

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 February 1, 2005, at 3:00 P.M.

PRESENT

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

ABSENT

Jon Harrison, Councilmember

STAFF

John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Larry E. Burgess, Library Director; Mel Enslow, Fire Chief; 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 Councilmember Gilbreath followed by the pledge of allegiance.

Birthday Greetings - On behalf of the City Council and staff, Mayor Pepler wished Ronald C. Mutter, our Public Works Director, a happy birthday; the audience sang happy birthday to him in his honor.

PRESENTATIONS

Employee Service - Introductions were made by the department heads and Mayor Pepler presented five year service pins to: Les Murad, Assistant City Attorney; Linda Benson, Police Department; Kenny Cao, Police Department; Richard Dysart, Police Department; Howard Pearce, Police Department; Lynette Salamanca, Police Department; Sean Thuilliez, Police Department; Dave Jaffe, Police Department-Community Services Division; Derek Schott, Police Department-Community Services Division; Eileen Vance, Police Department-Community Services Division; Tom Steele, Assistant Finance Director; Pete Gerlach, Public Works Department-Street Division; Nathan Gonzales, A. K. Smiley Public Library; Allison Peyton, A. K. Smiley Public Library; Robert Briceno, Municipal Utilities Department-Solid Waste Division; Gary Goeske, Municipal Utilities Department-Solid Waste Division; Bill Van Aken, Municipal Utilities Department-Solid Waste Division; Elsa Munevar-Mendoza, Municipal Utilities Department-Wastewater Division; and Janice Falls, Administrative Services Department-Personnel.

Ten year service pins were presented to: Toni Barber, Police Department; Alesia Castaneda, Police Department; Carlos Castillo, Police Department; Chris Catren, Police Department; Cindy Gourlay, Police Department; Travis

Martinez, Police Department; Kim Braun, Finance Department; Julie Gilbert, Finance Department; Ken Longman, Fire Department; Rob Sandberg, Fire Department; Don Trujillo, Fire Department; Albert Arevalo, Public Works Department-Parks Division; Kenneth Bolger, Public Works Department-Parks Division; John Gable, Public Works Department-Parks Division; Deborah Myers, Treasurer's Office; Lori Waltman, Treasurer's Office; Janet Miller, Municipal Utilities Department-Administration; Zenon Hernandez, Municipal Utilities Department-Solid Waste Division; Bill Valdivia, Municipal Utilities Department-Solid Waste Division; and Jesse Savell, Administrative Services Department-Building Maintenance.

Fifteen year service pins were presented to: Marjie Pettus, Administrative Services Director; Shawn Ryan, Police Department; Mike Smith, Police Department; Jeff Spurlock, Police Department; Linda Little, Finance Department; Glenn Hoyle, Municipal Utilities Department-Wastewater Division; John Morales, Municipal Utilities Department-Wastewater Division; Debra Healy, Municipal Utilities Department-Water Division; Gary Bierma, Administrative Services Department-Building Maintenance; Floyd Bolton, Administrative Services Department-Equipment Maintenance; Nick Lozano, Administrative Services Department-Equipment Maintenance; and Wayne Whisenant, Administrative Services Department-Equipment Maintenance.

Twenty year service pins were presented to: Dave Anady, Police Department; Denise Ausherman, Police Department; Brad Kloepfer, Police Department; Jim Mead, Police Department; David Kessler, Fire Department; Rick Rylett, Fire Department; Bud Camomile, Public Works Department-Street Division; Susan Jelinek, Treasurer's Office; Pete Colunga, Municipal Utilities Department-Wastewater Division; Olga Ortega, Administrative Services Department-Personnel; and Howard Shurte, Administrative Services Department-Equipment Maintenance.

Twenty-five year service pins were presented to: Tom Fitzmaurice, Police Department; Rick Hulbert, Police Department; Dan Shefchik, Police Department; Phillip Pierce, Public Works Department-Parks Division; Lorraine Estelle, A. K. Smiley Public Library; Jimmy Miller, Municipal Utilities Department-Solid Waste Division; Ernesto Rivera, Municipal Utilities Department-Wastewater Division; and Rick Long, Municipal Utilities Department-Water Division.

On behalf of the City Council, Mayor Peppler extended congratulations to the employees for their long years of service.

ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past two weeks.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the regular meeting of January 18, 2005, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on January 25, 2005, was acknowledged as received.

Ordinance No. 2593 - Development Allocations - Ordinance No. 2593, an ordinance of the City of Redlands amending Chapter 19.16 of the Redlands Municipal Code relating to the procedure for issuing development allocations, was adopted, by AYE votes of all present, on motion of Councilmember George, seconded by Councilmember Gilbreath.

