

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Joslyn Senior Center, 21 Grant Street, on October 16, 2007, at 3:00 P.M. The location of the meeting was changed due to a flood caused by a sewage blockage in the Civic Center which occurred on October 10, 2007.

PRESENT

Jon Harrison, Mayor  
Pat Gilbreath, Mayor Pro Tem  
Gilberto Gil, Councilmember  
Mick Gallagher, Councilmember  
Pete Aguilar, Councilmember

ABSENT

None

STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Michael Reiter, Assistant City Attorney; Lorrie Poyzer, City Clerk; Teresa Ballinger, Assistant City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tina Kundig, Finance Director and Acting Administrative Services Director; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; Jeffrey L. Shaw, Community Development Director; Kurt Smith; Chief Information Officer, Gary Van Dorst, Quality of Life Interim Director.

The meeting was opened with an invocation by Councilmember Gallagher followed by the pledge of allegiance.

PRESENTATION

Ronald C. Mutter, Public Works Director - Mayor Harrison presented a proclamation to Public Works Director Ronald C. Mutter recognizing his 35 years of service to the City of Redlands and thanked him for his patience and dedication to keep the wheels of government moving. Public Works Director Mutter will retire on November 1, 2007. Accepting the proclamation, he noted he could not have done the job alone and thanked his wife, Sally, and daughters who shared him with the City.

Awards - Orange Street and Alabama Street Bridges Project - On behalf of the American Public Works Association, Mark Lancaster presented the Project of the Year Award to the Public Works Department for the Orange Street and Alabama Street Bridges Project. Bill Flores, American Society of Civil Engineers, San Bernardino and Riverside Branch, presented their 2006-07 award for the same project. On behalf of the Construction Management Association of America, Ivan Benavidez, Jr. and Bijan Salar also presented a national award for the best project under \$10 million in the United States for this project. Public Works Director Mutter reported it took his department over

ten years to build these bridges with all the environmental problems and he was delighted for the recognition.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of October 2, 2007, were approved as submitted.

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

Contract - Recruiting Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a contract with Bob Murray & Associates for executive recruiting services for the position of Community Development Director.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on October 9, 2007, was acknowledged as received.

Agreement - General Plan Update - Community Development Director Shaw responded to several questions from Councilmember Gilbreath. Councilmember Gilbreath also asked staff to schedule huge magnitude items as "New Business" rather than on the "Consent Calendar." City Manager Martinez said he would prepare an information item for the City Council establishing guidelines for "Consent Calendar" matters. Councilmember Gilbreath moved to approve an agreement with Dyett & Bhatia in the amount of \$947,935.00 for professional consulting services to prepare a comprehensive General Plan Update and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gallagher and carried unanimously.

Density Bonus Housing Agreement - Housing Authority Partners I, Inc. - Responding to Councilmember Gil's question, Community Development Director Shaw stated staff was close to coming to an agreement with Housing Authority Partners I, Incorporated. Interim Redevelopment Agency Director Dukett reported comments were received from the Housing Authority Partners I, Incorporated's attorney on Monday. Councilmember Gil moved to acknowledge receipt and ordered filed the staff's report on the status of the density bonus housing agreement with Housing Authority Partners I, Incorporated in which staff anticipates the agreement will return to the City Council for the meeting of November 6, 2007. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2681 - Zone Change No. 431 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Ordinance No. 2681, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map by approving Zone Change No. 431, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District on approximately 4.64 acres located on the north side of San Bernardino Avenue at 1305 East San Bernardino Avenue (Derek and Cynthia Peel, Applicant).

Settlement Agreement - Hauso - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged receipt of a Release of All Claims for settlement of a property damage claim submitted by Mr. Christopher Hauso.

Railroad Quiet Zone - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved cancellation of the projects to install quiet zones on the Union Pacific Railroad crossing at Alessandro Road and at San Timoteo Canyon Road and authorized a refund of any unexpended funds submitted by the applicants for the projects.

Funds - Contract Award - Redlands Sports Park - Bids were opened and publicly declared on September 17, 2007, by the City Clerk for the Redlands Sports Park Restroom Building Project; a bid opening report is on file in the Office of the City Clerk. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation of \$90,000.00 from the Park Development and Open Space Fund to fund the Sports Park Restroom Building Project. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously awarded the contract for construction of the Sports Park Restroom Building Project to ASR Constructors, Inc. and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waivers - Redlands Shakespeare Festival - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of fees and charges, exclusive of the fees for the Mission Gables restrooms, for use of the Redlands Bowl and Smiley Park by the Redlands Shakespeare Festival scheduled for March 29 through May 27, 2008, with the stipulation that the cleanup deposit of \$1,000.00 be required and all required certificates of insurance be submitted prior to the event.

