

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on November 15, 2005, at 3:00 P.M.

PRESENT

Susan Pepler, Mayor  
Gilberto Gil, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
Gary George, Councilmember  
Jon Harrison, Councilmember

ABSENT

None

STAFF

John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Don Gee, Redevelopment Agency Director; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

The meeting was opened with an invocation by Mayor Pepler followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of November 1, 2005, and the special meeting of November 9, 2005, were approved as submitted.

Bills and Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, payment of salaries and bills was acknowledged.

Agreement - Financial Software - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the annual support agreement with SunGard Bi-Tech, Inc. for customer support and software updates for the period November 20, 2005, to November 19, 2006, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on November 8, 2005, was acknowledged as received.

Ordinance No. 2627 - Sign Criteria - Ordinance No. 2627, an ordinance of the City of Redlands amending Ordinances Nos. 1794, 1881 and 1888 (Specific Plan No. 29) related to permitted signage (Coordinated Sign Systems,

applicant), was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

Annual General Plan Report - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the Annual General Plan Report as submitted and authorized its forwarding to the Office of Planning and research and Department of Housing and Community Development.

CUP 543 - Time Extension - Arrowhead Christian Academy - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously determined that the consideration of a time extension for Conditional Use Permit No. 543, Revision 9, does not require environmental processing and is exempt from CEQA review pursuant to Section 15301 of the California Environmental Quality Act Guidelines which provide an exception for the permitting of existing facilities. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a one year time extension for Conditional Use Permit No. 543, Revision No. 9, for the Arrowhead Christian Academy.

Subdivision Improvement Agreement - Minor Subdivision No. 265 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a subdivision improvement agreement for Parcel Map No. 16021 for Minor Subdivision No. 265, which will create two residential lots on one acre for property located at the southwest corner of Citrus Avenue and La Salle Street (VicSeth Construction, applicant), and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Time Extension - Bonita Development, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Bonita Development, LLC, for a 90 days extension of processing time as provided for under the California Environmental Quality Act for Agricultural Preserve Removal No. 108, Specific Plan No. 59 and Tentative Tract No. 17265 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Booking Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a supplemental agreement with the County of San Bernardino relating to the amount of criminal justice administration fees (also referred to as booking fees) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Correspondence - Councilmember-Elect Gallagher - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council

unanimously received and filed a memorandum from City Attorney McHugh regarding correspondence with Councilmember-Elect Gallagher.

Proclamation - Bully Free Community - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring Redlands to be a community striving to be "Bully Free" and recognizing the Girl Scouts of San Geronio as a leader in working to achieve this community goal.

Agreement - Bus Shelter Lighting - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an "Electric Power Agreement for Bus Shelter Lighting" with Lamar Advertising Company for the installation of lighting facilities in bus shelters and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract Award - Measure I Funds - Cypress Avenue Reconstruction Project - Bids were opened and publicly declared on October 27, 2005, by the City Clerk for the Cypress Avenue Reconstruction Project; a bid opening report is on file in the Office of the City Clerk. The Public Works Department recommended that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Laird Construction Company, Inc., Rancho Cucamonga. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously determined that the Cypress Avenue Reconstruction Project is considered a 'Class I Categorical Exemption' pursuant to Section 15301 (c) of the California Environmental Quality Act Guidelines which provides an exemption for the operation, repair and maintenance of existing public facilities involving negligible or no expansion of use beyond that previously existing which relates to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, except where activity will involve the removal of a scenic resource. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously appropriated an additional \$642,000 from the Measure I fund to cover the cost of construction of the Cypress Avenue Reconstruction project, including administrative costs. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously awarded the contract for construction of the Cypress Avenue Reconstruction project to Laird Construction Co., Inc.

Resolution No. 6445 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6445, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: install stop signs on northbound Cortez Street at Dearborn Street and on northbound Dearborn Street at Sessums Drive; install multi-way stops at the intersection of San Bernardino Avenue and Dearborn

Street; install multi-way stops at the intersection of San Bernardino Avenue and Wabash Avenue; install a stop sign on eastbound Ridge Street at Center Street; and create a no parking zone on both sides of Sylvan Boulevard between University Street and Grove Street, beginning approximately 348 feet east of University Street and continuing to Grove Street, excepting the south side of Sylvan Boulevard at 1134, 1150, and 1152 Sylvan Boulevard.

