

INLAND VALLEY DEVELOPMENT AGENCY
ACTION MEETING MINUTES
July 22, 2009

A Regular Meeting of the Inland Valley Development Agency Board was called to order by Co-Chair Josie Gonzales at approximately 4:53 p.m. on Wednesday, July 22, 2009, in the Council Chambers, Loma Linda City Hall, 25541 Barton Road, Loma Linda, California.

BOARD MEMBERS PRESENT:

City of Colton	Vice-Chair/Mayor Kelly J. Chastain Councilmember Vincent Yzaguirre
City of Loma Linda	Councilmember Robert Ziprick (alt) Councilmember Ovidiu Popescu
County of San Bernardino	Co-Chair/Supervisor Josie Gonzales Supervisor Neil Derry
City of San Bernardino	Co-Chair/Mayor Patrick J. Morris Councilmember Esther Estrada Councilmember Rikke Van Johnson

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

There were no items to be added or deleted.

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. Supervisor Neil Derry declared a conflict on Agenda Item Nos. 8E, 11 and 12. Supervisor Josie Gonzales declared a conflict on Agenda Item Nos. 11, 12, 13 and 16. The record will reflect Mayor Patrick J. Morris declared a conflict on Agenda Item No. 11.

The record will reflect that there was no closed session.

Item #2 – Informational Items

There were no information Items.

E. BOARD CONSENT ITEMS

Item #3 – Receive Register of Demands

Item #4 – Receive and File Cash Report for May 31, 2009, for the Inland Valley Development Agency (IVDA)

Item #5 – Approve Meeting Minutes: June 10, 2009

Item #6 – Approve Meeting Minutes: June 24, 2009

Item #7 – Authorize Staff to Issue a Request for Qualifications (RFQ) for Construction Management Services

ACTION: Approve the Consent Calendar.

Motion	Second	Aye	Aye	Aye
Yzaguirre	Johnson	Chastain	Derry	Estrada
Aye	Aye	Aye	Aye	
Gonzales	Morris	Popescu	Ziprick	

Motion carried unanimously.

F. BOARD DISCUSSION ITEMS

Item #8 - Approve Consultant Services Agreements for Fiscal Year 2009-2010

ACTION: By separate motion for each agreement, approve the following agreements with the various consultants for Fiscal Year 2009-2010 for the amounts specified; and authorize the Interim Executive Director or his designee to execute the agreements. In all cases, services are performed and paid for on a time and charges basis, only as needed. The amounts set forth below are maximums for the fiscal year 2009-2010.

<u>Consultant</u>	<u>Not-to-Exceed Amount</u>
A. Lewis Brisbois Bisgaard & Smith, LLP	\$200,000.00
B. John William Ingraham dba Ingraham Consulting	\$ 15,000.00
C. Arrowhead Consulting, Inc./James W. Gourley	\$ 30,000.00
D. Rosenow Spevacek Group, Inc.	\$ 25,000.00
E. Tom Dodson & Associates	\$ 35,000.00
F. Innovative Federal Strategies LLC	\$ 96,000.00
G. California Electrical Design and Consulting, Inc.	\$ 30,000.00
H. Lawrence R. Karr	\$ 30,000.00
I. CPS Human Resource Services	\$ 14,500.00
J. A/C Mechanical, Inc.	\$ 22,584.46

ACTION: Approve Agenda Item Nos. 8A through 8D and Agenda Item Nos. 8F through 8J.

Motion	Second	Aye	Aye	Aye
Morris	Johnson	Chastain	Derry	Estrada
Aye	Aye	Aye	Aye	
Gonzales	Popescu	Yzaguirre	Ziprick	

Motion carried unanimously.

Supervisor Neil Derry left the meeting and was absent during the discussion and voting of Agenda Item No. 8E.

ACTION: Approve Agenda Item No. 8E.

Motion	Second	Aye	Aye	Aye
Estrada	Johnson	Chastain	Gonzales	Morris
Aye	Aye	Aye	Absent	
Popescu	Yzaguirre	Ziprick	Derry	

Motion carried.

Supervisor Neil Derry returned to the meeting after consideration of and voting on Agenda Item No. 8E.

Item #9 - Introduce for First Reading an Ordinance Rescinding Ordinance No. 94-01 of the Inland Valley Development Agency (IVDA) and Authorizing the Filing of a Certain Validation Action

Mr. Timothy J. Sabo, Agency Counsel, stated Agenda Item No. 9 was brought before the Board in order to provide clarification of the statutes that were initially adopted in 1989, effective in 1990 and subsequently adopted redevelopment reforms.