Fee Waiver - Ronald McDonald House - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request by the Loma Linda Ronald McDonald House for use of Sylvan Park for their special fund-raising event, including placement of booths in the park for various events and activities to include sales in the park; approved the waiver of reservation and use fees in the amount of \$2,570.00 for

use of all of Sylvan Park for this event to be held on May 17-18, 2008; and required the applicant to pay any hard costs associated with the event upon receipt of an invoice from the City.

Funds - Contract Award - San Bernardino Avenue Street Widening Project - Bids were opened and publicly declared on September 17, 2007, by the City Clerk for the San Bernardino Avenue Street Widening Project; a bid opening report is on file in the Office of the City Clerk. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously determined that the award of the contract for construction of the San Bernardino Avenue Street Widening Project is exempt from environmental review under California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15301(c). On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation of \$533,458.20 from the Local Transportation Fund to fund this project; a ten percent contingency of \$48,496.20 is included in this appropriation. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously awarded the construction of the San Bernardino Avenue Street Widening Project to Roadway Engineering and Contracting, Inc. in the amount of \$484,962.00. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to issue contract change orders not to exceed ten percent of the total of the construction bid totaling \$48,496.20. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted the construction reimbursement from Mountain View Power Company, LLC in the amount of \$250,186.76 pursuant to the cooperative agreement between the City of Redlands and Mountain View Power Company dated October 18, 2005.

Resolution No. 6655 - Speed Zones - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6655, a resolution of the City Council of the City of Redlands approving an Engineering, Traffic and Speed Survey for Church Street between Riverview Drive and Redlands Boulevard in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission.

Resolution No. 6656 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6656, a resolution of the City Council of the City of Redlands establishing the following traffic regulations in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission: install stop signs on Centennial Way at Dearborn Street and on Foothill Way at Dearborn Street.

Resolution No. 6657 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6657, a resolution of the City Council of the City of Redlands establishing the following traffic regulations in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission: Create a "No Parking Zone" on University Street at Phelan Avenue and remove a "No Parking Zone" on Fern Avenue along the frontage of the Redlands Drive-In Dairy, west of Redlands Boulevard.

Resolution No. 6658 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6658, a resolution of the City Council of the City of Redlands establishing the following traffic regulations in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission: Create a two-hour time limit parking zone on Fern Avenue from Terracina Boulevard to Bellevue Road and remove the existing white painted curb "Loading Zone" from the frontage of Clement Middle School.

Funds - Landscaping Contract - The Terrace - On October 2, 2007, the City Council directed the City Manager and staff to hire a consultant to provide the landscape consulting services for improvement of The Terrace. On behalf of the North Redlands Vision Committee, Mario Saucedo submitted a proposal from STB Landscape Architects in the amount of \$8,375.00 at that meeting. Staff is expecting two other proposals and recommended authorizing the City Manager to approve a consultant services agreement to the lowest qualified bidder for landscape consulting services for The Terrace and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Councilmember Gilbreath moved to approve staff's recommendation and to approve an additional appropriation of up to \$8,500.00 from the Park Development fund. The motion was seconded by Councilmember Gil. Mr. Saucedo urged the City Council to allow the community to participate in the decision; he was assured staff would work with them. Following discussion, Councilmember Gilbreath restated her motion. This motion was seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6660 - Local Emergency Termination - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6660, a resolution of the City Council of the City of Redlands terminating a local emergency at the Hinckley Water Treatment Plant and North Orange Well Field.

Addendum to Agreement - Customer Information System - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an addendum to the customer information system agreement for the purchase of hardware and software and the licensing, implementation services and the associated annual maintenance and support of

applicant software and hardware products with Systems & Software, Inc. and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Lease Agreement - Airport - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a lease agreement with Rancho Pacific Properties, LLC doing business as Redlands Aviation and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Liquefied Methane Gas - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Applied LNG Technologies for the purchase and sale of liquefied methane gas and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Vehicle Purchase - Solid Waste Division - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of an LNG roll-off truck from Rush Truck Centers in the amount of \$169,639.85.