Annual Review Notice - Development Agreements - Mr. Richard McKee, President of Californians Aware, The Center for Public Forum Rights, which fosters improvement of compliance with the Brown Act and Public Records Act addressed the City Council with his concerns about the content of the agendas citing the wording of this matter and the local emergency proclamation. Councilmember Gilbreath moved to accept a notice that the following development agreements which are currently in effect will be subject to annual review: Barton Development Company and the Glorious Redland Investment Partnership; Kaiser Foundation Hospitals; Cities Pavilion Partners, a California Limited Liability Corporation; Mountainview Power Company; Robertson Ready Mix, Ltd.; Cemex Construction Materials, L.P.; Redlands Community Hospital; and Redlands Health Services and AV Associates. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Local Emergency Proclamation - On motion of Councilmember George, seconded by Councilmember Gil, the City Council approved continuation of the local emergency proclamation of January 13, 2005.

Proclamation - National Wear Red for Women Day - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized issuance of a proclamation declaring February 4, 2005, as

Wear Red for Women Day and joined the American Heart Association's initiative to raise awareness of heart disease in women.

Agreement - New York Street Improvements - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved the first amendment to the agreement with Hicks and Hartwick, Inc. for the off-site improvements and preparation of right-of-way acquisition documents for New York Street between Colton Avenue and Lugonia Avenue; Lugonia Avenue between Tennessee Street and Karon Street; and Tennessee Street between Lugonia Avenue and San Bernardino Avenue and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Vehicles Purchase - Public Works Department - Councilmember Gilbreath indicated she was not willing to vote to approve the purchase of two trucks for the Public Works Department until the mid-year budget review has been completed and she is concerned about deficit spending. Public Works Director Mutter explained to the City Council that the truck that hauls the stumper is no longer serviceable nor safe for the employees to use and that the other one is in the shop more than it is in service. Noting these two vehicles were included in the budget for purchase this fiscal year, Councilmember George moved to approve their purchases but his motion was not seconded. Following further discussion, Councilmember Peppler moved to approve the purchase of a 2005 F-250 XL super cab 4x4 pickup truck from Ramsey Ford of Banning at \$22,052.57 for the Public Works Department. Motion seconded by Councilmember George and carried with Councilmember Gil voting NO and Councilmember Harrison being absent.

Release of Lien Agreement - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized the release of the lien agreement dated January 21, 1998, for certain off-site improvements on Ridge Street in conjunction with a building permit issued for Doyle and Rose Nick.

Agreement - Traffic Signals and Lighting - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved a cost distribution agreement for traffic signals and lighting with the State of California (CalTrans) for maintenance and energy cost for the traffic signal at Lugonia Avenue (State Route 38) and Dearborn Street and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Softball Field - Community Park - Councilmember Gil expressed concerns that the Redlands Baseball for Youth program has all but taken over the Community Park but understanding their needs, he moved to approve an agreement for improvement project with Redlands Baseball/Softball for Youth and authorized the Mayor to execute the document on behalf of the City. Motion seconded by Councilmember George and carried by AYE votes of all present

Resolution No. 6359 - Grant Funds - Community Park - Councilmember Gil asked how the grant funds would be used relating to this resolution and expressed concerns about the lights and the neighbors. Public Works Director Mutter described the improvements proposed and stated the project would require CEQA review. Councilmember Gil moved to adopt Resolution No. 6359, a resolution of the City Council of the City of Redlands approving an application for grant funds for the State Urban Parks and Health Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 and rescinding Resolution No. 6332, for the Redlands Community Park - Baseball/Softball Complex. Motion seconded by Councilmember George and carried by AYE votes of all present.

Vehicles Purchase - Building Maintenance - Councilmember Gilbreath indicated she was not willing to vote to approve the purchase of two trucks for Building Maintenance until the mid-year budget review has been completed and she is concerned about deficit spending. Administrative Services Director Pettus reported the purchase of both vehicles was included in this year's budget and that one of the vehicles has been down since last August causing problems for the maintenance men to do their jobs. Following discussion, Councilmember Pepler moved to approve the purchase of two Ford 3/4-ton F-250 XL super cab trucks with Pacific Truck Body. The motion was seconded by Councilmember George but did not carry with Councilmembers Gilbreath and Gil voting NO and Councilmember Harrison being absent.

Funds - FLSA Audit - Councilmember Gilbreath said she would not supported an audit to review the City's Fair Labor Standards Act practices as she felt it would be "opening a can of worms" if we were required to immediately comply with the provisions of the Act. Administrative Services Director Pettus, City Manager Davidson, and City Attorney McHugh strongly recommended we proceed with the audit because the liability exposure is still there and that much greater as each day goes by. Stating she appreciated staff working pro-actively, Councilmember Pepler moved to approve an additional appropriation in the amount of \$35,000.00 to fund an audit of the City's Fair Labor Standards Act (FLSA) practices to be done by Liebert Cassidy Whitmore. Motion seconded by Councilmember Gil and carried with Councilmember Gilbreath voting NO and Councilmember Harrison being absent.