Amendment - Funds - Street Improvement Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the second amendment to the consultant services agreement with Parsons Brinckerhoff Quade & Douglas, Inc. To provide additional engineering design services for the Redlands Boulevard, Alabama Street and Colton Avenue Improvement Project, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and appropriated \$64,850.00 from the Development Impact Fee account to Local Transportation Fund.

Funds - Traffic Striping - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously appropriated \$6,400.00 from the General Fund to the Public Works Department, Street Division, and directed staff to install traffic striping on Garden Street from Cajon Street to Franklin Avenue (South) as recommended by staff.

Donation - Redlands Bowl Sound System - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted the offer of funding from a grant to the Redlands Community Music Association to cover the full cost of a new conduit system to handle wiring for the sound system and the Redlands Bowl and directed staff to implement this project.

Contract "B" Water Agreements - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the transfer of two City of Redlands' Contract "B" Water agreements in the amount of 200-day inches of water from the City of Redlands to R. H. Paxton and Frances J. Paxton.

Water/Wastewater Agency Response Network - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the Mutual Assistance Agreement and Articles of Agreement for City membership in the Water/Wastewater Agency Response Network and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Electricity Cogeneration Facilities - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Carollo Engineers to develop a request for proposals for maintenance and operation of the City's electricity cogeneration facilities and for engineering services to evaluate a new electricity cogeneration project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Electricity Cogeneration Facility - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement to furnish engineering services and materials with Janecek & Association for the electricity cogeneration facility in the amount of \$80,964.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Basin Modeling - Treated Wastewater Discharges - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for engineering services with Wildermuth Environmental for basin modeling of treated wastewater discharges and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6448 - Airport Master Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6448, a resolution of the City Council of the City of Redlands authorizing application, acceptance and execution of a grant agreement with CalTrans for a matching grant for an FAA approved project under the Airport Improvement Program No. 3-06-0195-08 (update to the Airport Master Plan for the Redlands Municipal Airport).

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Janecek and Associates to furnish landfill gas engineering services for the California Street Landfill and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Vehicle Purchases - Solid Waste Division - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of two LNG front-end loader collection trucks from Diversified Truck Center in the amount of \$408,639.00.

Contract Award - Paving Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously waived an irregularity in the bid for the Paving Project for the 2005 Water Capital Improvement Program, Project No. 1-0537, on the basis that the irregularity is inconsequential and awarded the contract for the project to Laird Construction

Company based on a total bid amount of \$233,751.20, authorized staff to approve contingent costs up to 10 percent over the total bid amount, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fire Vehicle Purchases - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized acceptance of a bid for the purchase of two replacement command vehicles for the Fire Department and to accept a sole source bid from "Fun Company" for the installation of all communication, command and control requirement equipment.

Rental Agreement - Junior All American Football - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a rental agreement with Junior All American Football for use of Fields 1-4 at Community Park and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract - CrimeView Software - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a contract with The Omega Group to upgrade the Police Department's CrimeView software and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Vehicle Purchases - Police Department - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously awarded a bid to Redlands Ford for 14 vehicles for the Redlands Police Department and authorized staff to proceed with a lease-purchase agreement with Ford Motor Credit Company in the amount of \$322,795.81.

Funds - Citizens' Option for Public Safety Funds - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the use of the 2005-2006 Citizens' Option for Public Safety funds as recommended and authorized an additional appropriation in the amount of \$101,469.00.

Pre-Disaster Mitigation Grant Funding - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to amend the City of Redlands' application for 2006 Pre-Disaster Mitigation Grant funding for the acquisition of a 38-acre parcel of land generally located on the north side of Colton Avenue between Opal Avenue and Walnut Street.

MOU - Redlands Professional Firefighters Association - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 1, pertaining to compensatory time and

sick leave, to the Memorandum of Understanding with the Redlands Professional Firefighters Association and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Refueling Station - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for use of the refueling station with the San Bernardino Valley Municipal Water District and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2625 - Relocation Appeals Board - Ordinance No. 2625, an ordinance of the City of Redlands adding Chapter 2.70 to the Redlands Municipal Code to establish a Relocation Appeals Board, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