Agreement - Particulate Filters - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Ironman Parts and Services to install particulate filters in all heavy diesel trucks in conformance with California Air Resource Board requirements and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Independent Contract Agreement - DASH, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Developing Aging Solutions with Heart (DASH), Inc. under the Community Development Block Grant Funds and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Grant Funding Application - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to apply for grant funding through the California Department of Water Resources, Flood Protection Corridor Program.

Funds - CVP Vehicle Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an additional appropriation of \$17,301.00 and authorized the purchase of a vehicle for the Citizen Volunteer Patrol under the Redlands Police Department.

Fee Waiver - Redlands Bicycle Classic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request of the Redlands Bicycle Classic to waive all City-related fees, costs and charges associated with the 24th annual race to be held on April 3-6, 2008.

## COMMUNICATIONS

Meeting Attendance - No reports forthcoming from Councilmembers.

Police Advisory Commission - City Manager Martinez and Police Chief Bueermann met with the consultant conducting the Police Department audit report and recommended postponing discussion on the formation of a Police Advisory Commission until the study has been completed. Oscar Sepp urged this matter be tabled until after the election. Debra Nestor supported formation of the Police Advisory Commission. Councilmember Gilbreath moved to continue this matter until staff feels it is appropriate to bring back to the City Council. Motion seconded by Councilmember Gil and carried unanimously.

Integrated Regional Management Plan - Staff requested this item be continued as the consultant was not able to attend this meeting.

Tree Planting Strategy - Quality of Life Interim Director Van Dorst reviewed the proposed strategy for planting 1,000 trees within one year which the Street Tree Commission unanimously supported at their September 27, 2007, meeting. Southern California Edison has made a commitment to provide 50 saplings for planting this year and another 50 saplings for next year. ESRI has donated \$55,000.00 towards this project. Councilmember Gilbreath moved to approve the strategy for planting 1,000 trees as presented in the staff report and authorized the Quality of Life Director to act as the City's "Responsible Party" to submit a grant application for Community Development Block Grant funding for tree planting and authorized the Quality of Life Director to act as the City's "Responsible Party" to submit a grant application to the National Urban and Community Forestry Advisory Council for tree planting. Motion seconded by Councilmember Aguilar and carried unanimously.

U. S. Mayors Climate Protection Agreement - Mayor Harrison reported endorsement of the U. S. Mayors Climate Protection Agreement effectively establishes City policy to pursue environmental stewardship pertaining to a broad, eclectic array of environmental programs and initiatives. The City's commitment to exceed the target of reducing global warming pollution levels to seven percent below 1990 levels effectively becomes a policy commitment for the Redlands' community to implement various green policy initiatives such as land use policies that promote walkable communities, preserve open space and reduce sprawl; amenities that promote alternative transportation such as public transit, bicycle use, etc; use of alternative sources of energy and energy

efficiency; sustainable building practices such as Leadership in Energy and Environmental Design (LEED) development; increase recycling rates; and promotion of healthy urban forests and shade trees. Endorsement of the U. S. Mayors Climate Protection Agreement reflects our community's commitment to environmental stewardship and the importance of implementing sustainable policies and practices. Councilmember Aguilar thanked Mayor Harrison and staff for their efforts. Communications were received from 17 residents; 16 were in support. Councilmember Harrison moved to endorse the U. S. Mayors Climate Protection Agreement. Motion seconded by Councilmember Gil and carried unanimously.

## NEW BUSINESS

Ordinance No. 2683 - Urinating and Defecating in Public - Police Chief Bueermann said there have been many complaints by local commercial business owners that people have been repeatedly urinating and defecating in public next to their buildings and on their property, creating a serious health and safety hazard to the owners who are forced to clean-up and dispose of the human waste. Attempts to seek voluntary discontinuance of this behavior have not been successful. This ordinance will provide local law enforcement with an enforcement tool by which to address and, hopefully, reduce this unsafe and unhealthy behavior. Ordinance No. 2683, an ordinance of the City of Redlands adding Section 9.16.040 to the Redlands Municipal Code relating to urinating and defecating in public, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Aguilar, further reading of the ordinance text was unanimously waived, and Ordinance No. 2683 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for November 6, 2007.

Resolution No. 6659 - North Redlands Revitalization Project - Due to a potential conflict of interest, Councilmember Gil retired from the meeting room in Joslyn Senior Center and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Interim Redevelopment Agency Director Dukett reviewed the proposal from staff. Councilmember Gilbreath moved to adopt Resolution No. 6659, a resolution of the City Council of the City of Redlands finding and determining that a Project Area Committee is not legally required and need not be formed and authorizing a Community Participation and Education Program with respect to the North Redlands Revitalization Project. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil having abstained. (Also see Redevelopment Agency minutes for the meeting held on October 16, 2007.)