Funds - Agreement - Third Party Administration - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved an agreement with Dynamic Claims Services, Inc. for Workers' Compensation administration services, authorized the Mayor and City Clerk to execute the document on behalf of the City, and approved an additional appropriation of \$4,585.00 to provide adequate funding for said agreement.

Funds - Resolution No. 6358 - Salary - Mr. Richard McKee, President of Californians Aware, The Center for Public Forum Rights, again addressed the City Council suggesting an overall review of what is appropriate to be placed on a consent calendar. Regarding this matter, he did not feel the creation of a department could be discussed in a closed session. City Attorney McHugh said the staff report could have been done better but that the appointment of a public employee is appropriate in accordance with the Government Code and proper under the Brown Act. Mr. McKee cautioned Councilmembers and staff that the appearance of secrecy is enough to concern the public. Mayor Pepler suggested Mr. McKee to meet with our City Attorney to further discuss his concerns. Councilmember Gilbreath said she would like to have a prospective budget developed for the Redevelopment Department before proceeding since we have retreated from the formation of a Northside Redevelopment Project Area. She also questioned if it was appropriate for this discussion under the City Council agenda. City Attorney McHugh assured her it was appropriate for the City Council to discuss this matter rather than the Redevelopment Agency. Councilmember George moved to adopt Resolution No. 6358, a resolution of the City Council of the City of Redlands establishing a salary schedule and compensation plan for City employees and rescinding Resolution No. 6353 which includes the recently authorized redevelopment positions, the ratification of the appointment of Donald Gee as Redevelopment Director, one bargaining unit reassignment, and one reclassification, and to approve an additional appropriation of \$49,637.00 to fund the salary and benefits for the Redevelopment Director through June 30, 2005. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath voting NO and Councilmember Harrison being absent.

Proxy - Bear Valley Mutual Water Company - Due to a potential conflict of interest, Councilmember Gilbreath 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 Pepler moved to accept the offer of January 20, 2005, from the San Bernardino Valley Municipal Water District granting its proxy for 21,180 shares of the Bear Valley Mutual Water Company to the City of Redlands for its use at the annual meeting of the stockholders of the Bear Valley Mutual Water Company to be held on February 15, 2005. Motion seconded by Councilmember George and carried with Councilmember Gilbreath abstaining and Councilmember Harrison being absent.

CDBG Funds Transfer - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved the transfer of \$28,000.00 from the City of Redlands Community Development Block Grant Unprogrammed Funds to Project 111-27111/2134 (Wheelchair Curb Cuts, Target Area).

NEW BUSINESS

Resolution No. 6356 - PERS Amendment - Administrative Services Director Pettus explained that during the course of employee negotiations, the City Council agreed to provide an enhanced retirement option with Cal/PERS for Miscellaneous employees. This means the City will amend the current Miscellaneous contract with Cal/PERS to allow sick leave accruals to be converted to service credit. Resolution No. 6356 is required by PERS in order to amend the contract and proceed with this change in accordance with the Memoranda of Understanding. Councilmember Pepler moved to adopt Resolution No. 6356, a resolution of intention to approve an amendment to the contract between the Board of Administration, California Public Employees' Retirement System and the City Council of the City of Redlands. Motion seconded by Councilmember Gil and carried by AYE votes of all present. (Also see Ordinance No. 2594.)

Ordinance No. 2594 - PERS Amendment - In conjunction with Resolution No. 6356, Ordinance No. 2594, an ordinance of the City of Redlands amending the contract between the City Council of the City of Redlands and the Board of Administration of the California Public Employees' Retirement System, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Gil, further reading of the ordinance text was waived, and Ordinance No. 2594 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for March 1, 2005.

Ordinance No. 2596 - Animal Control Board Appeals - City Attorney McHugh explained an ordinance has been prepared to amend the process for appeal determinations by the City's Animal Control Board regarding potentially dangerous and vicious dogs by changing the reference to the "Redlands Municipal Court" in the Redlands Municipal Code to "Superior Court of the County of San Bernardino." Ordinance No. 2596, an ordinance of the City of Redlands amending Chapter 6.05 of the Redlands Municipal Code relating to vicious and potentially dangerous dogs, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Gil, further reading of the ordinance text was waived, and Ordinance No. 2596 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 15, 2005.

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The City Council meeting recessed at 4:03 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiator: Marjie Pettus, Tina Kundig, and John Davidson
Employee Organizations: RASME, RPOA, and RPPF Local 1354
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.95 - Liability Claim
Claimants: Harry Radar, Nathaniel Enyart and Keith Mason
Agency claimed against: City of Redlands
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - Two cases

Mr. Richard McKee, President of Californians Aware, advised the City Council that certain facts and circumstances must be provided when discussing anticipated litigation in closed session.

ADJOURNMENT

There being no further business, the City Council meeting adjourned following the closed session. The next regular meeting will be held on February 15, 2005.

Lorrie Poyzer
City Clerk