

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 September 15, 2009, at 3:00 P.M.

PRESENT Jon Harrison, Mayor
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember
Jerry Bean, Councilmember

ABSENT Pat Gilbreath, Mayor Pro Tem

STAFF N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff L. Frazier, Fire Chief; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director; Gary van Dorst, Quality of Life Director

The meeting was opened with an invocation by Councilmember Aguilar followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Redlands Animal Shelter volunteer Lynda Ackerman introduced Rosa, a two-month old black and white Chihuahua. Rosa and her brother Pablo are available for adoption at the Redlands Animal Shelter.

CONSENT CALENDAR

Minutes - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council approved, by AYE votes of all present, the minutes of the regular meeting of September 1, 2009, as submitted.

Salaries and Bills - Due to a potential conflict of interest, Councilmember Bean retired from the Council Chambers 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. On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, payment of salaries and bills was approved by AYE votes of all present with Councilmember Bean having abstained.

Settlement Agreement - Octaviana Asamsama - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council acknowledged, by AYE votes of all present, a settlement and release agreement with Octaviana Asamsama from the incident which occurred on or about

May 19, 2008, on or near San Bernardino Avenue, near the intersection with Texas Street. The City Council authorized settlement of this claim and this Release of All Claims reflects the Council's terms and conditions for settlement of this claim and the resulting action filed in San Bernardino Superior Court Case No. CIVDS 901558.

Appointment - Street Tree Committee - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council appointed, by AYE votes of all present, Donald Buchanan to serve the remainder of an unexpired term on the Street Tree Committee ending July 5, 2013, as recommended by Mayor Harrison.

Reappointment - Traffic and Parking Commission - Councilmember Bean noted that Ordinance No. 2491, effective June 4, 2002, includes a provision that facilitates the extension of a commissioner's term beyond the two-term limitation with a four-fifths vote of the City Council. Mayor Harrison noted Mr. O'Neal indicated he was willing to serve a third term on the Traffic and Parking Commission, and that there were no other applicants. Councilmembers discussed this requirement and suggested trying to broaden advertising for vacancies. Councilmember Bean moved to appoint C. Don O'Neal to serve another four-year term on the Traffic and Parking Commission ending December 12, 2012, as recommended by Mayor Harrison. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Proclamation - Plymouth Village - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council authorized, by AYE votes of all present, issuance of a proclamation congratulating Plymouth Village on the occasion of their 50th anniversary.

Proclamation - Fire Prevention Week - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council authorized, by AYE votes of all present, issuance of a proclamation declaring the week of October 4-10, 2009, as *Fire Prevention Week*.

Resolution No. 6885 - Speed Study - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council adopted, by AYE votes of all present, Resolution No. 6885, 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: Set speed limits on Palm Avenue between Serpentine Drive and Ford Street, as recommended by the Traffic and Parking Commission.

Resolution No. 6886-6887 - Measure "I" Programs - Councilmember Bean questioned how staff arrived at the project lists for the San Bernardino County Transportation Authority's Measure "I" Six-Year Capital Improvement Program and San Bernardino County Transportation Authority's Measure "I"

Five-Year Capital Project Needs Analysis. Municipal Utilities and Engineering Director Hoerning explained the programs in detail. Mayor Harrison suggested holding a workshop so that Councilmembers could participate in deciding what street improvements were important. During the discussion, Councilmembers Bean and Gallagher realized they had a potential conflict of interest as their residences and business were located on streets recommended for maintenance. Following a brief conference among staff, it was also noted Mayor Pro Tem Gilbreath would have a potential conflict of interest for the same reason. Therefore, staff recommended these resolutions be continued to October 6, 2009.