When the California Legislature recodified some portions of the redevelopment law, it became evident after they had adopted the AB 1290 Redevelopment Reforms in 1993, that their intent was not to include in those massive reforms those prior special legislation items, which, for example, included the Inland Valley Development Agency (IVDA). The IVDA has had this issue come up with potential bond underwriters; we'd like to have a court judgment to make sure this is the case. We've done validation actions in the past; we did one a few years ago regarding those cooperative agreements. This should be a very simple process, so what we are asking the Board to do is to rescind that ordinance that was adopted in our initial attempts to comply with AB 1290 and then we will proceed with the validation action. At this time, we will conduct the first reading of the ordinance. We will then bring it back at the next meeting for the second reading, and then authorize the filing of the validation action which could not be filed until this ordinance to rescind takes effect, thirty days after the second reading.

ACTION:

(1) Conduct first reading of Ordinance No. 2009-01: Ordinance of the Inland Valley Development Agency Rescinding Ordinance No. 94-01 Entitled Ordinance of the Inland Valley Development Agency Amending the Redevelopment Plan for the Inland Valley Redevelopment Project Area; and,

(2) Authorize the filing of a validation action with the Superior Court of San Bernardino County as to the effects of Health & Safety Code Section 33942.40(d) and the exemption of the Inland Valley Development Agency (IVDA) Redevelopment Plan from certain limitations.

Motion	Second	Aye	Aye	Aye
Yzaguirre	Derry	Chastain	Estrada	Gonzales
Aye	Aye	Aye	Aye	
Johnson	Morris	Popescu	Ziprick	

Motion carried unanimously.

ITEM #10 - Adopt Resolution No. 2009-11 of the San Bernardino International Airport Authority (SBIAA) Approving a Certain Loan Agreement by and among the San Bernardino International Airport Authority (SBIAA), the Inland Valley Development Agency (IVDA) and CMB Infrastructure Investment Group II, L.P., to Fund Various Airport and IVDA Projects

ACTION: Adopt Resolution No. 2009-11 of the Inland Valley Development Agency (IVDA) Approving a Certain Loan Agreement by and among the San Bernardino International Airport Authority (SBIAA), the Inland Valley Development Agency (IVDA) and CMB Infrastructure Investment Group II, L.P., to Fund Various Airport and IVDA Projects; and authorize the Interim Executive Director or his designee to execute all necessary documents.

Motion	Second	Aye	Aye	Aye
Chastain	Johnson	Derry	Estrada	Gonzales
Aye	Aye	Aye	Aye	
Morris	Popescu	Yzaguirre	Ziprick	

Motion carried unanimously.

Co-Chair Patrick J. Morris declared a conflict and left the meeting during the discussion of and voting on Agenda Item No. 11.

Co-Chair Josie Gonzales declared a conflict and left the meeting during the discussion of and voting on Agenda Item Nos. 11, 12, 13 and 16.

Supervisor Neil Derry declared a conflict and left the meeting during the discussion of and voting on Agenda Item Nos. 11 and 12.

Vice-Chair Kelly J. Chastain chaired the meeting at this point.

Item #11 - Approve Award of Contract to Pacific Advanced Civil Engineering, Inc., in an Amount Not to Exceed \$945,257 for Preliminary Design and Engineering Work to Mitigate High Groundwater and Liquefaction Hazards Associated with Development in Downtown San Bernardino, Subject to Approval by the United States Department of Commerce, Economic Development Administration (EDA) Grant No. 07-49-06138

Councilmember Vincent Yzaguirre commented on the positive aspects of federal participation in our region such as this grant from the U.S. Department of Commerce, Economic Development Administration (EDA).

Mr. Alex Estrada, Director of Redevelopment and Transportation noted that the local match is ten percent (10%), with the City of San Bernardino and the Inland Valley Development Agency both contributing an equal five percent (5%).

ACTION: Approve Award of Contract to Pacific Advanced Civil Engineering, Inc., in an Amount Not to Exceed \$945,257 for Preliminary Design and Engineering Work to Mitigate High Groundwater and Liquefaction Hazards Associated with Development in Downtown San Bernardino, Subject to Approval by the U.S. Department of Commerce Economic Development Administration (EDA) Grant No. 07-49-06138; Authorize the Interim Executive Director or His Designee to Execute the Contract; and Appropriate a Contingency Budget of \$110,299.

Motion	Second	Aye	Aye	Aye
Estrada	Johnson	Chastain	Popescu	Yzaguirre
Aye	Absent	Absent	Absent	
Ziprick	Derry	Gonzales	Morris	

Motion carried.

Co-Chair Patrick J. Morris returned to the meeting after the discussion of and voting on Agenda Item No. 11 and chaired the meeting at this point.

Mayor Kelly J. Chastain left the meeting at 5:07 p.m.

Item #12 - Approve Substantial Completion and Release of Retention Pursuant to Contract with Hillwood Construction Services of California, L.P., to Provide Architectural, Engineering and Construction Management Services for Certain Tenant Improvements to Building No. 1 on the Former Department of Finance and Accounting Service (DFAS) Property

ACTION: Ratify Change Order Nos. 001 through 017 in an Amount Not to Exceed \$176,884 with Hillwood Construction Services of California, L.P., to Provide Architectural, Engineering and Construction Management Services for Certain Tenant Improvements to Building No. 1 on the Former Department of Finance and Accounting Service (DFAS) Property; Approve Substantial Completion as of June 15, 2009; and Authorize Release of a Portion of the Retention in an Amount Not to Exceed \$77,747.06 in Accordance with the Contract.

