

INLAND VALLEY DEVELOPMENT AGENCY
ACTION MEETING MINUTES
August 23, 2006

A Regular Meeting of the Inland Valley Development Agency Board was called to order by Co-Chair Dennis Hansberger at approximately 3:07 p.m. on Wednesday, August 23, 2006, in the Council Chambers, Loma Linda City Hall, 25541 Barton Road, Loma Linda, California.

BOARD MEMBERS PRESENT:

City of Colton	Mayor Pro Tem John D. Mitchell Councilmember Helen Ramos
City of Loma Linda	Vice-Chair/Mayor Robert Christman Councilmember Floyd Petersen
County of San Bernardino	Co-Chair/Supervisor Dennis Hansberger Supervisor Josie Gonzales (3:20 p.m.)
City of San Bernardino	Co-Chair/Mayor Patrick J. Morris Councilmember Esther Estrada Councilmember Wendy McCammack

OTHERS PRESENT: Donald L. Rogers, Interim Executive Director
Michael Burrows, Assistant Director
Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP
Alex Estrada, Director of Redevelopment & Property Management
Penny Chua, Director of Economic Development & Marketing
Martin Romeo, Chief Financial Officer
Eric Ray, Airport Operations Manager
Kelly Berry, Clerk of the Board

A. CALL TO ORDER

B. ROLL CALL

Co-Chair Patrick J. Morris welcomed Councilmember Wendy McCammack as the new Board member representing the City of San Bernardino.

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 Dennis Hansberger stated Board members should note the item(s) listed which might require member abstentions. Supervisor Dennis Hansberger and Councilmember Esther Estrada stated they would be abstaining on Agenda Item No. 8. Mayor Patrick J. Morris stated he would be abstaining on Agenda Item Nos. 8, 9 and 10.

Item #2 – Informational Items

Mr. Donald L. Rogers, Interim Executive Director, gave a brief update on the Defense Finance and Accounting Service (DFAS) facility. Mr. Michael Burrows, Assistant Director, noted that Mr. Karen Bravo would be leaving the employ of the Inland Valley Development Agency, and wished her success in her future endeavors.

E. BOARD CONSENT ITEMS

Item #3 - Receive Register of Demands

Item #4 - Approve Meeting Minutes: August 9, 2006

Item #5 - Authorize Staff to Advertise for Bids for the Purchase of a Heavy Duty Farm Tractor/Bush Hog with Enclosed Cab

ACTION: Approve the Consent Calendar.

Motion	Second	Aye	Aye	Aye
Christman	Morris	Estrada	Gonzales	Hansberger
Aye	Aye	Aye	Aye	
McCammack	Mitchell	Petersen	Ramos	

Motion carried unanimously.

Co-Chair Hansberger recessed to closed session at 3:12 p.m. Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, read the closed session items as posted on the Agenda.

Supervisor Josie Gonzales arrived at 3:20 p.m., and left closed session at 3:24 p.m. Mayor Robert Christman left closed session at 3:30 p.m.

Co-Chair Hansberger reconvened the meeting at 3:32 p.m. Supervisor Josie Gonzales joined the meeting at 3:32 p.m. Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, stated there were no reportable items.

F. BOARD DISCUSSION ITEMS

Mr. Timothy J. Sabo, Lewis Brisbois Bisgaard & Smith, LLP, requested the following language be added to the Recommended Action for Agenda Item Nos. 6, 7, 8, 9 and 10: "...and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee."

ACTION: The following language shall be added to the Recommended Action for Agenda Item Nos. 6, 7, 8, 9 and 10: "...and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee."

Motion	Second	Aye	Aye	Aye
McCammack	Estrada	Christman	Gonzales	Hansberger
Aye	Aye	Aye	Aye	
Mitchell	Morris	Petersen	Ramos	

Motion carried unanimously.

Item #6 - Approve Purchase Order in an Amount Not to Exceed \$486,622.81 with Rialto Concrete Products Inc. for the Purchase of 1,187 Lineal Feet of 90” RCP D-1350 Storm Drain Pipe and 1,052 Lineal Feet of 78” RCP D-1350 Storm Drain Pipe

Mayor Robert Christman returned to the meeting at 3:34 p.m., during the discussion of Agenda Item No. 6.

