

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 June 2, 2009, at 3:00 P.M.

PRESENT Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember
Jerry Bean, Councilmember

ABSENT None

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; Robert Dalquest, Assistant 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 - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Dallas, a one year old dachshund/beagle mix, who is available for adoption at the Redlands Animal Shelter.

CalFire Presentation - CalFire Unit Chief Tom O'Keefe presented a plaque to Fire Battalion Chief Jim Topoleski in appreciation of his assistance during last year's fire siege which impacted the entire state. Fire Chief Frazier presented a proclamation to CalFire Unit Chief O'Keefe commemorating his retirement after 35 years of service.

Healthy Redlands - Mayor Pro Tem Gilbreath reported the Team Redlands continues to walk. Healthy Redlands will sponsor a health fair at the Community Center late in August.

CONSENT CALENDAR

Minutes - On motion of Councilmember Mrs. Gilbreath, seconded by Councilmember Mr. Gallagher, the City Council unanimously approved the minutes of the regular meeting of May 19, 2009, as submitted.

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

Time Extension - CRA 820 - CUP 878 - Citicom Development, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the extensions of time for Commission Review and Approval No. 820 (Revision No. 1) and Conditional Use Permit No. 878 for an approved three building commercial center on 6.65 acres located at the northeast corner of Parkford Drive and Marshall Street do not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, based on the following findings: 1) The proposed extensions of time for both permits would not result in new significant environmental effects or a substantial increase in the severity of previously identified effects of the project, because the project has not changed in a way that would generate new environmental impacts; 2) No substantial changes have occurred with respect to the circumstances under which the project will be undertaken. The project will be conducted in accordance with the conditions of approval; and 3) There is no new information of substantial importance with respect to the project's environmental consequences that was not known at the time the previous Negative Declaration was adopted. No new information of substantial importance has come to light since adoption of the Negative Declaration. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a one year time extension for Commission Review and Approval No. 820 (Revision No. 2) and Conditional Use Permit No. 878 subject to the conditions of approval.

Amendments - Redlands Commons Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the second amendment to the contract with EIP Associates for preparation of an Environmental Impact Report for the Redlands Commons Project located on approximately 70 acres bounded by the 210 Freeway, Texas Street, San Bernardino Avenue and Pioneer Avenue. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the second amendment to the funding agreement with On Texas Street LLC for the preparation of an Environmental Impact Report and City administrative fees for the Redlands Commons Project located on approximately 70 acres bounded by the 210 Freeway, Texas Street, San Bernardino Avenue and Pioneer Avenue.

Resolution No. 6842 - Energy Efficiency and Conservation Block Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6842, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the Department of Energy's Energy Efficiency and Conservation Block Grant Program.

Resolution Nos. 6824-6825 - Street Lighting District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6824, a resolution of the City Council of the City of Redlands giving preliminary approval of the Engineer's Report for Fiscal Year 2009-2010 for Street Lighting District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6825, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments within Redlands Street Lighting District No. 1 for Fiscal Year 2009-2010 pursuant to the Landscaping and Lighting Act of 1972, and establishing a time (July 21, 2009, at 7:00 P.M.) and place for hearing protests.

Resolution Nos. 6828-6829 - Landscape Maintenance District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6828, a resolution of the City Council of the City of Redlands giving preliminary approval of the Engineer's Report for Fiscal Year 2009-2010 for Landscape Maintenance District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6829, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments within Redlands Landscape Assessment District No. 1 for Fiscal Year 2009-2010 pursuant to the Landscaping and Lighting Act of 1972, and establishing a time (July 21, 2009, at 7:00 P.M.) and place for hearing protests.

Resolution No. 6840 - CFD 2004-1 - Annexation No. 6 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6840, a resolution of the City Council of the City of Redlands declaring the results of the special election for Community Facilities District No. 2004-1 of the City of Redlands on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and determining that less than two-thirds of the votes cast upon the question of levying the tax in the territory were in favor of levying the tax and therefore the territory will not be annexed to said Community Facilities District (Annexation No. 6).

Truck Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 2009 regular cab 2WD 19,500 lbs. truck with pneumatic compressor from Fairview Ford Sales, Inc.

Truck Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 2009 regular cab 2WD 17,500 lbs. truck with dump bed from Fairview Ford Sales, Inc.

Truck Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 2009 mini XLT extended cab truck from Redlands Ford.

Fee Waiver - Redlands 4th of July Committee - Councilmembers Gilbreath and Harrison expressed concern about waiving fees for the different organizations during the next fiscal year. Mayor Harrison directed staff to survey other cities to see how they handles this type of request. Councilmember Bean asked how much is really an actual expense. Councilmember Gallagher said the City needs to contact the organizations early if the fees are not going to be waived. Councilmember Aguilar suggested asking them for a portion of the costs and wanted to see what other cities do. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request by the Redlands 4th of July Committee, Inc. to waive all fees and personnel costs for the 2009 4th of July Celebration in Redlands.