## LATE BREAKING ITEM



Resolution No. 6661 - Proclamation of Local Emergency - Noting the need to take action was immediate, Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Proclamation of a local emergency - Resolution No. 6661 - Request the City Council find and determine that the local emergency will not permit a delay caused by the solicitation of competitive bids for the necessary work to alleviate the emergency and that the City Manager negotiate and award such necessary contracts." Motion seconded by Councilmember Gallagher and carried unanimously. Chief Information Officer Smith briefed Councilmembers on the flood in the Civic Center which occurred on October 10, 2007, which was caused by a sewage backup. City workers discovered flooding at the Redlands Civic Center when they returned to work early Wednesday, October 10, 2007. The gray water backup, caused by debris in a sewer line at the City Hall complex, resulted in the flooding of several offices, including the City Council Chambers, City Clerk's Office, Redlands TV media room, the Police Department evidence vault, the Administrative Services Department and the Fire Department Administration Office. Pursuant to the request of the City Manager (the City's Director of Emergency Services), Councilmember Gilbreath moved that this City Council proclaim the existence of a "local emergency" in accordance with Chapter 2.52 of the Redlands Municipal Code. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved that the City Council find and determine that City staff has presented this City Council with verbal and written testimony which constitutes substantial evidence that the local emergency caused by the accidental flooding at the Civic Center due to a sewage backup will not permit a delay in undertaking the work to alleviate the local emergency that would result from a competitive solicitation of bids for the project. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to adopt Resolution No. 6661, a resolution of the City Council of the City of Redlands declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved that the City Council determine that the City's award of a contract for the Civic Center repairs does not require further environmental processing, pursuant to Section 15269 of the California Environmental Quality Act Guidelines based on the following determination: emergency repairs to publicly-owned service facilities necessary to maintain service essential to the public health, safety and welfare are exempt from the requirements of the California Environmental Quality Act. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize the City Manager to negotiate and award the necessary contracts to alleviate the emergency at the Civic Center. Motion seconded by Councilmember Gallagher and carried unanimously.

## PUBLIC COMMENTS

The Terrace - Mario Saucedo, North Redlands Vision Committee, extended appreciation to all involved in The Terrace dedication ceremony that took place earlier this afternoon. He also extended his personal thanks to Public Works Director Mutter for his service to the community.

The Flood - Councilmember Gilbreath thanked Police Chief Bueermann for responding to members of the Redlands Historical Museum to assure them their collection of historical items stored in the basement of the Civic Center were not damaged in the flood which occurred on October 10, 2007.

## CLOSED SESSION

The City Council meeting recessed at 4:10 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8  
(Mayor Harrison)  
Property: APNs 0292-044-08, 09, 10, 11 and 12  
APNs 0292-071-10, 15, 18, 29, 35, 40 and 43  
Negotiating parties: N. Enrique Martinez, Gary Van Dorst, Steve Dukett and Prologis  
Under negotiation: Terms and price for possible property exchange
2. Conference with real property negotiator - Government Code §54956.8  
(Community Development Director Shaw)  
Property: APNs 0292-034-02, 05, 08  
Negotiating parties: N. Enrique Martinez, Jeff Shaw and James Antoyan  
Under negotiation: Terms and price of property purchase by City
3. Conference with real property negotiator - Government Code §54956.8  
(Municipal Utilities Director Phelps)  
Property: APN 0167-101-16  
Negotiating parties: N. Enrique Martinez, Gary Phelps, Chris Diggs and Randy Van Gelder  
Under negotiation: Negotiation of terms and price for City grant of easement
4. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)  
(City Attorney McHugh)
  - a. Howard S. Butcher v City of Redlands; Frank Antonio Rocha, et al. San Bernardino Superior Court Case No. SCVSS 144840
  - b. Mark Major v City of Redlands (Workers' Compensation claim)

## CLOSED SESSION REPORT

Easement - The City Council meeting reconvened at 5:24 P.M. By unanimous vote, the City Council granted an easement to the San Bernardino Valley Municipal Water District on behalf of Southern California Edison.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 5:26 P.M. in memory of Mayor Emeritus Charles G. (Chuck) DeMirjyn. Mr. DeMirjyn died on October 5, 2007. He was elected as a Member of the City Council on April 12, 1966, and retired on February 7, 1993. He served four terms as Mayor.

The next regular meeting will be held on November 6, 2007.