ACTION: Approve the issuance of a purchase order in an amount not to exceed \$486,622.81 with Rialto Concrete Products, Inc. for the purchase of 1,187 Lineal Feet of 90” RCP D-1350 Storm Drain Pipe and 1,052 Lineal Feet Of 78” RCP D-1350 Storm Drain Pipe; appropriate a contingency budget of \$48,000; and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee.

Motion	Second	Aye	Aye	Aye
McCammack	Petersen	Christman	Estrada	Gonzales
Aye	Aye	Aye	Aye	
Hansberger	Mitchell	Morris	Ramos	

Motion carried unanimously.

Item #7 - Approve Contract with WEKA, Inc. in an Amount Not to Exceed \$1,965,258 for the Installation of 1,187 Lineal Feet of 90” RCP D-1350 Storm Drain Pipe and 1,052 Lineal Feet of 78” RCP D-1350 Storm Drain Pipe

Mr. Timothy J. Sabo, Agency Counsel, gave a brief statement. Mr. Kenneth P. Munoz, President of MCC Construction/Munoz Construction, protested the awarding of this contract pursuant to Public Contract Code Section 5103. Mr. Sabo recommended the protest be overruled, and requested the Board take the following action:

“Based upon the consideration by the Board of the correspondence dated August 18, 2006, from the attorneys for Munoz Construction, and the testimony presented on behalf of Munoz Construction at this meeting, and the report of the IVDA staff and the correspondence of the IVDA General Counsel dated August 22, 2006, addressed to the attorneys for Munoz Construction, the Board hereby orders and affirms that no bid presented to the IVDA after the hour of 10:00 AM on August 15, 2006 shall be accepted or considered for the award of a public works contract for the installation of storm drain pipe by the IVDA. The Board further finds that no good cause exists for the rejection of public works project bids submitted to the IVDA on or before the hour of 10:00 AM, on August 15, 2006, for the installation of storm drain pipe. The Board hereby overrules the bid protest of Munoz Construction to the award of a public works contract to a qualified bidder for installation of storm drain pipe by the IVDA.”

ACTION: Accept the recommendation as read into the record by Mr. Timothy J. Sabo, Agency Counsel.

Motion	Second	Aye	Aye	Aye
Morris	McCammack	Christman	Estrada	Hansberger
Aye	Aye	Aye	Nay	
Mitchell	Petersen	Ramos	Gonzales	

Motion carried.

ACTION: Approve a contract with WEKA, Inc. in an amount not to exceed \$1,965,258 for the installation of 1,187 Lineal Feet of 90” RCP D-1350 Storm Drain Pipe and 1,052 Lineal Feet Of 78” RCP D-1350 Storm Drain Pipe; appropriate a contingency budget of \$200,000; and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee.

Motion	Second	Aye	Aye	Aye
Morris	McCammack	Christman	Estrada	Hansberger
Aye	Aye	Aye	Nay	
Mitchell	Petersen	Ramos	Gonzales	

Motion carried.

Co-Chair Patrick J. Morris, Councilmember Esther Estrada, Co-Chair/Supervisor Dennis Hansberger, and Supervisor Josie Gonzales left council chambers at 3:52 p.m. Vice-Chair Christman chaired the meeting at this point.

ITEM #8 - Approve Contact with Matich Corporation, Subject to U.S. Department of Commerce, Economic Development Administration (EDA) Approval, in an Amount Not to Exceed \$4,179,714 for Roadway and Utility Infrastructure Improvements Along Harry Sheppard Boulevard and Leland Norton Way – EDA Grant No. 07-49-05672

ACTION: Approve contract with Matich Corporation, subject to U.S. Department of Commerce, Economic Development Administration (EDA) approval, in an amount not to exceed \$4,179,714 for Roadway and Utility Infrastructure Improvements along Harry Sheppard Boulevard and Leland Norton Way – EDA Grant No. 07-49-05672; appropriate \$417,971 for a contingency budget; and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee.

Motion	Second	Aye	Aye	Aye
McCammack	Ramos	Christman	Mitchell	Petersen
Absent	Absent	Absent	Absent	
Estrada	Gonzales	Hansberger	Morris	

Motion carried.

