	Morris	Chastain	Estrada	Gonzales
Aye	Aye			
Johnson	Popescu			

Motion carried unanimously.

The Board directed staff to provide change orders during the course of the project and not hold them for ratification at the end of a project. The Board reiterated the importance they are involved in the process in order to understand if and why a contract may be over budget.

Item #19 - Approve a Contract with Desmond McLeish in an Amount Not to Exceed \$63,000 to Provide Public Relations Services for the San Bernardino Valley Enterprise Zone (SBVEZ)

Let the record reflect the contract amount is \$63,600 as stated in the Recommended Action section of the Staff Report.

ACTION: Approve a contract with Desmond McLeish in an amount not to exceed \$63,600, to provide public relations services for the San Bernardino Valley Enterprise Zone (SBVEZ); and authorize the Interim Executive Director or his designee to execute the contract.

Motion	Second	Aye	Aye	Aye
Petersen	Morris	Chastain	Estrada	Gonzales
Aye	Aye			
Johnson	Popescu			

Motion carried unanimously.

Item #20 - Approve a Contract with Mr. T. Jarb Thaipejr, P.E., in an Amount Not to Exceed \$16,400 for Preparation of Plans and Specifications for Certain Parking Lot Improvements

ACTION: Approve a contract with Mr. T. Jarb Thaipejr, P.E., in an amount not to exceed \$16,400 for preparation of plans and specifications for certain parking lot improvements, more specifically the former Defense Finance and Accounting Service (DFAS) Parking Lot and the Parking Area Located at 3rd Street and 100th Street; and authorize the Interim Executive Director or his designee to execute the contract.

Motion	Second	Aye	Aye	Aye
Petersen	Chastain	Estrada	Gonzales	Morris
Aye	Abstain			
Johnson	Popescu			

Motion carried.

Councilmember Ovidiu Popescu abstained from agenda item No. 20 due to the fact that Mr. T. Jarb Thaipejr is an employee of the City of Loma Linda.

G. ADDED AND DEFERRED ITEMS

Item #21 - Adopt Resolution No. 2008-16 of the Inland Valley Development Agency (IVDA) Implementing a Pre-Tax Payroll Deduction Plan Pursuant to Internal Revenue Code Section 414(h)(2)

ACTION: Adopt Resolution No. 2008-16 of the Inland Valley Development Agency (IVDA) implementing a Pre-Tax Payroll Deduction Plan pursuant to Internal Revenue Code Section 414(h)(2) for all employees who are participating members in the San Bernardino County Employees' Retirement Association (SBCERA) in accordance their employment contract terms.

Motion	Second	Aye	Aye	Aye
Morris	Estrada	Chastain	Gonzales	Petersen
Aye	Aye			
Johnson	Popescu			

Motion carried unanimously.

H. PUBLIC COMMENT

There were no public comments.

I. CLOSED SESSION

Co-Chair Josie Gonzales recessed to closed session at 5:03 p.m. Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, read the closed session items as posted on the Agenda and stated there were no reportable items anticipated.

Open session reconvened at 5:23 p.m.

Following closed session, Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, announced that during closed session an agreement had been reached between Ruth Marshall, an individual, and the San Bernardino International Airport Authority (SBIAA) accepting a counter offer from Ruth Marshall for a portion of APN 0280-172-06, located at 604 East Orange Show Road, San Bernardino, California, for right-of-way purposes for a purchase price equal to \$1,100. The motion was made by Councilmember Floyd Petersen. Mayor Kelly J. Chastain provided the second, and the motion carried unanimously.

J. ADJOURN MEETING

There being no further business before the Board at this session, Co-Chair Josie Gonzales declared the meeting adjourned at 5:24 p.m.

Minutes approved at a Regular Meeting on January 14, 2009.

/s/
Kelly Berry
Clerk of the Board