

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 August 3, 2010 at 3:00 P.M.

PRESENT: Pat Gilbreath, Mayor  
Jon Harrison, Councilmember  
Mick Gallagher, Councilmember  
Pete Aguilar, Councilmember

ABSENT: Jerry Bean, Mayor Pro Tem

STAFF: N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff Frazier, Fire Chief; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director

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

PRESENTATIONS:

Redlands Animal Shelter - Animal Control Officer Bill Miller and Volunteer Lynda Ackerman introduced Lisa, a female, two-month old bull terrier mix, who is available for adoption at the Redlands Animal Shelter. Ms. Ackerman informed the Council there are currently 64 dogs and 79 cats at the shelter. Eighteen dogs and twenty-six cats have been adopted since the last City Council meeting.

CONSENT CALENDAR:

Minutes - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the special and regular meetings of July 20, 2010 as submitted.

Eagle Scout Achievement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved certificates of achievement for Geoffrey Quinn Risalti, Brian Marcus Price and Philip Allen Coe for attaining the highest rank in scouting.

Settlement Announcement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved informing the public about the details of a settlement agreement between the City of Redlands and Luther Bogardt. The City of Redlands agreed to pay Mr. Bogardt \$15,564.71 for damage done to a sewer lateral on his property during the Waterline Replacement Project.

Agreements Review - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive and file a notice of the annual review of active development agreements in accordance with the Redlands Municipal Code.

Extension Request - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved a one year extension for Commission Review and Approval No. 859 for a planned nine building industrial park complex on property located on Research Drive between Almond and Lugonia Avenues.

Non-Disclosure Agreement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved a Non-

Disclosure Agreement between the City of Redlands and GGP-Redlands Mall, L.P. to facilitate an appraisal of the value of the mall.

Resolution No. 6973 - Street Designation - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6973 accepting a portion of Shoppers' Lane into the City of Redlands street system and dedicating that portion for public use as a City street.

Resolution No. 6970 - Levying Tax - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6970 setting the maximum tax rates for Community Facilities District No. 2004-1 and authorizing the City Clerk to file all necessary information with the County Auditor/Controller for FY 2010-2011.

Fee Waiver - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved a request from Stater Bros. Charities for a waiver of fees for the use of the Redlands Bowl, Lincoln Shrine, Smiley Park, Sylvan Park and Ed Hales Park for the 3rd Annual Believe and Walk for the Cure to benefit the Loma Linda University Cancer Center's Patient Resource Center to be held on October 3, 2010.

Fee Waiver - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved a request from the Redlands Morning Kiwanis Club for a fee waiver and the return of all fees paid for the use of Sylvan Park for a Firefighter Rib Cook Off to support local activities that benefit children to be held on September 4, 2010.

Professional Services Agreement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved a Professional Service Agreement between the City of Redlands and ICF Consulting to update the City's Hazard Mitigation Plan.

Resolution No. 6983 - Grant Application - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6983 authorizing the submission of an application to the Strategic Growth Council's Sustainable Communities Planning Grant to fund the state mandated update to the City of Redlands General Plan.

Recreation Fundraiser - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved the authorization of Dan Damon Music Productions to hold a fundraiser at the Redlands Bowl to benefit the City of Redlands Recreation and Senior Services Programs and a request for a waiver for the production company's portion of the fees for the event.

Facility Use Agreement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement between the City of Redlands and the County of San Bernardino for the use of the Redlands Community Center multi-purpose room for the county's Women, Infants and Children Program.

Contraband Detection Agreement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement between the City of Redlands and the Redlands Unified School District to provide a Contraband Detection Canine Program to the schools.

Resolution No. 6972 - Weed Abatement Assessment - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6972 providing for the

assessment of costs resulting from the abatement of weeds which constitute a fire hazard.

NEW BUSINESS:

Resolution No. 6975 - City Treasurer Position - On a motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6975 submitting a measure to the voters of the City of Redlands to determine whether to change the elective office of City Treasurer to an appointive position. On a motion of Mayor Gilbreath, seconded by Councilmember Gallagher, the Council also reserved the right to file an argument in support of the measure and appointed a subcommittee of Councilmembers Gallagher and Aguilar to draft the argument.

Well Rehabilitation - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Change Order No. 1 to a contract with South West Pump & Drilling, Inc. to include installation of a well liner in the rehabilitation of the Mentone Acres 2 well.

Resolution No. 6982 - Street Improvements - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6982 revising the Measure I Local Street Improvement Program. The revision adds three projects to the Program: the Orange Street and Redlands Boulevard Resurfacing, Sidewalk and Landscaping Improvement Project; Traffic Management and Control Striping; and Pavement Maintenance Software and Development.

Release of Lien - Rosemary Hoerning, Municipal Utilities and Engineering Director, presented the staff position of maintaining a lien against property at 190 Terracina Boulevard (Morey Mansion) to secure construction of public improvements if needed in the future. Janet Cosgrove, the applicant, pointed out that she had made improvements in the area affected by the lien. All the work was accomplished under appropriate permits and all reviews and inspections were performed. Public comments from several speakers supported removal of the lien and appealed for no future modifications to the property. On motion of Councilmember Harrison, seconded by Councilmember Gallagher, the City Council unanimously approved the release of lien.