Agreement - Cal Fire Emergency Use of Facilities - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council approved, by AYE votes of all present, an agreement for emergency use of facilities with Cal Fire for use of the Redlands Municipal Airport as a helicopter fire-fighting base for the recent Oak Glen and Pendleton Fires and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - Loma Linda Ronald McDonald House - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council approve, by AYE votes of all present, the request by the Loma Linda Ronald McDonald House for a refund and waiver of fees in the amount of \$921.00 for use of Sylvan Park for the "Mini's for Kids" event to be held on October 3, 2009.

Resolution No. 6888 - Emergency Operations Plan - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council adopted, by AYE votes of all present, Resolution No. 6888, a resolution of the City Council of the City of Redlands adopting the City of Redlands' Emergency Operations Plan.

Resolution No. 6877 - Signing Authority - Following discussion, Councilmember Bean moved to adopt Resolution No. 6877, a resolution of the City Council of the City of Redlands delegating to the City Manager, or the City Manager's authorized designee, the authority to enter into agreements on behalf of the City for the use, reproduction and publishing of data generated by and/or related to the City. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Resolution No. 6884 - Saturday Morning Certified Farmers' Market - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council adopted, by AYE votes of all present, Resolution No. 6884, a resolution of the City Council of the City of Redlands establishing parking regulations for the City's Saturday Morning Certified Farmers' Market pursuant

to Section 10.40.090 of the Redlands Municipal Code and rescinding Resolution No. 6767.

NEW BUSINESS

Funds - Voluntary Contribution - Kiwanis Club - Finance Director/City Treasurer Kundig reported the Kiwanis Club of Redlands (Noon) donated \$10,000.00 to the Police and Fire Departments. The Police Chief is recommending using the \$5,000.00 designated for the Police Department to start the Redlands version of "Project Lifesaver" which will provide a wristwatch-like radio transmitter than can be worn by Alzheimer patients, people suffering from dementia or other special needs residents so that they can be quickly located in case they wander from their residences. This is part of the Police Department's broader "Never Alone" initiative. The Fire Chief is recommending using the \$5,000.00 designated for the Fire Department to provide fire prevention education materials targeting young people, including a wide range of coloring books, banners, brochures, Prevention Fire Facts Newsletter, Sparky Safety Bag '09, stickers, magnets and other items that promote fire safety. Thanking the Kiwanis Club of Redlands (Noon) for their generosity, Councilmember Gallagher moved to accept the voluntary contribution of \$10,000.00 from the Kiwanis Club of Redlands (Noon) as designated for the Police and Fire Departments and to approve the appropriation of the funds in the General Fund. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Ordinance No. 2720 - Mayor and Mayor Pro Tempore Terms - Ordinance No. 2720, an ordinance of the City of Redlands amending Chapter 2.02 of the Redlands Municipal Code relating to the terms of the Mayor and Mayor Pro Tempore, was continued, by AYE votes of all present, to October 6, 2009, for full Council participation on motion of Councilmember Gallagher, seconded by Councilmember Bean.

Appointment - Human Relations Commission - Councilmember Harrison moved to appoint Ronald T. Venegas II to serve a four-year term on the Human Relations Commission ending September 14, 2013. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Appointment - Municipal Utilities/Public Works Commission - Councilmember Harrison moved to appoint Harvey (Chip) Wimer to serve the remainder of an unexpired term on the Municipal Utilities/Public Works Commission ending November 16, 2012. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

City Clerk Vacancy - Councilmembers discussed various options to address the vacancy that will exist in the City Clerk's position upon the December 17, 2009, retirement of Lorrie Poyzer. Councilmembers Harrison, Gallagher, and Bean

agreed the position should remain independent and full time as an elected office. Councilmembers directed staff to prepare a job description to start the appointment process and prepare an ordinance for their review to allow the appointment of an interim City Clerk until 2010 and bring these documents to the October 6, 2009, meeting for their consideration.