Amendment - School Crossing Guards - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an amendment to the agreement with All City Management Services, Inc. for the provision of school crossing guard personnel and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Chris Gaspar - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Chris Gaspar to develop and conduct individual and group training soccer clinics for the City's Recreation Bureau and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Josiah Bruny - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Josiah Bruny to develop and conduct music and recording media education classes for the City's Recreation Bureau and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Recreation Commission - Funds - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the Recreation Commission to independently solicit and collect funds on behalf of the City of Redlands for a 5K race and triathlon fundraising event.

PUBLIC HEARING

Resolution No. 6833 - Abandoned and Vacant Properties Registration Fee - Public hearing was continued from May 19, 2009, to this time and place to consider Resolution No. 6833, a resolution of the City Council of the City of Redlands establishing specific fees and charges to recover costs reasonably borne and establishing a fee for the registration of abandoned and vacant properties. Mayor Harrison declared the meeting open as a public hearing. Quality of Life Director van Dorst reported Ordinance No. 2709, adopted on February 17, 2009, established a requirement for abandoned and vacant properties to be registered with the City in order to provide the City's Code Enforcement Officers with additional tools to address the growing property maintenance issues associated with foreclosed and abandoned properties. Mayor Harrison called for a public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6833. Motion seconded by Councilmember Gallagher and carried unanimously.

UNFINISHED BUSINESS

Economic Development Plan - Redevelopment and Economic Development Director Hobbs reported the Economic Development Strategy Report prepared by Economics and Politics, Inc. was presented to the City Council on September 16, 2008. The report was reviewed by the City Council at the October 21, 2008, November 4, 2008, December 9, 2008, and January 6, 2009 meetings. The report was circulated to all City Boards and Commission for review and comment. Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in the discussion for the ESRI-related items; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Pro Tem Gilbreath conducted the meeting during his absence. Councilmembers reviewed and modified the wording as needed for the ESRI-related items. Councilmember Gallagher moved to adopt the ESRI-related items as modified in the City of Redlands Economic Development Plan and Work Program for Fiscal Year 2009-2010. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present with Councilmember Harrison having abstained. Mayor Harrison returned to the meeting. Councilmembers then reviewed and modified as needed the remaining items. Councilmember Harrison moved to adopt the City of Redlands Development Economic Development Plan and Work Program for Fiscal Year 2009-2010 as modified and directed the Redevelopment Agency Director to provide a final copy with the revised language to Councilmembers for their review. Motion seconded by Councilmember Gilbreath and carried unanimously.

NEW BUSINESS

Contract Award - Centrifuge Project - Wastewater Treatment Plant - Following a presentation by Tim Wilson, Associate Civil Engineer with the Municipal

Utilities/Engineering Department, Councilmember Gilbreath moved to determine that the award of the contract for the construction of the Centrifuge Project at the wastewater treatment plant is exempt from environmental review under the California Environmental Quality Act pursuant to the CEQA Guidelines Section 15302(c). Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to approve the Centrifuge Project plans and specifications and award a contract to Spiess Construction Company for a total bid amount of \$724,8209.00. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize the Mayor to execute, and the City Clerk to attest to, the contract on behalf of the City and authorized a construction contingency up to ten percent over the bid amount. Motion seconded by Councilmember Gallagher and carried unanimously.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, there were no reports forthcoming from Councilmembers.

Saturday Morning Certified Farmers' Market - Chairman of the Downtown Redlands Business Association's Merchant Advisory Board Al Hernandez made a brief presentation announcing the Saturday Morning Farmers' Market grand opening activities on Saturday, June 6, 2009, at 7:00 A.M.

ANNOUNCEMENTS AND REPORTS

Mayor Pro Tem Gilbreath reported she reviewed the submissions for the art contest and allowed the Mayor to break her tie votes. She attended the Burgeson's Heating and Air Conditioning 60 anniversary celebration and the Live Oak Canyon/I-10 dedication ceremony. Sh reported the Commuter Rail had approved placing a transit center in San Bernardino. Councilmember Aguilar attended the Hanger 24 first anniversary celebration.

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The City Council meeting recessed at 4:30 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
 - a. City of Redlands, et al v. The California Gateway, L.P., et al., San Bernardino Superior Court Case No. CIVDS 906028

2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)
 - a. One case - Facts and Circumstance: Claim of Stanton Diamond
3. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c)
 - a. One case - Possible initiation of litigation by City

Following the closed session, the City Council meeting reconvened and City Attorney McHugh announced the City Council, by unanimous vote, authorized the City Attorney to initiate litigation, with the understanding that once formally commenced, the City would disclose the subject matter of the litigation to any person upon inquiry in accordance with the requirements of the Brown Act.

ADJOURNMENT

There being no further business, the City Council meeting was adjourned following the closed session.

Note: The City Council will hold a special meeting on Wednesday, June 10, 2009, at 11:00 A.M. The regular meeting scheduled for June 16, 2009, will not be held. The City Council will hold another special meeting on June 23, 2009, at 9:00 A.M. The special meetings will be held in the City Council Chambers, 35 Cajon Street, Suite 2, Redlands California.