Computer Data Storage Networks - On motion of Councilmember Harrison, seconded by Councilmember Gallagher, the City Council unanimously approved the purchase of two storage area networks and related equipment and software to support the City of Redlands Police Department Communications Center. The purchase is from CDW-G and will be funded by the United States Department of Justice COPS 2006 Technology Grant.

Sick Leave Buy Back - On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council approved a side letter with the Redlands Professional Firefighters Association (RPFA) authorizing the suspension of the sick leave buy back provision in the current Memorandum of Understanding with RPFA for FY 2010-2011. Mayor Gilbreath voted No on the approval of the side letter citing the fact the proposal would help address budget problems only in the short term. The sick leave will remain on the books and are an unpaid bill to be addressed in subsequent budget years. Councilmember Gallagher recused himself from discussions and voting on this item due to a potential conflict of interest.

Video Surveillance - On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council unanimously approved the Fourth Amendment to the Leverage Information Systems, Inc. Integrated Video Surveillance System Agreement. The amendment provides the design, engineering, configuration and maintenance of thirteen additional color, high

resolution cameras to be located at Lugonia Elementary School, Clement and Moore Middle Schools, and Redlands High School.

Agreement Review - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive and file a notice of the annual review of an active development agreement with ESRI in accordance with the Redlands Municipal Code. Councilmember Harrison recused himself from discussions and voting on this item due to the fact that ESRI is his employer.

Special Counsel - On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council unanimously approved entering into a contract with the firm of Liebert, Cassidy & Whitmore for special counsel in the matter of compensation and benefits profiles for the City Manager, City Attorney and Department Directors. The contract is not to exceed \$5,000. The motion included the appointment of a subcommittee comprised of Mayor Pro Tem Bean and Councilmember Gallagher to work with the contractor and report any findings back to the entire City Council.

#### PUBLIC HEARINGS:

Resolution No. 6984 - Delinquent Municipal Services Account Report - Mayor Gilbreath opened the public hearing and called upon Tina Kundig, Finance Director/ City Treasurer, for background on the subject report. On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6984 approving the Delinquent Municipal Services Account Report and the submission of this report to the Auditor of San Bernardino County for recordation of a Special Assessment on the FY 2010-2011 Tax Roll against property found to be in non-payment of a City of Redlands Municipal Services Account.

Resolution No. 6986 - Parking and Business Improvement Area B (PBIAB) - Mayor Gilbreath opened the public hearing and called upon Oscar Orci, Community Development Director, and Heather Smith from the Department, for background on the PBIAB. As a public comment, Bill Cunningham offered the historical estimate of tax revenues generated by Market Night to be about \$75,000. On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 6986 ordering the continued operation of PBIAB and confirming the Annual Report and assessment for FY 2010-2011.

Resolutions No. 6976 thru 6981 and 6985 - Quarry Expansion - Mayor Gilbreath opened the public hearing and called upon Manuel Baeza and Sergio Madera, from the Development Services Department, for background on a proposal from applicants Robertson's Ready Mix and Cemex to expand aggregate mining operations in the Santa Ana River wash. As a public comment, Robert Duron asked how far south the proposal expanded the mining operation. He was assured that the proposed expansion is in an easterly and westerly direction, not southerly. Steve Rogers asked if all the required studies had been performed and suggested the vacation of a right of way included in the proposal is an opportunity to generate revenue for the City of Redlands. Bill Cunningham suggested the Conditional Use Permits (CUP) applied for should not be approved without renegotiating mining fees. He also questioned the impact on the water table of increasing the depth of mining from 120 to 150 feet. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council unanimously approved adopting the Statement of Facts, Findings and Overriding Considerations and Mitigation Monitoring and Reporting Program for the Final Environmental Impact Report for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan (Resolution No. 6985); adopting General Plan Amendment No. 2010-3-A (Resolution No. 6980); adopting Street Vacation No. 153 (Resolution No.

6981); approving CUP Nos. 948, 949, and 964 (Resolution No. 6978); approving CUP Nos. 950,951, and 952 (Resolution No. 6976); approving the Reclamation Plan for aggregate mining operations pursuant to CUP Nos. 948, 949, and 964 (Resolution No. 6979); and approving the Reclamation Plan for aggregate mining operations pursuant to CUP Nos. 950, 951, and 952.

PUBLIC COMMENTS:

Access - Steve Rogers expressed displeasure with the North Redlands Visioning Committee. He said meetings are being held without public access to the proceedings. He advocated disbanding the Committee.

CLOSED SESSION:

The City Council meeting recessed at 4:57 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Government Code §54957
  - a. Public Employee Dismissal/Release - Consideration of disability retirement application of public safety employee.
  
2. Conference with real property negotiator – Government Code §54956.8
  - Property: APNs 0292-041-08 and 0292-041-44
  - Agency negotiators: N. Enrique Martinez, Les Jolly
  - Negotiating party: Graeme Bethell, Gussing Renewable Energy America
  
  - Under negotiation: Terms and price for proposed lease of City of Redlands property

The meeting reconvened at 5:30 P.M.

CLOSED SESSION REPORT:

City Attorney McHugh announced that, by unanimous decision, the City Council approved the disability retirement of a public safety employee.

ADJOURNMENT:

There being no further business, the City of Redlands City Council meeting adjourned at 5:33 P.M. The Council will meet next at their regularly scheduled meeting on September 7, 2010. The regular meeting on August 17, 2010 is cancelled.