Designation of Voting Delegate - Councilmember Aguilar moved to designate Mayor Jon Harrison to serve as the voting delegate for the National League of Cities annual business meeting to be held on Saturday, November 14, 2009, at the conclusion of the Congress of Cities and Exposition in San Antonio. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

UNFINISHED BUSINESS

Ordinance No. 2722 - Zone Change No. 436 - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers 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. Councilmember Gallagher conducted the meeting. On motion of Councilmember Aguilar, seconded by Councilmember Bean, the City Council adopted Ordinance No. 2722, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised Land Use Zoning Map by changing the zoning designation from A-P (Administrative and Professional Office) District to C-4 (Highway Commercial) District on 0.60 acre located on the northwest corner of State Street and Texas Street and effecting Zone Change No. 436 (ESRI, applicant), by the following vote:

AYES: Councilmembers Gallagher, Aguilar, and Bean

NOES: None

ABSENT: Councilmember Gilbreath

ABSTAIN: Councilmember Harrison

COMMUNICATIONS

State Budget Actions and Impacts - Finance Director/City Treasurer Kundig presented a detailed report regarding the State budget actions and impacts to the City of the Redlands and the Redevelopment Agency.

American Reinvestment and Recovery Act Update - On February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. Since ARRA's signing, City of Redlands staff has been working diligently to pursue ARRA funding for City projects. Municipal Utilities/Engineer Project Specialist Ross Wittman and Quality of Life Project Specialist Danielle Garcia reviewed the many grant opportunities through the ARRA for those funds which fit City project needs. The City has already been awarded \$2,212,179.00 and has been allocated \$678,400.00 in

ARRA funding. Staff has an additional \$38,032,898.00 in funding applications which have not been acted upon yet by the funding source through the ARRA. Mayor Harrison complimented staff for their efforts.

ANNOUNCEMENTS/REPORTS

Councilmember Gallagher extended an invitation to the POW/MIA event sponsored by Post 106 and 650 to be held on Friday, September 18, 2009, at 11:00 A.M. in the Jennie Davis Park. Mayor Harrison reported he attended a Wash Plan meeting earlier today.

PUBLIC COMMENTS

Bill Cunningham noted an initiative petition is being circulated which will require a special election, and he felt the electorate should be allowed to vote on the office of City Clerk at that time. He also commented he had asked staff for justification of the 40 cent copy charge and has not yet received a response.

CLOSED SESSION

The City Council meeting recessed at 4:50 P.M. to closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code §54956.9(a) - Two cases
 - a. Ashley Cowan v. University of Redlands, et al. - San Bernardino Superior Court Case No. CIVSS 808948
 - b. Stacy Knox v. City of Redlands, et al. - San Bernardino Superior Court Case No. CIVDS 903710
2. Public employee dismissal/release - Government Code §54957
 - a. Consideration of three employee disability retirement applications
3. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiators: Steve Filarsky
Employee Organizations: Redlands Association of Management Employees; Redlands Association of Mid-Management Employees; General Employees Association of Redlands (SBPEA); Redlands Civilian Safety Employees Association (SBPEA); Redlands Police Officers Association; Redlands Professional Firefighters Association; Redlands Association of Safety Management Employees; and Redlands Association of Fire Management Employees
City Attorney McHugh reported the conference with the labor negotiator would be withdrawn as Mr. Filarsky informed staff there was nothing to report.
4. Conference with real property negotiator - Government Code §54956.8
Due to a potential conflict of interest, Councilmember Harrison did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.

Property: APN 0171-171-07
Agency negotiators: N. Enrique Martinez and Rosemary Hoerning
Negotiating party: Laura Dangermond, Property One, LLC
Under negotiation: Terms and price

The meeting reconvened at 5:33 P.M.

CLOSED SESSION REPORT

Disability Retirements - City Attorney McHugh reported the City Council unanimously (4-0 vote with Councilmember Gilbreath being absent) approved three disability retirement resolutions (Resolution No. 6891 - Jeffery VanMouwerik; Resolution No. 6892 - Jimmie Mead; and Resolution No. 6893 - Walter Harrison).

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 5:34 P.M. The next regular meeting will be held on October 6, 2009.