Motion	Second	Aye	Aye	Aye
Yzaguirre	Estrada	Johnson	Morris	Popescu
Aye	Absent	Absent	Absent	
Ziprick	Chastain	Derry	Gonzales	

Motion carried.

Supervisor Neil Derry returned to the meeting after the discussion of and voting on Agenda Item Nos. 11 and 12.

Item #13 - Adopt Resolution No. 2009-12 and Approve Award of Contract to Hillcrest Contracting, Inc., in an Amount Not to Exceed \$1,007,861 for the Lena Road Construction Project, located between Orange Show Road and Central Avenue

ACTION: Adopt Resolution No. 2009-12 and Approve Award of Contract to Hillcrest Contracting, Inc., in an Amount Not to Exceed \$1,007,861 for the Lena Road Construction Project, located between Orange Show Road and Central Avenue; and authorize the Interim Executive Director or his designee to execute the contract.

Motion	Second	Aye	Aye	Aye
Yzaguirre	Estrada	Derry	Johnson	Morris
Aye	Aye	Absent	Absent	
Popescu	Ziprick	Chastain	Gonzales	

Motion carried.

The Board next considered Agenda Item No. 16.

Item #16 - Authorize a Reimbursement Payment to the City of San Bernardino for Paving of Certain Portions of Harry Sheppard Boulevard in an Amount Not to Exceed \$159,000

ACTION: Authorize a Reimbursement Payment to the City of San Bernardino for the paving of certain portions of Harry Sheppard Boulevard at the San Bernardino International Airport in an amount not to exceed \$159,000.

Motion	Second	Aye	Aye	Aye
Popescu	Johnson	Derry	Estrada	Morris
Aye	Aye	Absent	Absent	
Yzaguirre	Ziprick	Chastain	Gonzales	

Motion carried.

Co-Chair Josie Gonzales returned to the meeting after the discussion of and voting on Agenda Item Nos. 11, 12, 13 and 16 and chaired the meeting at this point.

The Board next considered Agenda Item No. 14.

Item #14 - Ratify Change Order. Nos. 1 and 2 with Vance Corporation in an Amount Not to Exceed \$53,169.49 for Defense Finance and Accounting Service (DFAS) Parking Lot Improvements; and Approve Amendment No. 1 to Contract with Vance Corporation in the Amount Not to Exceed \$476,907.50 for the DFAS Parking Lot Improvements Storm Chamber System

ACTION: Ratify Change Order. Nos. 1 and 2 with Vance Corporation in an Amount Not to Exceed \$53,169.49 for Defense Finance and Accounting Service (DFAS) Parking Lot Improvements; and Approve Amendment No. 1 to Contract with Vance Corporation in the Amount Not to Exceed \$476,907.50 for the DFAS Parking Lot Improvements Storm Chamber System; and authorize the Interim Executive Director or his designee to execute all necessary documents.

Motion	Second	Aye	Aye	Aye
Morris	Derry	Estrada	Gonzales	Johnson
Aye	Aye	Aye	Absent	
Popescu	Yzaguirre	Ziprick	Chastain	

Motion carried.

Item #15 - Approve an Agreement for Sale of Conservation Credits from the Cajon Creek Conservation Bank with Vulcan Materials Company Western Division in an Amount Not to Exceed \$1,225,000 for Seven (7) Acre/Units of Conservation Credits for the Mt. View Avenue Extension Located North of the Intersection of San Bernardino Avenue and Mt. View Avenue

ACTION: Approve an Agreement for Sale of Conservation Credits from the Cajon Creek Conservation Bank with Vulcan Materials Company Western Division in an Amount Not to Exceed \$1,225,000 for Seven (7) Acre/Units of Conservation Credits for the Mt. View Avenue Extension Located North of the Intersection of San Bernardino Avenue and Mt. View Avenue; and authorize the Interim Executive Director or his designee to execute all necessary documents.

Motion	Second	Aye	Aye	Aye
Johnson	Yzaguirre	Derry	Estrada	Gonzales
Aye	Aye	Aye	Absent	
Morris	Popescu	Ziprick	Chastain	

Motion carried.

G. ADDED AND DEFERRED ITEMS

There were no added or deferred items.

H. PUBLIC COMMENT

There was no public comment.

I. CLOSED SESSION

There was no closed session.

J. ADJOURN MEETING

There being no further business before the Board at this session, Co-Chair Josie Gonzales declared the meeting adjourned at 5:27 p.m.

Minutes approved at a Regular Meeting on August 26, 2009.

/s/
Kelly Berry
 Clerk of the Board