## PUBLIC HEARINGS

Parking and Business Improvement Areas - Public hearings were advertised for this time and place to consider Resolution No. 6429, ordering the continued operation of Parking and Business Improvement Area B and confirming the annual report and assessments for Fiscal Year 2005-06 and Ordinance No. 2621, an amendment to the Redlands Municipal Code relating to Parking and Business Improvement Areas. Mayor Pepler declared the meeting open as a public hearing. Community Development Director Shaw explained the 2005-06 Annual Report, outlining assessments, district boundaries, proposed improvements and activities and budgets has been prepared and was attached to the staff report. This report has been approved by the Advisory Board for Parking and Business Improvement Area B and filed with the City Clerk in accordance with Section 36533 of the California Streets and Highways Code. Resolutions declaring the City Council's intent to levy assessments were approved on September 20, 2005. Approval of Resolution No. 6429 and Ordinance No. 2621 is the final step required for the continued operation of the Parking and Business Improvement Area B. Responding to Councilmember Gilbreath's question, Community Development Director Shaw reported he and Redevelopment Agency Director Gee are discussing expanding the existing boundaries or create another area. There were no questions or comments from the audience and the public hearing was declared closed.

Resolution No. 6429 - Councilmember Harrison moved to adopt Resolution No. 6429, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement Area B and confirming the annual report and assessment for fiscal year 2005-06. Motion seconded by Councilmember Gilbreath and carried unanimously.

Ordinance No. 2621 - Ordinance No. 2621, an ordinance of the City of Redlands amending Chapter 18.216 of the Redlands Municipal Code relating to Parking and Business Improvement Areas, was read by title only

by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2621 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 6, 2005.

## COMMUNICATIONS

Appointments - BEDAC - Mayor Pepler moved to appoint Eric McClellan to a one-year term ending November 15, 2006, on the Business and Economic Development Commission. Motion seconded by Councilmember Gil and carried unanimously. Mayor Pepler moved to reappoint Barbara Garcia, Rama Atluri and Kathie Thurston to additional four-year terms on the Business and Economic Development Commission. Motion seconded by Councilmember Gil and carried unanimously.

Appointment - Municipal Utilities/Public Works Commission - Mayor Pepler moved to appoint Stephen P. Stockton to a four-year term ending November 16, 2009, on the Municipal Utilities/Public Works Commission. Motion seconded by Councilmember Gilbreath and carried unanimously. Mayor Pepler announced we will be advertising for openings on the Business and Economic Development Commission and the Municipal Utilities/Public Works Commission.

Annexation Nos. 81 and 83 - Community Development Director Shaw reported the Local Agency Formation Commission is currently considering two applications for annexation to the City of Redlands. Annexation No. 81 is for a 27 lot single family residential subdivision located on the south side of Madeira Avenue between Sapphire Avenue and Plumwood Lane. Annexation No. 83 is for Amethyst Bible Church which is located on the northwest corner of Mentone Boulevard and Amethyst Street. Both of these applications are located within the City of Redlands Sphere of Influence in the community of Mentone and have been filed to enable the property owner to receive extension of water and sewer services for the proposed development. The requirement to annex to receive water and sewer services is the result of General Plan policies adopted as part of Measure "U". During the LAFCO hearing on the requested annexations, some opposition to the annexations was expressed by residents of Mentone who feared that these actions would lead to future annexation of their homes. The Local Agency Formation Commissioners were also sensitive to the position and needs of the property owners who are involved in the annexation requests however, they were uncomfortable with what they perceived as piecemeal annexations. As a compromise, the Commission suggested that the annexations could proceed but have the City contract with the County for emergency services (police and fire). In their mind, this would have the effect of treating the existing neighborhood with similar services until the City was in a position to expand its boundaries to take in a larger area and provide the services more economically. The annexation hearing request was continued



until November 16 to allow the City and the County to meet and discuss this concept. Community Development Director Shaw reported that on November 7, 2005, City and County representatives met to discuss the annexations and LAFCO concerns. Various service scenarios were discussed, and it was agreed that City staff would bring the idea of the City contracting with the County for services such as Fire and Police for the properties involved in these and potentially future annexations to the City Council for review and a recommendation that could be presented back to LAFCO at its hearing on November 16, 2005. He then reviewed each emergency service as follows.

**Fire Service:** The subject area of Mentone is presently served by a County fire station located at the intersection of Mentone Boulevard and Crafton Avenue. The City and the County currently have a Mutual Aid Agreement and Automatic Aid Agreement for service in this area. When there is a need for service in this area involving City territory, it is common that the first response will be from the County Fire Station. Based on this, the Fire Chief indicated that he was amenable to an agreement with the County that would have the County provide a joint fire response service to these two annexation areas.