ITEM #9 - Approve Contract with Associated Engineers, Inc. in an Amount Not to Exceed \$293,860 for Construction Management Services for the Construction of Certain Infrastructure Improvements along Certain Portions of Harry Sheppard Boulevard, Leland Norton Way and George Webster Drive

ACTION: Approve contract with Associated Engineers, Inc. in an amount not to exceed \$293,860 for Construction Management Services for the construction of certain roadway and utility infrastructure improvements along certain portions of Harry Sheppard Boulevard, Leland Norton Way and George Webster Drive; and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee.

Motion	Second	Aye	Aye	Aye
McCammack	Mitchell	Christman	Petersen	Ramos
Absent	Absent	Absent	Absent	
Estrada	Gonzales	Hansberger	Morris	

Motion carried.

Co-Chair Dennis Hansberger and Supervisor Josie Gonzales returned to the meeting at 3:55 p.m., and Co-Chair Hansberger resumed chairing the meeting at this point.

ITEM #10 - Approve Contract with Associated Engineers in an Amount Not to Exceed \$224,472 for the Performance of Preliminary Engineering and Preparation of Environmental Documents and Plans and Specifications for the Construction of South Tippecanoe Avenue Phase I East Mill Street to Santa Ana River Crossing

ACTION: Approve a contract with Associated Engineers, Inc., in an amount not to exceed \$224,472 for the Performance of Preliminary Engineering and Preparation of Environmental Documents and Plans and Specifications for the Construction of South Tippecanoe Avenue Phase I East Mill Street to Santa Ana River Crossing; appropriate \$25,000 for a contingency budget; and authorize execution of all contracts and purchase orders by the Co-Chairpersons, or the Interim Executive Director, or his designee.

Motion	Second	Aye	Aye	Aye
McCammack	Gonzales	Christman	Hansberger	Mitchell
Aye	Aye	Absent	Absent	
Petersen	Ramos	Estrada	Morris	

Motion carried.

ITEM #11 - Adopt Resolution No. 2006-05 of the Inland Valley Development Agency (IVDA) Authorizing the Submittal of a Multi-Jurisdictional Application to the State Department of Housing and Community Development (HCD) for Designation as an Enterprise Zone; and Approve a Memorandum of Understanding (MOU) for the Funding, Management, and Jurisdictional Responsibilities of the San Bernardino Valley Enterprise Zone Upon Final Designation by the HCD

Co-Chair Patrick J. Morris and Councilmember Esther Estrada returned to the meeting at 3:56 p.m.

ACTION: Adopt Resolution No. 2006-05 of the Inland Valley Development Agency authorizing the submittal of a multi-jurisdictional application to the State Department of Housing and Community Development (HCD) for designation as an Enterprise Zone; and approve a Memorandum of Understanding between the Cities of San Bernardino and Colton, the Inland Valley Development Agency, and the County of San Bernardino for the funding, management, and jurisdictional responsibilities of the San Bernardino Valley Enterprise Zone upon final designation by HCD.

Motion	Second	Aye	Aye	Aye
Mitchell	Estrada	Christman	Gonzales	Hansberger
Aye	Aye	Aye	Aye	
McCammack	Morris	Petersen	Ramos	

Motion carried unanimously.

ITEM #12 - Authorize Staff to Purchase Two (2) 2006 4-Door Sedans for an Amount Not to Exceed \$42,902 and Three (3) 2006 Pick Up Trucks for an Amount Not to Exceed \$73,727.25 from Pasadena Ford

ACTION: Continue Agenda Item No. 12 to the next regular meeting.

Motion	Second	Aye	Aye	Aye
Morris	McCammack	Christman	Estrada	Gonzales
Aye	Aye	Aye	Aye	
Hansberger	Mitchell	Petersen	Ramos	

Motion carried unanimously.

G. ADDED AND DEFERRED ITEMS

There were no added or deferred items.

H. PUBLIC COMMENT

There were no public comments. Co-Chair Patrick J. Morris thanked all the member agencies participating in the Multi-Jurisdictional Application for Designation as an Enterprise Zone, noting their hard work and efforts in preparing and timely filing the application.

I. CLOSED SESSION

See Section E. above.

J. ADJOURN MEETING

There being no further business before the Board at this session, Co-Chair Dennis Hansberger declared the meeting adjourned at 4:15 p.m.

Minutes approved at a Regular Meeting on September 27, 2006.

Kelly Berry
Clerk of the Board