**Police Service:** The unincorporated area of Mentone is currently being serviced by the County Sheriff who operates out of a substation in Yucaipa. They have deputies who provide patrol services to the Mentone community. The City of Redlands Police Department provides patrol services to incorporated areas including the 7W Enterprises industrial complex and other incorporated areas east to Bryant Avenue. The Police Department routinely responds to traffic incidents and calls for service in this area. Year-to-date, the Police Department has responded to 116 calls in and around the incorporated area east of Wabash Avenue. Most of these calls were north and east of the proposed annexation and the proposed annexation will not present an additional burden on services. Police service is not the same as Fire, in that Police Officers do not respond from a station, but from the field where they are on patrol. The Police Department's response time is 9 minutes 32 seconds, which includes the time from when the call is initially received in dispatch until the time an Officer is on scene. We have been advised by Sheriff's Department staff that they calculate response times differently in that they calculate from the time the call is sent to the Deputy till the time the Deputy arrives on scene (travel time) and do not include the time a call is held in dispatch. When using this method of calculation, the Police Department average response time year-to-date would be 5 minutes 12 seconds. The Police Chief believes that the City can provide a high quality, comprehensive police service for the future residents and owners in these annexation areas and that not using the Police Department for the proposed annexation would not enhance law enforcement services to this area. The Police Chief argues that if property is annexed into the City of Redlands, it should be served by the Redlands Police Department. Staff recommends that the City Council agree with LAFCO to explore with the County the feasibility of contracting with the County to provide selected services to annexed areas until a sufficiently larger area has been annexed to allow the City to economically provide said services to the annexed areas. Councilmembers discussed this proposal at length with some concern expressed that the City was being mandated to contract with the County for these services. Staff assured Councilmembers this was not their

understanding and they thought the applications would be continued until January, 2006, which would allow the City to explore the feasibility. Councilmember Gilbreath moved to authorize staff to explore the feasibility of the City contracting with County for the provision of selected services including police and/or fire for certain areas proposed to be annexed in the community of Mentone. Motion seconded by Councilmember Pepler and carried with Councilmembers Gil and George voting NO as they felt properties annexed to the City should receive City services.

## PUBLIC COMMENTS

Evening Session - Mayor Pepler announced that a public hearing scheduled for this evening would be continued to December 20, 2005, as applicant for the Bonita Development had requested his application be continued to December 20, 2005. Since that was the only item of business on the agenda for the evening session, Councilmembers would not return at 7:00 P.M. At this time, Mayor Pepler provided an opportunity for the public to address the City Council on any subject, within the jurisdiction of the City of Redlands, which was not already scheduled on this agenda. There were none forthcoming.

## LATE BREAKING ITEM - CLOSED SESSION

City Attorney McHugh reported that at approximately 12:30 P.M. on November 15, 2005, the City Attorney and the attorney for Covington Development received a telephone call from the attorney for the Redlands' Residents for Rural Living, the citizens' group that filed a lawsuit against the Covington project. The purpose for the telephone call was to discuss what actions might be appropriate in light of the election referendum results and a hearing before the court scheduled for November 22, 2005. In summary, one of the legal challenges made by the citizens' group was to the City Council's approval of the zone change for the project. The City Attorney subsequently filed a Motion for Summary Adjudication regarding that challenge and requested a ruling in the City's favor. Again, the hearing on that motion is scheduled for November 22, 2005. However, now that we know the results of the election -- that the citizens turned down approval of the zone change -- it appears the citizens' legal challenge to the zone change is now moot, and there is no need to have the hearing on November 22, 2005. The attorney for the citizens' group suggested terms for a stipulation to dismiss the groups' zone change cause of action. Thus there is a need for a closed session to present those terms to the City Council. Noting the need to take action was immediate, Councilmember Gilbreath moved to add this matter to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Gil and carried unanimously.

## ADJOURNMENT

The City Council meeting recessed at 3:52 P.M. There being no quorum present at 7:00 P.M., the City Clerk declared the meeting adjourned to the next regular meeting to be held on Tuesday, December 6, 2005, at 3:00 P.M.

/s/ Lorrie Poyzer, City Clerk